

ORDINANCE NO. 018-25

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved *Tim Pheng* **Dep.** Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

AN ORDINANCE AMENDING SECTION 1806.14 OF THE CODIFIED ORDINANCES OF LIMA, OHIO, PARKING OF MOTOR VEHICLES, COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND WATERCRAFT.

PREAMBLE: The purpose and authority of and for this ordinance are set forth as follows:

WHEREAS, the Mayor has authorized legislation to amend Section 1806.14 of the Codified Ordinances of the City of Lima to establish new regulations for the parking of motor vehicles, commercial vehicles, recreational vehicles, and watercraft; and,

WHEREAS, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. The City of Lima hereby amends Section 1806.14 of the Codified Ordinances of the City of Lima, as set forth in Exhibit "A" of this Ordinance, attached hereto and incorporated by reference herein.

Section 2. Existing Section 1806.14 is hereby amended as set forth above, and any previous sections or ordinances in conflict herewith are hereby repealed.

Section 3. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were

taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 4. Council passes this Ordinance under authority of City Charter Sections 1 and 81, and Chapters 212 and 288 of the Codified Ordinances of Lima, as being a matter of local self-government and in the exercise of its constitutional Home Rule authority, and as otherwise in the best interests of the City.

Section 5. The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 6. In accordance with City Charter Section 33, and for the reasons set forth in the Preamble above, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Jamie L. Dixon, President

Approved: _____, 2025

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council

1806.14 PARKING OF MOTOR VEHICLES, COMMERCIAL VEHICLES, RECREATIONAL VEHICLES AND WATERCRAFT.

(A) For purposes of this section, the following definitions shall apply:

(1) "Motor vehicle" means those devices defined as a motor vehicles in Section 402.01 of the Codified Ordinances. Motor vehicles include, but are not limited to, "trailers" as described in Section 402.01 of the Codified Ordinances.

(2) "Commercial motor vehicle" means a motor vehicle defined as a "commercial motor vehicle" in Section 440.12(b) of the Codified Ordinances, but shall also include any motor vehicle with a gross vehicle weight rating ("GVWR") of over 10,000 pounds, except for a "recreational vehicle" as defined in Ohio R.C 4501.01.

(3) "Residential premises" mean those premises located within residentially-zoned districts in the City.

(4) "Private Garage" means a building utilized for the purpose of housing motor vehicles and in which no occupation, business or service connected in any way with motor vehicles is carried on.

(5) "Vacant lot" means a lot without any structure upon it, but shall also include a lot within residentially-zoned districts in the City containing only a private garage.

(6) "Watercraft" includes those devices defined as watercraft in Ohio R.C. 1546.01.

(7) "Recreational vehicle" includes motor vehicles defined as recreational vehicles in Ohio R.C. 4501.01 including travel trailers, motor homes, truck campers, fifth wheel trailers, and tent-type fold-out camping trailers.

(8) "Sound operating condition" means a motor vehicle, commercial motor vehicle, recreational vehicle or watercraft capable of being immediately used for its designed and intended purposes. Any motor vehicle, commercial motor vehicle, recreational vehicle or watercraft missing a tire, wheel, engine, transmission, windshield and/or door shall be presumed not to be in sound operating condition.

(B) No motor vehicle, commercial vehicle, recreational vehicle or watercraft owner or person in charge or control of any vacant lot, whether as owner, tenant, lessee, occupant, or otherwise shall allow to be parked, kept or stored on the lot any of the following:

- (1) A motor vehicle; or
- (2) A commercial motor vehicle; or
- (3) A recreational vehicle; or
- (4) A watercraft.

(C) No motor vehicle owner, commercial motor vehicle owner, recreational vehicle owner, or person in charge or control of any residential premises, whether as owner, tenant, lessee, occupant, or otherwise, shall allow to be parked, kept or stored on the exterior area of such premises any of the following:

(1) A motor vehicle which is not properly licensed for immediate use on public streets; or

(2) A motor vehicle which is not in sound operating condition; or

(3) A commercial motor vehicle; or

(4) A recreational vehicle.

(D) No watercraft owner or person in charge or control of any residential premises, whether as owner, tenant, lessee, occupant, or otherwise, shall allow to be parked, kept or stored on the exterior area of such premises any of the following:

(1) A watercraft which is not properly licensed for immediate use on the water; or

(2) A watercraft which is not in sound operating condition.

