



COUNCIL AGENDA

Monday, December 2, 2024 – 7:00 pm
Waynesville Municipal Building, 1400 Lytle Road

- I. Roll Call
- II. Pledge of Allegiance
- III. Mayor (for purposes of acknowledgments)
- IV. Disposition of Minutes of Previous Meetings
Council, December 2, 2024 at 7:00 p.m.
- V. Public Recognition/Visitor's Comments (A five-minute per person time limit will be allowed for each speaker unless more time is requested and approved by a majority of the council)
- VI. Old Business
 - Appointment of Council members to 2025 committees
- VII. Reports
 - Standing Council Committees
 - a) Finance Committee
 - b) Public Works Committee
 - c) Special Committees
 - Village Manager's Report
 - Police Report
 - Finance Director's Report
 - Law Directors Report
- VIII. New Business:

Legislation:

Reading of Ordinances and Resolutions:

First Reading of Ordinances and Resolutions:

ORDINANCE 2024-051

ADOPTING CHAPTER 151 OF THE VILLAGE OF WAYNESVILLE CODIFIED ORDINANCES REGARDING SPECIAL PURPOSE FLOOD DAMAGE REDUCTION

ORDINANCE 2024-052

AMENDING THE SCHEDULE OF FEES AND CHARGES FOR THE VILLAGE OF WAYNESVILLE REGARDING FILING FEES FOR PLEAS IN ABSENTIA IN MAYOR'S COURT AND DECLARING AN EMERGENCY

Second Reading of Ordinances and Resolutions:

Tabled:

IX. Executive Session

X. Adjournment

Next Regular Council Meeting:

January 6, 2025 at 7:00 pm

Upcoming Meetings and Events:

Finance Meeting, December 16, 2024 @ 6:00 p.m.

Public Works Committee, January 6, 2025 @ 6:00 p.m.

Parks & Recreation, January 21, 2025 @ 5:00 p.m.

Village of Waynesville
Council Meeting Minutes
December 2, 2024 at 7:00 pm

DRAFT

Present: Mayor Earl Isaacs
Mr. Lyle Anthony
Mr. Chris Colvin
Mr. Zack Gallagher
Mr. Troy Lauffer
Mrs. Connie Miller
Absent: Mr. Brian Blankenship

Village Staff Present: Jeff Forbes, Law Director; Gary Copeland, Village Manager and Director of Public Safety; Jamie Morley, Finance Director and Clerk of Council

CLERK'S NOTE- *This is a summary of the Village Council Meeting held on Monday, December 2, 2024.*

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Mayor Isaacs called the meeting to order at 7:00 p.m.

Roll Call – 6 present

Mr. Gallagher motioned to excuse Mr. Blankenship from tonight's meeting and Mr. Lauffer seconded the motion.

Motion – Gallagher
Second – Lauffer

Roll Call – 6 yeas

Mayor Acknowledgements

Mayor Isaacs stated he has heard good things from residents about all the projects getting done around the Village, including new water and storm sewer lines and street repaving. He also said he hoped everyone had a good Thanksgiving and is looking forward to Christmas in the Village this weekend.

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Disposition of Previous Minutes

Mr. Colvin moved to approve the minutes of the November 18, 2024 meeting as written, and Mrs. Miller seconded the motion.

Motion – Colvin
Second – Miller

Roll Call – 6 yeas

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Public Recognition/Visitor's Comments

Carli Schatmeyer of 396 Franklin Road expressed concerns over the noise from the cover on the new vault in the middle of Franklin Road. She said that it was disrupting the sleep of her children and is very loud and disturbing. Chief Copeland stated that when the Village engineer did the engineering for Phase I of the Franklin project, the plans called for an aluminum lid, which was all wrong for the road. He said it should have been cast iron. He also stated that there are plans to have the lid changed out in Phase II of the Franklin Project. Until then, he will have staff secure the lid better to hopefully fix the issue until the lid is replaced.

Mr. Gallagher asked if anything besides the lid would have to be replaced. Chief Copeland stated that it would have to be dug up around the vault, and a new riser would also have to be installed to support the cast iron lid.

Nancy Walther of 242 Victoria Place questioned the decision to replace the bulbs in the Victorian Place development with daylight LEDs. She stated that these are incredibly bright and not aesthetic to the Victorian feel. She added that when the development was built, her mother designed it to reflect the Victorian era with amber lighting. She also asked why residents were not informed of the change, which was done without notice. Chief Copeland stated that most of the lights were out in the neighborhood; unbeknownst to him, they had been changed to LEDs. He agreed that he would not have authorized daylight LED but would have gone with Edison lights. Chief Copeland added that once the Village accepted the Street, the Village is responsible for the maintenance and expense of the streetlights. Ms. Morley stated that the lights on Main Street, Creekview, and Victoria Place are unique and require an electrician to repair and maintain them. It can be expensive, especially the street light fund, which is already stretched thin. She asked Mr. Forbes if residences that benefit from these lights could have their property taxes assessed to offset the cost of these lights. Mr. Forbes stated that she was describing a lighting district, and he would have to see if this could be established after the Village has accepted the street. He will look into it. Ms. Morley asked if it could be done on Main Street when the Village replaces the lampposts. Mr. Forbes responded that he would look into it.

