

**CITY OF ENGLEWOOD
IN
MONTGOMERY COUNTY, OHIO**

ORDINANCE NO: 21-14

PASSED: November 9, 2021

**AN ORDINANCE: AMENDING CHAPTER 1266, SUPPLEMENTARY
REGULATIONS, AND CHAPTER 1454, PROPERTY
MAINTENANCE CODE, OF THE ENGLEWOOD CODIFIED
ORDINANCES.**

WHEREAS, the City has enacted Chapter 1266 of the Codified Ordinances of Englewood, Supplementary Regulations; and

WHEREAS, the City has enacted Chapter 1454 of the Codified Ordinances of Englewood as its Property Maintenance Code; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to amend the Property Maintenance Code, Chapter 1454 and Supplementary Regulations, Chapter 1266, in order to better serve the public health, safety, and welfare of the citizens of the City; and

WHEREAS, the City has authority as a charter municipality to exercise all powers of local self-government.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
ENGLEWOOD, OHIO, AS FOLLOWS:**

SECTION I That Chapter 1266, Supplementary Regulations of the Englewood Codified Ordinances be amended, by the addition of words in **bold** font and the deletion of words ~~struck through~~, to read:

1266.03 Miscellaneous Supplementary Provisions

(b) Parking, Storage and Use of Recreational Vehicles, Boats, Mobile Homes, Truckers, Trailers, Automobiles and Other Vehicles.

(1) Recreational vehicles (RV).

A. No recreational vehicle shall be parked or stored in ~~a required~~ any front or side yard, nor parked nor stored closer to an abutting street than the plane of the wall of the principal structure facing the same abutting street in any zoning district unless specifically allowed by other provisions of this Zoning Code. **Recreational vehicles may be parked in the side or rear yard, provided that the RV is stored on a paved surface no closer than five (5) feet from the side property line and no closer than ten (10) feet from the rear property line.**

B. Recreational vehicles may be parked anywhere on a paved surface on residential premises for a period not to exceed forty-eight hours during loading and unloading, provided there are at least twelve hours between such events.

C. No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on any zoning lot in the City.

D. Recreational vehicles may be exempted from storage regulations above, except for required parking/storage on a paved surface, if used for everyday transportation and if no more than 20 feet long, eight feet tall, and equipped with no more than two axles and six wheels.

E. Recreational vehicles allowed to be stored on private property, apart from commercial areas designated by zoning regulations as appropriate for general RV storage, shall be limited to those associated with a principal structure on the same zoning lot, shall bear current licensure, shall be in the same ownership as one or more owners or permanent residents of the zoning lot, and shall be limited in number to two.

F. A recreational vehicle allowed to be stored on private property, shall be stored on a paved surface, the area of which shall be a rectangle extending at least one foot beyond the ground area eclipsed by the RV parked above. Transport to and from such paved surface shall not create rutted or unsightly lawn and landscaped areas.

~~G. Only minor recreational vehicles may be stored in side yards, provided there remains a minimum of ten feet between the parked RV and the side property line, and provided further that a non-metal opaque fence, at least the length of the RV being stored, is installed along any property line within 20 feet of the stored RV.~~

~~H. Recreational vehicles stored in rear yards must be at least five feet from a side property line and ten feet from a rear property line.~~

(2) Mobile homes. No person shall occupy any mobile home on any premises in any "R" or "S-PUD" District of the City, except for mobile homes located in a conditionally permitted mobile home park in an R-4 District as specified in Section 1266.01(f). The temporary parking of a mobile home on any premises for a period not exceeding forty- eight hours shall be permitted, provided that no wheels are removed, no living quarters are maintained and no business is conducted in the mobile home while so parked, and further provided that no front yard shall be occupied by such mobile home.

(3) Trucks, trailers, dumpsters, storage containers or other vehicles. The following regulations shall apply to trucks, trailers, commercial vehicles and other vehicles:

A. The repairing, rebuilding or dismantling of a vehicle or trailer in an open yard in an "R," "O" or "S-PUD" District is prohibited.

B. In an "R," "O" or "S-PUD" zoning district, the overnight parking or storage, outside a fully enclosed structure, of any major commercial vehicle or major commercial trailer is prohibited.

C. The off-street parking, storage or sale of a vehicle, trailer or similar device in an unpaved area of a front yard or required side yard is prohibited in all zoning

districts. In zones other than "R," "O" or "S-PUD," temporary parking and storage of commercial vehicles or trailers may be permitted, provided that the area used is paved, is not in a required front yard, such temporary periods do not exceed two months in a twelve month period and provided the vehicles or trailers are necessary to the use conducted on the zoning lot.

D. Vehicles which are to be displayed for sale must conform to all provisions of subsection (b) hereof, and must have been registered for not less than ninety days to a resident of the property on which the vehicle is to be displayed.

E. Utility trailers shall not be stored or parked in a front yard ~~or required side yard~~ in an "R," "O" or "S-PUD" District. Utility trailers may be parked in the side or rear yard, provided that the utility trailer is stored on a paved surface no closer than five (5) feet from the side property line and no closer than ten (10) feet from the rear property line.

F. Portable or temporary storage containers, (POD's) and dumpsters may be stored on a paved surface within an "R," "O," or "S-PUD" District, for loading and unloading purposes only, for a period of time not exceeding 10 calendar days.