(E) The exterior parking, keeping or storage of motor vehicles, commercial motor vehicles including recreational vehicles or watercraft on residential premises that is not otherwise prohibited by this section shall also be limited to the following locations:

(1) If a driveway exists on the residential premises on which motor vehicles, commercial motor vehicles, recreational vehicles or watercraft are parked, kept or stored, then such motor vehicles, commercial motor vehicles, recreational vehicles or watercraft shall only be parked, kept or stored on the driveway. The street entrance to the driveway must be accessed by a curb cut approved by the City Engineer.

(2) If on the residential premises where motor vehicles, commercial motor vehicles, recreational vehicles or watercraft are parked, kept or stored there exists insufficient driveway space to accommodate such motor vehicles, commercial motor vehicles, recreational vehicles or watercraft, then not more than two motor vehicles and/or watercraft may be parked, kept or stored in the rear yard. Not more than one recreational vehicle or one commercial vehicle may be parked, kept or stored in the rear yard. All motor vehicles, commercial motor vehicles, recreational vehicles or watercraft shall be parked, kept, or stored upon a hard surface in compliance with standards adopted by the City Engineer no greater than 400 square feet in size, that accommodates no more than two motor vehicles and/or watercraft or one recreational vehicle or commercial motor vehicle, and that is accessible and connected via hard surface from the driveway or public right-of-way.

(3) No recreational vehicle shall have a connection attached to water, gas, electricity, portable generator or storm or sanitary sewer facilities.

(F) If the locations provided in subsection (E) hereof will not reasonably accommodate the exterior parking, keeping, or storage on any residential premises of those motor vehicles, commercial motor vehicles, recreational vehicles or watercraft that are not otherwise prohibited by this section, then the Board of Adjustment is authorized to grant an "Off-Street Parking Permit" upon application therefor and under such terms and conditions that the Board determines to be reasonable and equitable. The fee for such permit shall be as provided in Section 1290.01 of the Codified Ordinances.

(1) Prior to filing an application with the Board of Adjustment, the City Engineer shall conduct an inspection of the residential premises to determine the feasibility of the proposed, additional parking surface, and if an application is filed, provide recommendations to the Board of Adjustment. The fee for such inspection shall be as provided in Section 1070.01 of the Codified Ordinances.

(2) Upon filing an application with the Board of Adjustment, the applicant's immediate neighbors shall be given notice of the application and hearing by ordinary U.S. mail.

(3) In considering an application for an "Off-Street Parking Permit," the Board of Adjustment shall be guided by the following objectives:

A. Non-rear yard motor vehicle, commercial motor vehicle, recreational vehicle and watercraft parking, keeping, or storage should be upon hard surfaces which are in compliance with standards adopted by the City Engineer no greater than 400 square feet in size, that accommodates no more than two motor vehicles and/or watercraft, or one recreational vehicle or one commercial motor vehicle and that is accessible and connected via hard surface from the driveway or public right-of-way.

B. Only one hard surface should be permitted within the area comprising the front and side yards and such hard surface should be located no less than ten feet from any property line.

C. The interests of an applicant's immediate neighbors and the general public should be given due consideration.

(G) The exterior parking, keeping, or storage of motor vehicles, commercial motor vehicles, recreational vehicles or watercraft in non-residentially zoned districts shall be on hard surfaces in compliance with standards adopted by the City Engineer.

(1) The parking, keeping, and storage of motor vehicles, commercial motor vehicles, recreational vehicles and watercraft in non-residentially zoned districts is further limited to motor vehicles, commercial motor vehicles, recreational vehicles and watercraft in sound operating condition, and which are properly licensed for immediate use on public streets or waterways, except:

A. Motor vehicles, commercial motor vehicles, recreational vehicles or watercraft parked or stored on new or used motor vehicle, recreational vehicle or watercraft sales lots which are operable but unlicensed.

B. Licensed motor vehicles, commercial motor vehicles, recreational vehicles or watercraft parked or stored while in the temporary care of a motor vehicle, recreational vehicle or watercraft service business in compliance with the Lima Zoning Code.

C. Motor vehicles, commercial motor vehicles, recreational vehicles or watercraft parked or stored on premises operating as a junk or dismantling business in compliance with the Lima Zoning Code and Ohio law.

(H) This section shall not apply to a motor vehicle, commercial motor vehicle, recreational vehicle or watercraft under major mechanical repair or overhaul, including

body work, provided that such work is performed inside a structure which is appropriate to be used for such purposes in accordance with State or local zoning, building, fire, or other applicable codes.