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Old Business

None

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Reports

Finance

The Finance Committee will meet on December 16th at 6:00 p.m.

Public Works Report

Public Works met this evening to review the finalization of several projects. The next meeting will be January 6, 2025, at 6 p.m.

Special Committee Report

Parks and Rec will meet on January 21st at 5:00 p.m. The plan is to have someone from Mary L. Cook there to update the committee on the progress of the new park.

Mr. Lauffer said he would not attend the next Council meeting on December 16, 2024.

Village Manager Report

- Chief Copeland stated he attended a webinar with Sam Beam on updating the Village's code for National Flood Insurance. This has not been done since 2010 and will bring the Village's Code in line with federal regulations. There will be an ordinance at the next Council meeting.
- All the utilities that are stakeholders were notified of the stoplight project at Corwin and Route 42. This is scheduled to start in the spring of 2025. EMT has completed the engineering and put the project out to bid.
- Chief Copeland completed a final walkthrough with SmithCorp for the OPWC Third Street project. SmithCorp corrected any issues, and \$499,750 has been submitted for a refund for the Department of Development Grant.
- Chief Copeland met with the shops, restaurants, and WMA to discuss the rules and regulations for the new DORA District. WMA agreed to reimburse the Village for the signage, and the restaurants will order the approved cups.
- The Water Department completed a full inventory and organization of water parts. It looks great and will help tremendously with restocking and water breaks.
- A meeting with the Ohio EPA has been scheduled to review the plans developed by Choice One for the line from Well 10 to the Village's water supply.
- Thank you to Scott Teeters for donating gift cards to the staff Christmas party.

Police Report

- Mayor's Court and Calls for Dispatch reports will be provided at the next meeting. The updated Code Enforcement report has been provided for review.
- Thank you to Susan Tomlinson for providing cookies to the officers. It is appreciated.

Financial Director Report

- Ms. Morley informed Council that there are several ordinances, most of which are year-end and housekeeping ordinances, on tonight's agenda, as requested by the Finance Committee.

Law Report

- Mr. Forbes introduced Hannah Puthoff, Wood & Lamping's latest hire. She has previous experience with other municipalities. Mr. Forbes stated he could not attend the next Council meeting, and Ms. Puthoff will fill in.
- Mr. Forbes wanted to bring a proposed Ohio bill to Council's attention that would increase the Village's contribution to Ohio Police & Fire. He stated that it is proposing the entity's contribution be increased to 24% over five years.

New Business

Mayor Isaacs appointed Mr. Gallagher and Mr. Lauffer to appoint Council members to the different committees for 2025.

Legislation

First Reading of Ordinances and Resolutions

Ordinance No. 2024-043

Ratifying and Accepting Plans for Dental, Vision, and Life Insurance for Village Employees and Dependents and Declaring an Emergency

Mrs. Miller motioned to waive the two-reading rule for Ordinance No. 2024-043, and Mr. Anthony seconded the motion.

Motion – Miller
Second – Anthony

Roll Call – 6 yeas

Mr. Colvin motioned to adopt Ordinance No. 2024-043 as an emergency and Mr. Gallagher seconded the motion.

Motion – Colvin
Second – Gallagher

Roll Call – 6 yeas

Ordinance No. 2024-044

Establishing a Health Reimbursement Plan for Village Employees and Authorizing Related Payments and Declaring an Emergency

Mr. Colvin motioned to waive the two-reading rule for Ordinance No. 2024-044, and Mrs. Miller seconded the motion.

Motion – Colvin
Second – Miller

Roll Call – 6 yeas

Mr. Lauffer motioned to adopt Ordinance No. 2024-044 as an emergency, and Mr. Gallagher seconded the motion.

Motion – Lauffer
Second – Gallagher

Roll Call – 6 yeas

Ordinance No. 2024-045

Authorizing Compensation In Lieu of Healthcare Benefits for Village Employees for the 2025 Benefit Year and Declaring an Emergency

Mr. Anthony motioned to waive the two-reading rule for Ordinance No. 2024-045, and Mr. Colvin seconded the motion.

Motion – Anthony
Second – Colvin

Roll Call – 6 yeas

Mr. Colvin motioned to adopt Ordinance No. 2024-045 as an emergency, and Mrs. Miller seconded the motion.

Motion – Colvin
Second – Miller

Roll Call – 6 yeas

Ordinance No. 2024 – 046

Prohibiting Adult Use Cannabis Operators within the Village of Waynesville, Ohio, and Declaring an Emergency

Mrs. Miller motioned to waive the two-reading rule for Ordinance No. 2024-046, and Mr. Colvin seconded the motion.

Motion – Miller
Second – Colvin

Roll Call – 6 yeas

Mr. Anthony motioned to adopt Ordinance No. 2024-046 as an emergency, and Mr. Gallagher seconded the motion.

