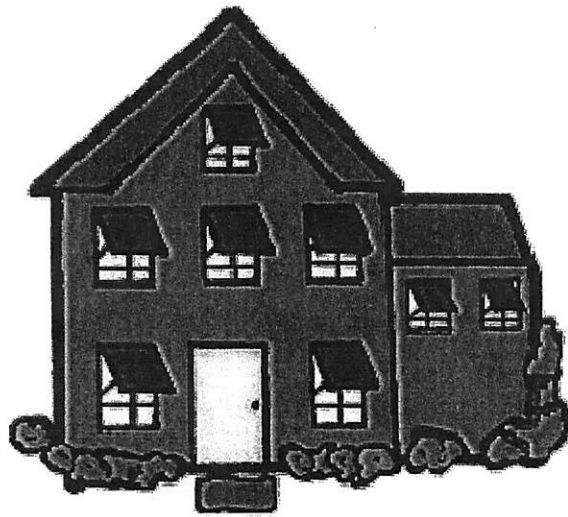


JACKSON COUNTY BUILDING REGULATIONS



**FOR ONE, TWO AND THREE-FAMILY
DWELLINGS INCLUDING MOBILE
HOMES**

PART I.

BUILDING REGULATIONS

JACKSON COUNTY BUILDING REGULATIONS

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, AND APPLICABILITY

1.1 STATUTORY AUTHORIZATION

This regulation is adopted pursuant to authorization contained in Section 307.37 of the Ohio Revised Code which states that the Board of County Commissioners "...may adopt, administer, and enforce regulations pertaining to the erection, construction, repair, alteration, and maintenance of single family, two family, and three family dwellings, within the unincorporated territory of the county..." Therefore, the Board of Commissioners of Jackson County does resolve as follows:

1.2 FINDINGS OF FACTS

Residential construction has and will continue to occur at an increasing rate as public water service is extended into additional areas of the county.

Jackson County is extensively dissected by drainageways and has hilly and rough topography. Most soils have severe limitations for the construction of dwellings and for the installation of sewage disposal systems. High water tables, shallow depth to bedrock, flooding, shrink-swell potential, risk of corrosion, and potential frost action are all limiting factors.

Locating dwellings on poorly suited sites without mitigating potential problems can cause damage to occur to structures and failure of sewage disposal systems.

1.3 STATEMENT OF PURPOSE

It is the purpose of this regulation to promote the health, safety, and sanitary conditions of dwellings constructed in the county by provisions designed to:

- (1) Insure that the dwelling will be located on a site that is suitable for the installation of a sewage disposal and water supply system according to regulations of the Jackson

County Health Department, Ohio Department of Health and
Ohio Environmental Protection Agency.

- (2) Coordinate with the Jackson County Flood Damage Prevention Resolution.
- (3) Minimize potential damage to the dwelling due to limitations of soil and topography.
- (4) Help maintain a stable tax base by providing for the proper use and development of building sites.
- (5) Coordinate with Jackson County Subdivision Regulations.

1.4 APPLICABILITY

This regulation shall apply to all one family, two family, and three family dwellings, including mobile homes, situated in the unincorporated areas of Jackson County. Provided, however, that mobile homes situated in a mobile home park which is required to be licensed by the Jackson County Health Department shall not be subject to this regulation.

SECTION 2.0 DEFINITIONS

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

"Bedroom" means any room within a dwelling that might reasonably be used as a sleeping room including but not limited to rooms designated as a den, office, or study.

"Building Official" means the Building and Subdivision Coordinator, or his designated representative, appointed by the Jackson County Commissioners.

"Dwelling" means any building or place, permanent or mobile, used or intended to be used by human occupants as a single family, two family, or three family residence.

"Flood Plain" means the 100 year flood plain identified on Flood Insurance

Rate Maps or Flood Hazard Boundary Maps published by the Federal Emergency Management Agency.

"Lot" means the land area used or intended to be used as a single-family, two-family, or three-family dwelling site.

"Subdivision" means that which is defined by Section 711.001 of the Ohio Revised Code.

"Subdivision Regulations" means the Jackson County Subdivision Regulations as adopted by the Jackson County Planning Commission and the Jackson County Commissioners.

Section 3.0 GENERAL PROVISIONS

3.1 COMPLIANCE

No dwelling shall hereafter be placed, erected, constructed, or converted without full compliance with the terms of this regulation and all other applicable regulations which apply to uses within the jurisdiction of this regulation.