(I) Upon a determination by the Code Official that any subsection hereof is being violated, the Code Official shall cause a written notice to be served upon the owner, lessee, agent, tenant, occupant or person having control of such premises or vacant lot, and/or the registered owner of the motor vehicle, commercial motor vehicle, recreational vehicle or watercraft, as the violator(s), notifying such person(s) that the offending motor vehicle, commercial motor vehicle, recreational vehicle or watercraft must be relocated to an area in compliance with these provisions within ten days after service of such notice. Such written notice shall contain:

- (1) The name of the violator.
 - (2) The property address at which the motor vehicle, commercial motor vehicle, recreational vehicle or watercraft is located.
 - (3) The make and model of the motor vehicle, commercial motor vehicle, recreational vehicle or watercraft, if available.
 - (4) The license plate number, if any.
 - (5) The motor vehicle, commercial motor vehicle, recreational vehicle or watercraft identification number (VIN), if available.
 - (6) A description of the condition of said motor vehicle, commercial motor vehicle, recreational vehicle or watercraft.
 - (7) A statement to the effect that the person in charge or in control of the premises or vacant lot upon which such motor vehicle, recreational vehicle or watercraft is located and the titled owner of such motor vehicle, recreational vehicle or watercraft are jointly and severally liable for all costs incurred by the City for the removal, storage and disposal of such motor vehicle, commercial motor vehicle, recreational vehicle or watercraft, plus an administrative fee in the amount set forth in Section 1804.38.
 - (8) A notice of any right to appeal.
- (J) Such written notice shall be served in the manner prescribed by Section 1804.31.
- (K) If the owner, lessee, agent or person having charge of the premises or the vacant lot, or the registered owner of the motor vehicle or watercraft, served with the notice, fails to remove such motor vehicle, commercial motor vehicle, recreational vehicle or watercraft as required herein, the Code Official is authorized to remove and impound any such motor vehicle, recreational vehicle or watercraft remaining at any place within the City in violation of this section. Such motor vehicle, recreational vehicle or watercraft shall be impounded until lawfully claimed or disposed of. Upon impounding of a motor vehicle, recreational vehicle or watercraft a photograph shall be taken of the same.

(L) All expenses related to the removal and impoundment of such motor vehicle, commercial motor vehicle, recreational vehicle or watercraft by the City shall be paid out of funds appropriated by Council upon vouchers approved by the Mayor. The expenses shall consist of the following:

(1) All direct costs for the removal and impoundment of the motor vehicle, commercial motor vehicle recreational vehicle or watercraft; plus

(2) The costs for preparing and serving all notices; plus

(3) An administrative fee in the amount set forth in Section 1804.38.

(M) In the event that the owner or other person in charge or control of such premises, vacant lot, and/or the title owner of said motor vehicle, commercial motor vehicle, recreational vehicle or watercraft, fails to pay such expenses within thirty days after being notified in writing, by regular U.S. mail, of the amount thereof by the Code Official, the expenses set forth in subsection (L) hereof may be collected using one or more of the following methods, provided that the expenses may only be collected once:

(1) Such expenses may be certified by Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment and thereupon shall be collected as other taxes and assessments; or

(2) The Director of Law is authorized to bring suit and take other necessary legal action to collect all such expenses.

(N) The owner, lessee, agent, tenant or person otherwise having charge or control of such premises or vacant lot, and the titled owner of such motor vehicle, commercial motor vehicle, recreational vehicle or watercraft, are jointly and severally liable for all expenses incurred by the City as set forth in subsection (L) hereof.

(O) The movement of a motor vehicle, commercial motor vehicle, recreational vehicle or watercraft in violation of this section to any other location within the City limits that does not abate the violation under this section shall not constitute compliance with this section.

(P) Any person who has received notice to remove a motor vehicle, commercial motor vehicle, recreational vehicle or watercraft under this section may appeal to the Board of Building Appeals. An appeal must be filed within ten days after service of the notice, excluding Saturdays, Sundays and holidays. The scope of the appeal shall be limited to: 1) determining whether the person requesting such appeal is in charge or in control of the real property involved or is the registered owner of the motor vehicle, commercial motor vehicle, recreational vehicle or watercraft involved and 2) whether the parking, keeping or storage of the motor vehicle, commercial motor vehicle, recreational vehicle or watercraft involved is in violation of this section. At such appeal, the appellant must appear in person, and the City and the appellant may introduce such witnesses and evidence as each party deems necessary. The appeal provision provided herein shall be the exclusive method of appeal of notices of violations of this section, notwithstanding the method of appeal set forth in Section 1804.33.

(Q) The remedies provided in this section shall be in addition to the remedies available in Section 1804.28 and the penalty provided in Section 1804.99.