Motion – Anthony
Second – Gallagher

Roll Call – 6 yeas

Ordinance No. 2024-047

Authorizing the Mayor to Execute an Amendment to the Employment Agreement with Gary L. Copeland and Declaring an Emergency

Mrs. Miller motioned to waive the two-reading rule for Ordinance No. 2024-047, and Mr. Colvin seconded the motion.

Motion – Miller
Second – Colvin

Roll Call – 6 yeas

Mr. Colvin motioned to amend Ordinance No. 2024-047 to fill the blank in Section 2 with \$159,862.50 and Section 3 with \$5,000, and Mrs. Miller seconded the motion.

Motion – Colvin
Second – Miller

Roll Call – 6 yeas

Mr. Colvin motioned to adopt Ordinance No. 2024-047 as an emergency, and Mr. Anthony seconded the motion.

Motion – Colvin
Second – Anthony

Roll Call – 6 yeas

Ordinance No. 2024-048

Authorizing the Village Manager to Execute an Amendment to the Employment Agreement with Jamie Morley and Declaring an Emergency

Mrs. Miller motioned to waive the two-reading rule for Ordinance No. 2024-048, and Mr. Colvin seconded the motion.

Motion – Miller
Second – Colvin

Roll Call – 6 yeas

Mr. Colvin motioned to adopt Ordinance No. 2024-048 as an emergency, and Mr. Anthony seconded the motion.

Motion – Colvin
Second – Anthony

Roll Call – 6 yeas

Ordinance No. 2024 – 049

Authorizing the Village Manager to Enter into an Updated Customer Agreement with FP Mailing Solutions for a Postage Meter Contract and Declaring an Emergency

Mrs. Miller motioned to waive the two-reading rule for Ordinance No. 2024-049, and Mr. Gallagher seconded the motion.

Motion – Miller
Second – Gallagher

Roll Call – 6 yeas

Mr. Colvin asked Ms. Morley if the stamp machine was necessary for the office. Ms. Morley responded that the Village saves \$.05 on postage and helps track postage.

Mr. Gallagher motioned to adopt Ordinance No. 2024-049 as an emergency, and Mr. Anthony seconded the motion.

Motion – Gallagher
Second – Anthony

Roll Call – 6 yeas

Resolution No. 2024 – 050

A Resolution Adopting Temporary Appropriations for the Village of Waynesville for Calendar Year 2025 and Declaring an Emergency

Mr. Colvin motioned to waive the two-reading rule for Resolution No. 2024-050, and Mrs. Miller seconded the motion.

Motion – Colvin
Second – Miller

Roll Call – 6 yeas

Mr. Gallagher motioned to adopt Resolution No. 2024-050 as an emergency, and Mr. Anthony seconded the motion.

Motion – Gallagher
Second – Anthony

Roll Call – 6 yeas

Second Reading of Ordinances and Resolutions

Ordinance No. 2024-042

An Ordinance Appointing Jeffrey D. Forbes and the Law Firm of Wood & Lamping LLP as Law Director for the Village of Waynesville, Ohio, and Establishing the Compensation

Mr. Colvin motioned to adopt Ordinance No. 2024-042, and Mr. Anthony seconded the motion.

Motion – Colvin

Second – Anthony

Roll Call – 6 yeas

Executive Session

None

All were in favor of adjourning at 7:47 p.m.

Date: _____

Jamie Morley, Clerk of Council

Council Report

December 16, 2024

Chief Copeland

Manager

- The Federal Emergency Management Agency (FEMA) has issued a Letter of Final Determination (LFD) to each community, indicating that revised Flood Insurance Rate Maps (FIRMs) and a Flood Insurance Study (FIS), which include new flood hazard data, will take effect on April 23, 2025.

On Monday, December 2nd, at 2 p.m., I had a Zoom meeting with Sam Beam, CFM Environmental Specialist at the Ohio Department of Natural Resources (ODNR). We discussed the village's current flood damage reduction regulations and made necessary revisions to ensure compliance with the National Flood Insurance Program (NFIP) and the ODNR Model Flood Damage Reduction Regulations.

As a result, Waynesville must revise its locally adopted floodplain ordinance (Ord #2010-043) to ensure full compliance with NFIP criteria. The ordinance you will be voting on (**Ord # 2024-051**) is based on the ODNR's Model Flood Damage Reduction Regulations, updated and approved by FEMA in 2019.

- On December 9th at 10 a.m., we held a pre-construction meeting for the Franklin Road Phase II project. Participants included representatives from the Village, Choice One Engineering, Smith Corp., and Warren County Water and Sewer. During the meeting, we reviewed the project plans, staging areas, and timelines. We also discussed the replacement of the vault hatch located at the intersection of Franklin Road and Fourth Street. Phase II is set to begin on January 2nd and is expected to be completed by May 10th.



- I met with all the Main Street stakeholders regarding the Designated Outdoor Refreshment Area (DORA) on Monday, December 2nd, at 10 a.m. During the meeting, we reviewed the Notice of Approval, the authorized cup designs, signage, and the Village's expectations for the DORA. I have designed the DORA street signs, which have already been installed. I followed up with the permit holders and learned that four out of five had ordered their approved cups. A copy of the rough draft window stickers and photos of the signs have been included in the report for your review.