3.2 ABROGATION AND GREATER RESTRICTIONS

This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.3 INTERPRETATION

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

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

3.4 VIOLATIONS AND PENALTIES

Violations of the provisions of this regulation or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$300.00 as provided by Section 307.99 of the Ohio Revised Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County of Jackson from taking such other lawful action as is necessary to prevent or remedy any violation. The County of Jackson shall prosecute any violation of this regulation in accordance with the penalties stated herein.

3.5 APPEAL TO THE COURT

Any person or persons adversely affected by this regulation or by any decision of the Building and Subdivision Coordinator may appeal to the Jackson County Court of Common Pleas.

3.6 SEVERABILITY

If any section or provision of this regulation should be held invalid, such invalidity shall not affect the remaining portions of this regulation, which shall remain in full force and effect.

3.7 REPEAL OF EXISTING REGULATIONS

Existing Jackson County Building Regulations which become effective August 19, 1996 are hereby repealed.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE BUILDING AND SUBDIVISION COORDINATOR

The Building and Subdivision Coordinator is hereby appointed to administer and implement these regulations by granting or denying permit applications in accordance with its provisions.

4.2 DUTIES AND RESPONSIBILITIES OF THE BUILDING AND SUBDIVISION COORDINATOR

The duties and responsibilities of the Building and Subdivision Coordinator

shall include but are not limited to:

- (1) Receive building permit applications and review such applications for compliance with these regulations.
- (2) Inspect building sites to determine compliance with these regulations.
- (3) Issue building permits and Certificates of Occupancy when the provisions of these regulations have been met.
- (4) Issue such notices and orders as may be necessary to achieve compliance.
- (5) Coordinate with other local, state and federal agencies on issues related to the issuance of a building permit.
- (6) Maintain records of correspondence, permits issued, fees collected and such other documents as may be necessary.

4.3 APPLICATION FOR BUILDING PERMIT

A Building Permit or Floodplain Review Permit shall be obtained from the Building and Subdivision Coordinator before placement, erection, construction or conversion of a dwelling on the building site. The Building or Floodplain Review Permit fee shall be \$50.00 except in such cases considered as Hardship Cases (rebuilding or replacing due to natural disaster damage or fire). In such cases, the permit fee will be waived.

Application for a Building or Floodplain Review Permit shall be on forms furnished by the Building and Subdivision Coordinator. Information to be furnished by the applicant shall include, but not be limited to: name, address, and phone number of applicant; name, address, and phone number of contractor or manufactured home dealer; type of residential use and number of rooms; location; site address; acreage; frontage; depth; type of sewage disposal system; and type of water supply.

No permit shall be issued without an address. Site address shall be verified by the Engineer's Office and only one address to be issued per household/house.

The following additional information may also be required:

- (1) A copy of the deed to the property where the dwelling will be located.
- (2) A floor plan of the dwelling.
- (3) A sketch of the proposed building site showing dimensions of the dwelling and all other structures, drainageways, underground utilities, wells, water lines and driveways.

SECTION 5.0 SPECIFIC STANDARDS

5.1 BUILDING SITE

All dwellings not served by a public sewer and/or water supply system shall be located on a site with sufficient useable space, suitable soil, and topography to allow for the installation of an individual sewage disposal and/or water supply system. Adequate space must also be available for the complete replacement of the sewage disposal system in the event of failure of the original system.

Construction of dwellings on strip mine land, in areas where mine subsidence is likely to occur and in areas that contain a large amount of fill is not recommended. These areas require special consideration to insure that structural damage will not occur and that adequate sewage disposal and water supply systems can be installed. Under no circumstances shall a building or flood plain permit be issued for a dwelling on reclaimed strip mine land until the Ohio Department of Natural Resources, Division of Mines and Reclamation has released the performance bond for the property.

5.2 MINIMUM LOT SIZE

Minimum lot sizes shall be as required by Jackson County Subdivision Regulations. In addition, the minimum lot size for a dwelling on strip mine land shall be 3 acres if an individual sewage disposal system is to be installed.

Each lot shall have a minimum usable lot size of 1.5 acres of usable land. Usable land is based on ability to install a septic system.

TABLE 5

MINIMUM DIMENSIONAL REQUIREMENTS

DEVELOPMENT TYPE	PUBLIC SEWER AVAILABLE	MINIMUM LOT WIDTH (FT)	LOT AREA	MINIMUM FRONT SETBACK REQUIREMENTS (FT)		
				Arterial Streets	Collector Streets	Local Streets And Cul de sacs
Single-Family	No	100	1.5 Acres 10,200 Sq. Ft.	40	35	30
	Yes	85		40	35	30
Two-Family	No	120	2.5 Acres 12,000 Sq. Ft.	40	35	30
	Yes	85		40	35	30
Three-Family	No	200	3 Acres 15,000 Sq. Ft.	40	35	30
	Yes	100		40	35	30
Multi-Family (4 Family or More)	No	90*	1.4 Acres* 5,000 Sq. Ft.*	50	40	35
	Yes	90*		50	40	35
Commercial	No	150	1.5 Acres** 20,000 Sq. Ft.	50	40	35
	Yes	100		50	40	35
Industrial	No	150	1.5 Acres** 24,000 Sq. Ft.	50	45	40
	Yes	100		50	45	40

* Per Dwelling Unit.