SECTION II

That Chapter 1454, Property Maintenance Code, of the Englewood Codified Ordinances be amended, by the addition of words in **bold** font and the deletion of words ~~struck through~~, to read:

1454.18 PROPERTY MAINTENANCE HEARING BOARD AND APPEALS PROCEDURES.

(a) Creation. A Property Maintenance Hearing Board (Board) is hereby established.

(b) Members; Designation. The Board shall consist of three Council Members selected by the City Council.

(c) Powers, Duties, Functions, Scope of Review, Rebuttable Presumption of No Economic Waste. The City Council hereby delegates to the Board the City Council's adjudicatory power to review administrative appeals filed pursuant to Section 1454.09(d) and 1454.17(b), both of which refer to determinations made by the Housing Officer and set out in a notice of violation. The City Council further delegates to the Board the adjudicatory power to review demolition notices of violation as set forth in Section 1454.09(b). **In reviewing demolition notices of violation, the Board's consideration of economic waste shall be based solely on the condition of the exterior of the premises, fact witness testimony, and/or public records submitted into evidence. It shall not be necessary for the Board to secure an interior inspection and/or expert witness testimony to decide the**

issue of economic waste. There shall be a presumption of no economic waste if the exterior of the premises, fact witness testimony, and/or public records establish to the Board's satisfaction that demolition is an appropriate method to remediate the public nuisance. This presumption of no economic waste may be rebutted, however, by an owner and/or interested party with expert witness testimony or other evidence submitted by the owner and/or interested party to the Housing Officer and/or Board to the extent the Housing Officer and/or Board consider such evidence to be probative and persuasive and have an opportunity to cross examine the expert witness.

(d) **Rules of Procedure.** The Board is authorized to adopt all procedural rules as may be necessary or beneficial for the conduct of its hearings.

(e) **Meetings, Attendance.** The Board shall meet as necessary. A majority of Board members must be present to conduct a hearing.

(f) **Filing Period for Standard Notice of Violation and Procedure.** Any notice of appeal of a standard notice of violation must be made in writing and delivered to the Housing Officer on or before five calendar days after the date of the standard notice of violation. An appeal of a standard notice of violation may only be initiated by the owner to whom the standard notice of violation is directed, and/or the owner's attorney. Any request for an appeal must include a written statement requesting a hearing signed by the owner or by that party's attorney, a copy of the notice of violation being appealed, and a brief statement as to why the owner believes the standard notice of violation should be reversed or otherwise modified.

(g) **Parties Who May Participate in the Appeal.** Only individuals to whom a standard notice of violation or a demolition notice of violation have been addressed, or their attorneys, have the right to participate in an appeal or review before the Board.

(h) **Hearing Date.** The hearing for an appeal of a standard notice of violation shall occur not less than ten calendar days nor more than sixty calendar days after the Housing Officer's receipt of the notice of appeal. The hearing for the review of a demolition notice of violation shall occur on the date specified in the demolition notice of violation.

(i) **Public Meeting.** The hearing shall be conducted at a public meeting.

(j) **Evidentiary Hearing.** The hearing shall be an evidentiary hearing.

(k) **Decision by the Board.** Within thirty calendar days after the evidentiary hearing, the Board shall issue a written decision containing findings of fact and a

conclusion as to whether the Housing Officer's decision as set forth in a notice of violation should be affirmed, reversed, or otherwise modified in whole or in part. All decisions by the Board shall be in writing. The decision shall authorize action, by the City Manager or his or her designee, on behalf of the City, to abate the nuisance. Action by the City Manager, personally or through a designee, shall be through such legal or administrative channels as are deemed most appropriate or through use of either City or private labor to effect the necessary nuisance abatement.

(l) Any decision must be supported by at least a two-thirds vote of the Board. A copy of the decision shall be mailed, with certificate of mailing, to the last known address of the owner or interested party who participated in the hearing. It shall be the responsibility of every owner and interested party to keep the Board apprised of his or her current mailing address. For purposes of appeal pursuant to Ohio R.C. Chapter 2506, the final decision will be deemed to have been entered on the date on which the copy of the Board's decision is mailed.

(m) Thirty Day Waiting Period Prior to Demolition. If the Board affirms the findings in a demolition notice of violation, no demolition by the City shall take place sooner than thirty calendar days after the date of the Board's decision.

SECTION III All provisions of Chapters 1266 and 1454 not specifically amended herein shall remain the same.

SECTION IV It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION V That this Ordinance shall be in full force and effect at the earliest date allowed by law.

PASSED THIS 9TH DAY OF NOVEMBER , 2021.

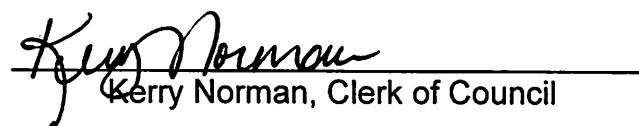

THOMAS FRANZ, MAYOR

ATTEST:


KERRY NORMAN, CLERK OF COUNCIL

C E R T I F I C A T E

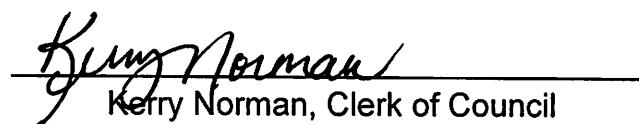
I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 9th day of November, 2021.



Kerry Norman
Kerry Norman, Clerk of Council

C E R T I F I C A T E O F P O S T I N G

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify publication of the foregoing **ORDINANCE** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Kerry Norman
Kerry Norman, Clerk of Council