DORA RULES

Monday-Friday 5pm-9pm
Saturday 12pm-9pm
Sunday 12pm-4pm

Patrons must only consume DORA beverages in a designated cup.

You must stay inside the DORA boundaries while you have this beverage.

Patrons cannot carry DORA beverages from one participating DORA establishment into another.

Only beverages purchased at establishments within the DORA can be consumed within the DORA boundaries, and no outside alcoholic beverages are permitted.

DORA

Designated Outdoor Refreshment Area

**Village Family
Restaurant**
*Waynesville,
Ohio*

DORA RULES

Monday-Friday 5pm-9pm
Saturday 12pm-9pm
Sunday 12pm-4pm

Patrons must only consume DORA beverages in a designated cup.

You must stay inside the DORA boundaries while you have this beverage.

Patrons cannot carry DORA beverages from one participating DORA establishment into another.

Only beverages purchased at establishments within the DORA can be consumed within the DORA boundaries, and no outside alcoholic beverages are permitted.

DORA

Designated Outdoor Refreshment Area

**Bentino's
Pizza**
*Waynesville,
Ohio*

DORA RULES

Monday-Friday 5pm-9pm
Saturday 12pm-9pm
Sunday 12pm-4pm

Patrons must only consume DORA beverages in a designated cup.

You must stay inside the DORA boundaries while you have this beverage.

Patrons cannot carry DORA beverages from one participating DORA establishment into another.

Only beverages purchased at establishments within the DORA can be consumed within the DORA boundaries, and no outside alcoholic beverages are permitted.

DORA

Designated Outdoor Refreshment Area

**Stone House
Tavern**
*Waynesville,
Ohio*

DORA RULES

Monday-Friday 5pm-9pm
Saturday 12pm-9pm
Sunday 12pm-4pm

Patrons must only consume DORA beverages in a designated cup.

You must stay inside the DORA boundaries while you have this beverage.

Patrons cannot carry DORA beverages from one participating DORA establishment into another.

Only beverages purchased at establishments within the DORA can be consumed within the DORA boundaries, and no outside alcoholic beverages are permitted.

DORA

Designated Outdoor Refreshment Area

Mami Fina's
*Waynesville,
Ohio*



- On December 12th at 1:30 p.m., the Water Department staff and I met with Katie Moore, Sam Spence, John McDaniels, and Jeff Davison from the Ohio Environmental Protection Agency (OEPA) to discuss the site criteria and engineering plans for Well #10. During the meeting, we reviewed the results of the Unregulated Contaminant Monitoring Rule (UCMR). Given the low test results for PFAS, we agreed on a plan for managing the polyfluoroalkyl substances. We will blend Well #10 with Wells #6 and #7 to comply with state requirements.



- The Ohio Public Works Commission (OPWC) has finalized the list of grant applications for PY39, scheduled for 2025. I have attached a copy of the list for your review. All municipal projects above the red line have been approved, while those below the red line are on standby in case any approved project decides not to move forward. The Waynesville 4th Street waterline replacement and repaving project is highlighted in yellow for your reference.
- I purchased new amber LED bulbs for all the streetlights in Victoria Place. I want to thank Tim Wiltrack for assisting with selecting the bulbs that best meet the resident's needs and installing them for the Village at no cost.

Police

- I have included the November dispatched calls for service for your review. Please feel free to contact me if you have any questions or concerns.
- The November Mayor's Court report is attached. Feel free to contact me or Ashley if you have any questions.
- At the request of Magistrate Kaufman, an ordinance (**Ord#2024-052**) has been prepared to allow pleas in absentia in the Mayor's Court. A filing fee of \$75.00 is included in the fee schedule for this service. I believe this change will assist the operations of the Mayor's Court, and I recommend that Council approve it.
- We will be swearing in William Bowman as a reserve police officer for the Village of Waynesville. William graduated from Springboro High School and attended Hocking College, where he earned an associate degree in Natural Resources Law Enforcement. In 2021, William completed the Greene County Peace Officer Basic Training course. We look forward to welcoming William to our team.



- I attended Christmas in the Village on Saturday, December 7th, and it was a fantastic turnout in the community. I have included photos of some of the events that took place. I spoke with the Waynesville Progressive Women's Club, which is collecting donations for gifts and snacks to be sent to local men and women currently serving in the armed forces. If anyone would like to participate, please consider contributing.