For slope areas where the average topographic slope is 15 percent or greater, refer to Hillside Regulations, Section 600-612, inclusive.

**May require larger acreage due to number of personnel at site.

5.3 HEALTH DEPARTMENT APPROVAL REQUIRED

Approval for installation of a sewage disposal and/or water supply system shall be obtained from the Jackson County Health Department and/or the Ohio Environmental Protection before a building or flood plain permit will be issued.

Building or flood plain permits for switch-outs to also include septic system inspections for all aerators and all septic systems installed before 1990.

5.4 FLOOD PLAIN DEVELOPMENT

Dwellings to be located in the 100 year flood plain shall be constructed or placed in compliance with the requirements of the Jackson County Flood Damage Prevention Resolution.

5.5 COMPLIANCE WITH SUBDIVISION REGULATIONS

No building or flood plain permit will be issued for a dwelling to be located on property not in compliance with Jackson Co. Subdivision Regulations.

5.6 CERTIFICATE OF OCCUPANCY

Whenever the provisions of these regulations have been met and final approval of the sewage disposal and water supply systems have been granted by the Jackson County Health Department or Ohio Environmental Protection Agency, a Certificate of Occupancy will be issued.

SECTION 6 RECORD OF ADOPTION

In accordance with Ohio Revised Code Section 307.37 public hearings were held on December 11, 2008 and January 13, 2009 at regular meetings of the Board of Jackson County Commissioners.

Adopted by the Board on this 13th day of January, 2009.

COMMISSIONERS VOTING:

s/Edmund Armstrong

s/Tom Walton

s/James P. Riepenhoff

ATTEST:

s/Gloria Addington

Adm. Assistant, Bd. Of Jackson Co. Commissioners

PART II.

COMMENTARY

SECTION 1 – STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT STATEMENT OF PURPOSE AND APPLICABILITY

1.4 APPLICABILITY

These regulations apply to one, two and three-family dwellings, including mobile homes, in the unincorporated areas of Jackson County. Building permits are not required for non-residential structures such as garages, outbuildings or fences; nor are permits required for additions to a dwelling. However, if it site is in a flood plain, a flood plain development permit is required for any type of construction as well as for fill, bridges, dredging or drilling, etc.

Permits for commercial construction must be obtained from the Ohio Dept. of Commerce, Division of Industrial Compliance, Building Code Compliance. Plumbing permits for commercial construction can be obtained from the Ohio Dept. of Health, Plumbing Unit.

Coalton, Jackson, Oak Hill and Wellston issue their own permits and requirements vary. The office of the mayor or service director should be contacted for requirements.

All new construction valued at more than \$2,000 must be reported to the Jackson County Auditor even if a building permit is not required. This is to insure that property tax records are kept current.

SECTION 3 – GENERAL PROVISIONS

3.2 ABROGATION AND GREATER RESTRICTIONS

The developer of a subdivision or even an individual conveying a single parcel may impose restrictive covenants or deed restrictions that specify certain conditions that must be met. While it may be possible for the developer or individuals who buy property in the development to achieve compliance through civil action, these restrictions cannot be enforced by the county or local government.

SECTION 4 – ADMINISTRATION

4.3 APPLICATION FOR BUILDING PERMIT OR FLOOD PLAIN REVIEW PERMIT

Except for construction in the flood plain, building regulations do not impose any construction standards. These regulations deal almost exclusively with the suitability of the site for the dwelling. For this reason, it is very important that application for a building or flood plain review permit be made before the start of construction or placement of a mobile home on the property. Site preparation work such as grading, construction of a driveway and installation of utilities should also not be done until after a site inspection has been made.

SECTION 5 – SPECIFIC STANDARDS

5.1 BUILDING SITE

Construction of a dwelling or placement of a mobile home on strip mine land or other sites containing a large amount of fill is not recommended. These sites require special consideration to insure that slippage, structural damage and damage to paved driveways do not occur. The installation of sewage disposal systems in such soil also requires special consideration. Permeability of the soil, the ability of the soil to filter out pathogenic bacteria, and the effect of acidic soils on the concrete septic tank are all areas of concern.

