



Ohio Administrative Code Rule 1501:21-13-09 Classification of levees.

Effective: June 27, 2024

(A) For the purpose of this chapter, levees are to be divided into three classes, which will be known as class I, class II, and class III. The chief will establish a levee's appropriate classification by using the following criteria as a guideline. Such classification will be established by the chief during the review of the preliminary design report described by rule 1501:21-5-02 of the Administrative Code or during the periodic inspection described by rule 1501:21-21-01 of the Administrative Code. The chief reserves the right to reclassify any levee at any time as a result of circumstances not in existence or not known at the time said levee was initially classified.

(1) A levee shall be placed in class I when sudden failure of the levee would result in one of the following conditions.

(a) Probable loss of human life.

(b) Structural collapse of at least one residence or one commercial or industrial business.

(2) A levee shall be placed in class II when sudden failure of the levee would result in at least one of the following conditions, but loss of human life is not probable.

(a) Disruption of a public water supply or wastewater treatment facility, or other health hazards.

(b) Flooding of residential, commercial, industrial, or publicly owned structures.

(c) Flooding of high-value property.

(d) Damage or disruption to major roads including but not limited to interstate and state highways, and the only access to critical areas such as hospitals, nursing homes, or correctional facilities as determined by the chief.



(e) Damage or disruption to railroads or public utilities.

(3) A levee having a height of not more than three feet shall be placed in class III. A levee having a height of more than three feet shall be placed in class III when sudden failure of the levee would result in at least one of the following conditions, but loss of human life is not probable.

(a) Property losses including but not limited to rural buildings not otherwise described in paragraph (A) of this rule.

(b) Damage or disruption to local roads including but not limited to roads not otherwise listed as major roads in paragraph (A) of this rule.

(c) Property losses restricted mainly to the levee and to the owner's property or to rural lands.

Class III levees are exempt from the permit provisions of section 1521.06 of the Revised Code pursuant to paragraph (C) of rule 1501:21-19-01 of the Administrative Code.

(B) All pertinent information including any unusual circumstances will be considered by the chief in establishing an appropriate classification for a levee. Probable future development of the area adjacent to the levee shall be considered. However, the above criteria will in no way preclude the chief's requirement of greater safety in the interest of life, health, and property.