- The Village has received donated gift cards from the businesses and individuals listed, which will be used for the Village Council and Staff Christmas party. I would like to express my gratitude to those who contributed to our event and request that the Council accept these donations.
 - Grocery Land
 - McDonald's
 - Village Family Restaurant
 - Stone House Tavern
 - Buckeye Charm
 - Taylor's Coffee
 - Butter Churn
 - Mami Fina's
 - Domino's
 - Acapulco's
 - Scott Teeters
 - Mayor Isaacs
 - Chief Copeland
 - Mrs. Miller
 - Mr. Blankenship
 - Mr. Gallagher
 - Mr. Colvin
 - Mr. Lauffer
 - Mr. Anthony



NO DORA



\$ 17,061,340

\$ 2,251,000

\$ -

\$ -

\$ 59,244,433

\$ 17,061,340

\$ 2,251,000

TOTAL

CO	JURIS	Project Name	Total Est Costs	Subtotal Local Resources	Local Funds %	Grant Request		Loan Request	
BUT	CHM	Hamilton Road Improvements - 2026	\$ 4,750,000	\$ 3,610,000	76.00%	\$ 1,140,000	\$ 1,140,000	\$ -	71
BUT	CHM	Grand Boulevard Water Main Replacement	\$ 2,045,000	\$ 1,045,000	51.10%	\$ -	\$ 1,140,000	\$ 1,000,000	71
BUT	CFF	2025 Winton Rd Water Main	\$ 1,025,200	\$ 296,600	28.93%	\$ -	\$ 1,140,000	\$ 728,600	71
WAR	CLE	FY25 Urban Paving Program	\$ 3,272,290	\$ 2,522,290	77.08%	\$ 750,000	\$ 1,890,000	\$ -	69
BUT	CFF	2026 Annual Street Maintenance	\$ 2,250,179	\$ 1,830,179	81.33%	\$ 420,000	\$ 2,310,000	\$ -	68
CLE	VNR	CLE-US 52-4.67 New Richmond (PID 114042)	\$ 5,118,600	\$ 4,094,880	80.00%	\$ 1,023,720	\$ 3,333,720	\$ -	68
CLE	BCC	White Oak Rd Water Main Replacement (Phase II)	\$ 2,864,646	\$ 1,864,646	65.09%	\$ 1,000,000	\$ 4,333,720	\$ -	68
WAR	VHA	Maple Street Improvements	\$ 386,363	\$ 27,046	7.00%	\$ 305,226	\$ 4,638,946	\$ 54,091	68
BUT	CFF	2026 Ross-Woodridge Roundabout	\$ 1,134,333	\$ 734,333	64.74%	\$ 400,000	\$ 5,038,946	\$ -	67
BUT	ENG	Cox @ Kingsgate Roundabout	\$ 1,033,331	\$ 320,333	31.00%	\$ 712,998	\$ 5,751,944	\$ -	67
CLI	CWI	Doan St, Walnut St, & Short St Waterline Replacement	\$ 1,188,612	\$ 938,612	78.97%	\$ 250,000	\$ 6,001,944	\$ -	66
WAR	VWA	Fourth St Water Main Replacement and Resurfacing	\$ 1,372,300	\$ 562,645	41.00%	\$ 809,655	\$ 6,811,599	\$ -	66
BUT	BCC	Pheasant Hills Bardean Kyles Station Water Main, Ph 2	\$ 1,825,666	\$ 1,258,831	68.95%	\$ 566,835	\$ 7,378,434	\$ -	65
WAR	CFR	4th Street Repaving Project	\$ 540,000	\$ 275,000	50.93%	\$ 265,000	\$ 7,643,434	\$ -	65
CLE	TGO	Gibson and Belfast Repaving	\$ 1,186,967	\$ 255,000	21.48%	\$ 931,967	\$ 8,575,401	\$ -	65
CLE	ENG	2025 Landslide Repairs	\$ 1,428,490	\$ 299,983	21.00%	\$ 1,128,507	\$ 9,703,908	\$ -	65
BUT	ENG	Trenton Franklin Road Widening	\$ 4,276,945	\$ 3,849,251	90.00%	\$ 427,694	\$ 10,131,602	\$ -	64
BUT	CMI	2025 Middletown Road Improvements	\$ 3,500,000	\$ 2,500,000	71.43%	\$ 1,000,000	\$ 11,131,602	\$ -	64
BUT	CTR	E Aberdeen Water Service Replacement and Street Recon	\$ 522,678	\$ 274,348	52.49%	\$ 248,330	\$ 11,379,932	\$ -	64
BUT	ENG	Windisch Bridge #00.361	\$ 1,421,682	\$ 725,058	51.00%	\$ 696,624	\$ 12,076,556	\$ -	64
WAR	VMA	SR 48 & Foster Maineville Traffic Signal	\$ 583,170	\$ 92,500	15.86%	\$ 398,170	\$ 12,474,726	\$ 92,500	64
CLI	ENG	Nelson Ave Safety Improvement	\$ 1,469,955	\$ 1,028,594	69.97%	\$ 441,361	\$ 12,916,087	\$ -	63