Soils identified in the Soil Survey of Jackson County as Barkcamp, Bethesda, and Fairpoint are all in areas surface mined for coal. The Soil Survey should be consulted for further information.

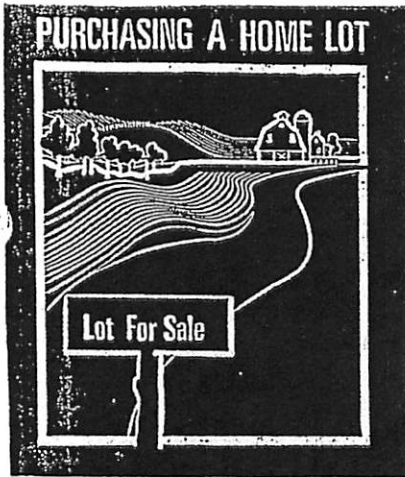
Mining companies are required to post a bond to assure compliance with mining and reclamation laws. This bond remains in effect for a period of five or more years. Activity is limited during this period of time which allows time for the land to settle, develop slips, and begin eroding. Repairs can then be made before the bond is released. A building permit will not be issued for a site until the bond is released.

5.2 MINIMUM LOT SIZE

Lot sizes are a minimum and are intended to allow for the placement of one dwelling on the lot. A larger lot may be necessary if topography and soil conditions preclude the installation of a sewage disposal and water supply system.

5.3 HEALTH DEPARTMENT APPROVAL REQUIRED

The Ohio Environmental Protection Agency will usually not be involved in the approval of a sewage disposal system for a private dwelling. Exceptions could be for dwellings located within a special sanitary district (within one mile of a state owned lake) and in subdivisions.



CHECKLIST

Finding a site for your new house or mobile home may be difficult, especially when demand is high. The following checklist can help you evaluate a site.

	YES	NO
I. DEED AND SURVEY		
1. Exact dimensions of the lot known?	_____	_____
2. Lot boundaries marked with iron pins or concrete markers?	_____	_____
3. Reference points marked with iron pins or concrete markers?	_____	_____
4. Deed restrictions limiting property use?	_____	_____
5. Aware that all new deed descriptions (surveys) must be checked for mathematical accuracy by the Jackson County Engineer's Office before the deed can be recorded?	_____	_____
6. Registered surveyor's plat accompanying the new survey?	_____	_____
II. REGULATIONS		
1. Familiar with county regulations?		
Building and subdivision	_____	_____
Flood plain development	_____	_____
Sewage disposal	_____	_____
Water supply	_____	_____
2. Aware that building site must be approved and applicable permits obtained prior to starting construction of a dwelling or placement of a mobile home on the property?	_____	_____

III. SEWAGE DISPOSAL **YES** **NO**

- 1. Are public sewers available? _____
- 2. Has the assessment for public sewers, if any, been paid? _____
- 3. Monthly rate for sewer service known? _____
- 4. Contacted the Jackson County Health Department for a permit if an individual sewage disposal system must be used? _____
- 5. Lot large enough for on-lot sewage disposal system, house and water supply system? _____
- 6. Soil capable of absorbing sewage effluent? _____
- 7. Disposal area downgrade from the home site? _____
- 8. Disposal area at least 50 feet downgrade from the well? _____
- 9. Has property been strip mined or otherwise altered by excavation or fill? _____

IV. WATER SUPPLY

- 1. Available from a public system? _____
- 2. Pressure adequate? _____
- 3. Tap fee and installation cost known? _____
- 4. Contacted the Jackson County Health Department for a permit if an individual water supply is to be used? _____
- 5. Do wells in the vicinity provide an adequate supply of water? _____
- 6. Well located at least 50 feet away from sewage disposal system and other sources of contamination? _____
- 7. Water softener, filter or other equipment needed? _____
- 8. Cost estimates for well, pump and water conditioning equipment? _____

V. OTHER UTILITIES AND SERVICES	YES	NO
1. Availability, installation costs and rates of utilities known?	_____	_____
2. Garbage collection service available?	_____	_____
3. Fire insurance rates known?	_____	_____

IV. TAXES		
1. Real estate taxes known?	_____	_____
2. Special assessments for water, sewer, streets, etc.?	_____	_____

FOR ADDITIONAL INFORMATION CONTACT:

JACKSON COUNTY PLANNING COMMISSION
200 E. Main Street, Room 205, Jackson, OH 45640
Phone (740) 286-5630

JACKSON COUNTY ENGINEER
3062 Clary Road
Jackson, OH 45640
Phone (740) 286-4139

JACKSON COUNTY HEALTH DEPARTMENT
200 E. Main Street
Jackson, OH 45640
Phone (740) 286-5094 (then dial 0 for information)