						\$ 17,061,340	\$ 2,251,000	TOTAL	
						\$ -	\$ -		
\$ 59,244,433						\$ 17,061,340	\$ 2,251,000		
CO	JURIS	Project Name	Total Est Costs	Subtotal Local Resources	Local Funds %	Grant Request		Loan Request	
CLE	CMI	UV Disinfection, Wastewater Treatment	\$ 560,000	\$ 285,600	51.00%	\$ 274,400	\$ 13,190,487	\$ -	63
CLE	ENG	2025 Bridge Replacements	\$ 1,403,600	\$ 435,116	31.00%	\$ 968,484	\$ 14,158,971	\$ -	63
BUT	SWR	West Middletown Cast Iron Replacement	\$ 1,323,200	\$ -	0.00%	\$ 648,368	\$ 14,807,339	\$ 375,809	63
CLI	ENG	Osborn Rd Safety Improvement	\$ 2,181,959	\$ 1,428,660	65.48%	\$ 753,299	\$ 15,560,638	\$ -	62
BUT	COX	Bonham Rd Storm Sewer Improvements	\$ 475,000	\$ 147,250	31.00%	\$ 327,750	\$ 15,888,388	\$ -	62
WAR	CMA	Mason Montgomery & Tylersville Intersection Improvement	\$ 2,662,490	\$ 1,897,490	71.27%	\$ 765,000	\$ 16,653,388	\$ -	60
BUT	CMO	PRV Facility-Todhunter Rd. at Holman Dr	\$ 400,502	\$ 204,256	51.00%	\$ 196,246	\$ 16,849,634	\$ -	60
CLI	ENG	Clinton County Resurfacing	\$ 912,540	\$ 472,540	51.78%	\$ 211,706	\$ 17,061,340	\$ -	59
WAR	BCC	Waynesville Collection System Phase 4	\$ 581,500	\$ 296,565	51.00%	\$ 284,935	\$ 17,346,275	\$ -	59
CLI	ENG	Larrick/Terrell Safety Improvement	\$ 876,738	\$ 376,738	42.97%	\$ 500,000	\$ 17,846,275	\$ -	57
WAR	VCO	Furnas Forge Storm Sewer, Phase 1	\$ 1,792,379	\$ 1,119,000	62.43%	\$ 673,379	\$ 18,519,654	\$ -	56
BUT	VJA	Stormwater and Piping and Catch Basin	\$ 120,912	\$ 13,300	11.00%	\$ 107,612	\$ 18,627,266	\$ -	56
CLI	TWS	Gumley Rd Reconstruction	\$ 324,470	\$ 97,341	30.00%	\$ 227,129	\$ 18,854,395	\$ -	54
WAR	TUN	RiverWalk Resurfacing 2024	\$ 262,323	\$ -	0.00%	\$ -	\$ 18,854,395	\$ 262,323	53
WAR	BCC	Loveland Park Waterline Replacement Phase 1	\$ 1,285,900	\$ 655,809	51.00%	\$ 630,091	\$ 19,484,486	\$ -	52
CLI	VMI	Railroad/Baldwin Street Rehabilitation Project	\$ 293,000	\$ 32,230	11.00%	\$ 260,770	\$ 19,745,256	\$ -	46
CLE	VNR	High St Reconstruction	\$ 221,965	\$ 6,651	3.00%	\$ 215,314	\$ 19,960,570	\$ -	43
WAR	CMO	PRV/Meter Facility-Navigator Way at S. Union Rd	\$ 369,548	\$ 188,469	51.00%	\$ 181,079	\$ 20,141,649	\$ -	42
			\$ 59,244,433	\$ 36,062,144		\$ 20,141,649	\$ 2,513,323		

*(1)

*(2)

SG1

SG2

SG3

SG4

SG5

CALLS FOR SERVICE

From Date: 11/01/2024 12:00:00am

To Date: 11/30/2024 11:59:59pm

Type Description	Count
911 Hangup / Silent	9
Alarm	6
Animal Complaint	1
Attempt to Locate	1
Business Check	94
Citizen Assist	5
Criminal Warrant	2
Dispute - Neighbor/Tenant	1
Domestic Violence	6
Escort	7
Extra Patrol	216
Fire Call	2
Follow Up Investigation	7
Intoxicated Driver	1
Lock Out	8
Medical	32
Mental Disorder	3
Notification Only	2
Open Door/Window	4
Parking Complaint	3
Phone Call	15
REPO	1
Road Hazard/Disabled Vehicle	4
Special Detail	5
Suspicious Cir/Per/Veh - Past	2
Suspicious Circumstances	3
Suspicious Person	3
Suspicious Vehicle	2
Theft - Past	1
Traffic Crash	4
Traffic Crash - Unk Injuries	3
Traffic Crash w/ Injuries	1
Traffic Offense	1
Traffic Stop	56
Trespassing	1
Vacation House Check	1
Well Being Check	3
TOTAL	516

Monthly Mayor's Court Report

WAYNESVILLE MAYOR'S COURT
Cash Flow for November 2024

Page : 1
Report Date : 12/02/2024
Report Time : 13:54:12

	Current Period	Year-To-Date	Last Year-to-Date
City Revenue From:			
Court Costs			
COMPUTER FUND	\$457.00	\$6,696.00	\$7,425.00
LOCAL COSTS	\$1,907.00	\$28,597.40	\$31,530.00
Additional Costs	\$0.00	\$126.00	\$175.00
Fines			
Overpayment / Adjustment	\$0.00	\$0.00	\$0.00
City Revenue From Fines	\$4,840.00	\$79,598.61	\$79,052.14
Fees			
Fees	\$50.00	\$1,444.34	\$1,560.95
Miscellaneous/Other			
Miscellaneous/Other	\$0.00	\$0.00	\$-273.68
Bond Forfeits			
Bond Forfeits	\$0.00	\$750.00	\$0.00
Miscellaneous/Other			
Bond Administration Fees	\$0.00	\$0.00	\$0.00
Total to City:	\$7,254.00	\$117,212.35	\$119,469.41
State Revenue From:			
Court Costs			
VICTIMS OF CRIME	\$441.00	\$6,642.00	\$7,352.00
DRUG LAW ENFORCEMENT FUND	\$164.50	\$2,513.00	\$2,807.00
INDIGENT DEFENSE SUPPORT FUND	\$1,215.00	\$18,675.00	\$20,535.00
Fees			
Fees	\$0.00	\$30.00	\$60.00
Total to State:	\$1,820.50	\$27,860.00	\$30,754.00
Other Revenue From:			
Court Costs			
INDIGENT DRIVER ALC TREATMENT FUND	\$70.50	\$1,077.00	\$1,203.00
Restitution			
Restitution	\$0.00	\$0.00	\$617.27
Total to Other:	\$70.50	\$1,077.00	\$1,820.27
TOTAL REVENUE *	\$9,145.00	\$146,149.35	\$152,043.68
*Includes credit card receipts of	\$4,010.00	\$42,396.00	\$40,029.11

END OF REPORT

Finance Director Report

December 16, 2024

Jamie Morley

- October and November have been closed out, and reports have been provided.
- Interest for November is as follows:
 - SWEEP - \$17,267.39
 - STAR Ohio - \$2,385.29
 - General Checking \$.38
- I attended the year-end webinar with the Ohio Auditor's Office on Monday. It was very informative.
- Local Government Services finally responded to my email, and we are working together to firm up the bank reconciliation.
- I have provided the RITA report for 2024 and 2023 so you can compare the two years. The Village received \$36K less than last year. RITA does the subpoena program biannually, so this may be the difference. 786 letters were just mailed for the years 2020 and 2021.
- Have a very Merry Christmas!

Thank You,

Jamie Morley

Finance Director/Clerk of Council

ORDINANCE 2024-051

**ADOPTING CHAPTER 151 OF THE VILLAGE OF WAYNESVILLE
CODIFIED ORDINANCES REGARDING SPECIAL PURPOSE FLOOD
DAMAGE REDUCTION**

WHEREAS, Chapter 151 of the Codified Ordinances currently provides for flood hazard regulations; and

WHEREAS, the Council for the Village of Waynesville has determined that it is in the best interest of the Village to update certain provisions of such regulations as part of its Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Waynesville,
_____ members elected thereto concurring:

Section 1. That Chapter 151 of the Village of Waynesville Codified Ordinances is hereby repealed in its entirety and replaced in its entirety with a new Chapter 151, as set forth in Exhibit "A" attached hereto and incorporated herein by reference. All other provisions of the Codified Ordinances shall remain in full force and effect.

Section 2. That this Ordinance shall be effective from and after the earliest period allowed by law.

Adopted this _____ day of _____, 2024.

Attest: _____
Clerk of Council

Mayor

**SPECIAL PURPOSE
FLOOD DAMAGE REDUCTION
ORDINANCE – 2024-051
Village of Waynesville, OHIO**

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Village Council of Village of Waynesville, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The Village of Waynesville 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.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

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

1.5 Lands to Which These Regulations Apply_____

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Waynesville as identified in Section 1.6, including any additional areas of special flood hazard annexed by the Village of Waynesville.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

- A. Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Warren County, Ohio and Incorporated Areas, both effective April 23, 2025.
- B. 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.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Waynesville as required by Section 4.3 Subdivisions and 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 Village of Waynesville Government Center, located at 1400 Lytle Road, Waynesville, Ohio 45068.

1.7 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance,

easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and,
 - C. Deemed neither to limit nor repeal any other 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.

1.9 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 Village of Waynesville, 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.

1.10 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.

SECTION 2.0: 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.

Accessory Structure

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

Appeal

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

Base Flood

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

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).

Basement

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

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.

Enclosure Below the Lowest Floor

See "Lowest Floor."

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.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

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.

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.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

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

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.

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.

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.

Zone A99:

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

Zone B and Zone X (shaded):

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

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

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.

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.

Flood Protection Elevation

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

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.

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.

Historic structure

Any structure that is:

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

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.

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:

Letter of Map Amendment (LOMA)

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

Letter of Map Revision (LOMR)

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

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA 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 the 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.

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.

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 4781 of the Ohio Revised Code.

Manufactured home park

As specified in the Ohio Adm. Code 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.

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.

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.

New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the Village of Waynesville 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 [August 1, 1980], and includes any subsequent improvements to such structures.

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 Rev. Code §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.

Recreational vehicle

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

Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, 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.

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.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction"

of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The Village Manager is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. 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.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. 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.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. 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.

3.3 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 1.6, 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.

3.4 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:

- A. 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.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. 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:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. 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 4.9(C).
 - 4. 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 4.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 - 6. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 4.3.
- F. A Floodplain Development Permit Application Fee set by the Schedule of Fees adopted by the Village of Waynesville.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

- 1. 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 3.4 has been received by the Floodplain Administrator.

2. 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.

B. Approval

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

3.6 Inspections

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

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. 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.
- B. For all development activities subject to the standards of Section 3.11(A), a Letter of Map Revision.
- C. 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.

3.8 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 5 of these regulations.

3.9 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.

3.10 State and Federal Development

- A. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- B. 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:
 - 1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - 2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - 3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- C. 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 potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

3.11 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 Village of Waynesville's flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

- 1. 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:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

- b. 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;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
- 2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.11(A), 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.
- 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. 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.
- 4. 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 3.11(A)(1).

B. 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 Village Manager of the Village of Waynesville, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Waynesville 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 Village of Waynesville's Flood Insurance Rate Map accurately represent the Village of Waynesville boundaries, include within such notification a copy of a map of the Village of Waynesville suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Waynesville has assumed or relinquished floodplain management regulatory authority.

3.12 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:

- A. 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.
- B. 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.
- C. 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 5.0, Appeals and Variances.
- D. 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.

3.13 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

- A. Zone A:
 - 1. 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.
 - 2. 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.
- B. Zones AE, A1-30, AH, and AO:
 - 1. 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,
 - a. 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.
 - b. 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.
 - 2. 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.

C. Zones B, C, and X:

1. 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, safety, and property of their citizens are protected.

3.14 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:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Require owners of substantially damaged structures 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.

SECTION 4.0: 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 1.6, 3.12(A), or 3.13:

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Waynesville are allowed provided they meet the provisions of these regulations.

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Other New Developments

- A. 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;
- B. 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;
- C. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- D. 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.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.11(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

4.4 Residential Structures

The requirements of Section 4.4 apply to new construction of residential structures and to substantial improvements of residential 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 3.13.

- A. 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 (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. 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.
- D. 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. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. 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 to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. 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
 - 3. 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.
- F. 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.

- G. 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 4.4.

4.5 Nonresidential Structures

The requirements of Section 4.5 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 3.13.

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) – (G).
- B. 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:
 - 1. 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;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade

4.6 Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 3.3 and 3.4, and meet all standards of Section 4.4.

4.8 Gas or Liquid Storage Tanks

- A. Within zone A, A1-A30, 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.

4.9 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:

A. Development in Floodways

- 1. 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
- 2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.11(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. 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
 - e. Concurrence of the Village Manager of the Village of Waynesville and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

- 1. 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,
2. 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:
 - a. 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;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. 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:

1. 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.
2. 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.
3. 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 Village of Waynesville specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.11(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The Zoning Board of Appeals, appointed by the Village Council as dictated by the Village Charter, is hereby appointed to serve as the Appeals Board for these regulations.
- B. A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Village of Waynesville Government Center, located at 1400 Lytle Road, Waynesville, Ohio 45068..

5.2 Powers and Duties

- A. 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.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 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 [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.

5.4 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.

A. Application for a Variance

- 1. 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.

2. 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.
3. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the Village of Waynesville.

B. 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.

C. Public Hearing

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

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.

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.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(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.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 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.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Warren County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. 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 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. 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 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they 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:

- A. Be put in writing on an appropriate form;
- B. 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;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. 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.

6.3 Violations and Penalties

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

SECTION 7.0: ADOPTION

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number _____, which is hereby repealed.

PASSED:

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Clerk

President of Council

Certification

ORDINANCE 2024-052

**AMENDING THE SCHEDULE OF FEES AND CHARGES FOR THE
VILLAGE OF WAYNESVILLE REGARDING FILING FEES FOR PLEAS
IN ABSENTIA IN MAYOR'S COURT AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Waynesville has previously adopted a schedule of fees and charges, as adopted by reference in Section 36.05 of the Codified Ordinances; and

WHEREAS, it is now the intention of Village Council to amend the fee schedule as it relates to certain fees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Waynesville,
_____ members elected thereto concurring:

Section 1. That the current Schedule for Fees and Charges for the Village of Waynesville shall be amended to include a new filing fee for Mayor's Court Pleas in Absentia. Such fee shall be \$75.00 and shall be effective on January 1, 2025.

Section 2. That this Fee Schedule shall be available for public inspection in the office of the Village Clerk.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately upon its adoption. The reason for said declaration of emergency is the need to have the new fee schedule effective on January 1, 2025.

Adopted this _____ day of _____, 2024.

Attest: _____
Clerk of Council

Mayor

ORDINANCE 2024-052

**AMENDING THE SCHEDULE OF FEES AND CHARGES FOR THE
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Adopted this _____ day of _____, 2024.

Attest: _____
Clerk of Council

Mayor