

Introduced by Gilken Councilor

Seconded by Dixon Councilor

Form Approved [Signature] 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

ORDINANCE NO. 224-22

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON	✓					
WILKERSON	✓					
THOMPSON	✓					
EHORA	-					
DIXON	✓					
GLENN	✓					
NEEPER	✓					
NIXON	✓					
TOTAL	7	0				

AN ORDINANCE ENACTING CHAPTER 1830 OF THE CODIFIED ORDINANCES OF LIMA REGARDING PORTABLE ON DEMAND STORAGE UNITS.

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

WHEREAS, legislation has been authorized to enact Chapter 1830 of the Codified Ordinances of the City of Lima, regarding Portable On Demand Storage Units; and,

WHEREAS, Council finds this ordinance to be authorized and passed under authority of the City’s Charter and its constitutional home rule authority as being in the best interests of the City; and,

WHEREAS, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein, 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 shall take effect immediately upon its passage; 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. Chapter 1830 of the Codified Ordinances of Lima, Ohio, is hereby enacted as follows:

CHAPTER 1830 PORTABLE ON DEMAND STORAGE UNITS.

1830.01 Definitions

- (A) A “Portable On Demand Storage Unit” (PODS) shall be defined as follows:
 - (1) A portable container that is placed on a property for the purposes of storing, loading, unloading furniture, clothing or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial

storage location, or on-site storage in the aftermath of a property being affected by a natural disaster, fire or other destructive act.

- (2) PODS shall be no larger than 8'x8'x20', and 160 square feet in area.
- (B) An "Improved Surface" shall be defined as follows:
 - (1) A surface area providing a stable base in an area not subject to water run-off and/or flooding.

1830.02 Permit Required

No person shall install, deposit, park or leave any POD or similar devices on any property within the city without first obtaining a permit from the building department. A permit fee of \$60.00 is required, with the option to purchase a 15-day extension for \$20.00. The permit shall be for a time period not to exceed 30 days during which time the unit may be kept on the property. The 30 days will include loading and unloading time. No more than two permits may be issued for any lot or parcel of property in any 12-month period, unless a change in resident(s) occurs. Proof of lease or sale of the property must be presented to show the change in resident(s). If the person elects to move the POD to an off-site storage facility, the loading period shall not exceed 30 days. An additional permit will be required if the POD is not returned, unloaded within 30 days, within 12 months of the permit date.

1830.03 Placement

- (A) PODS shall be permitted on the following types of occupied properties primarily used for residential purposes:
 - (1) Single Family Detached Dwellings
 - (2) Single Family Semi-Detached Dwellings (duplexes)
 - (3) Single Family Attached Dwellings (townhomes)
- (B) PODS shall be prohibited from being placed on an unpaved area or in the front yard of a property, without the prior written approval of the permitting official (building official or code enforcement officer)
- (C) Where possible, the POD unit shall be placed on an improved surface to the rear or side of the principle structure.
- (D) POD units shall be located at least three (3) feet from any property line, space permitting; and must comply with Setback and Location regulations for Accessory Uses, Buildings, and Structures listed in Ordinance Sections, and/ or a location approved by the Zoning Administrator.
- (E) In no event shall PODS be placed in the street or on any public sidewalk or right-of-way. No POD can obstruct or diminish sight triangle (i.e. Visibility from parking areas and access drives). The POD cannot block or obstruct any required exits, parking spaces, and/or any driveways used for access to multiple family dwelling units or emergency access; unless a barricade permit has also been obtained.
- (F) In the event that the only practical location for the placement of the POD is in the street, or on a public sidewalk or right-of-way, then in such event, the proposed placement of the POD must be reviewed and approved by the permitting official to assure that the said placement does not jeopardize the public's health and safety.

- (G) In the event that the POD is approved for placement in the street, then in no event shall it be approved to remain there for more than thirty (30) days (forty-five (45) with approved extension), and will not be approved for placement on narrow streets.

1830.04 Number of Permitted PODS

Only two (2) PODS may be placed on a residential property at any given time, subject to the exceptions below for natural disasters.

1830.05 Use during Natural Disaster/Fire/Other Damaging Event

- (A) When the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more POD unites may be used for on-site storage.
- (B) The authorization for such use shall be dependent upon the issuance of a building permit for the reconstruction / repair of the principal structure(s) on the property and shall expire upon the issuance of a Certificate of Occupancy for the principle structure(s) or twelve (12) months from the date of the event that caused damage to the structure, whichever first occurs.
- (C) For good cause shown, and to recognize extenuating circumstances, the permitting official may extend the authorization for as much as an additional twelve (12)-month period or until a Certificate of Occupancy is issued, whichever occurs first.

1830.06 Other Prohibitions

- (A) Advertising Prohibited: Advertising is prohibited on a POD unit, with the exception of branding of the unit's provider, which shall be required.
- (B) Hazard Materials Prohibited: The use of the POD shall be maintained in good condition and repair, and shall not have holes, breaks, tears, or large areas of rust on the exterior of the POD. The area around the POD shall be kept free of debris and litter, and shall be in strict compliance with the provisions of the city's property maintenance code
- (C) Use Limited to Property: A POD shall only be used to contain and store items and material generated at the location where the POD is placed for the residential property being serviced. In no event shall debris and /or material generated off-site be deposited or stored in any POD.
 - (1) During remodeling, renovation or other construction, the POD may be used to store on-site tools and materials to be used, provided an active building permit has been issued for the property. The POD must be removed upon completion or cessation of construction, or by the permit deadline, whichever is earliest.
- (D) Solid waste, recyclable materials, business inventory, refuse, and /or construction or demolition debris cannot be stored in, against, or on or under any POD. Containment and/or storage of combustible, flammable, or other hazardous materials within a POD is strictly prohibited.
- (E) No POD can be used to store commercial goods (i.e. used for retail sales), good for property other than that of the residential property where the POD is located.

- (F) The POD cannot be stacked vertically or upon any other structure.
- (G) The POD cannot be used for vegetative, human, and/or animal shelter or habitation.
- (H) NO POD can be used for the storage or repair of motorized vehicles of any type.

1830.99 Violations

- (A) Any person who violates any of the provisions of this chapter shall be subject to a fine in an amount not to exceed One Hundred Fifty Dollars (\$150.00) for each day that the violation continues.
- (B) In addition to the fine, a person who is found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the City if the City abates the problem.
- (C) All fines and costs incurred by the City in the abatement shall constitute a lien on the subject property

Section 2. Chapter 1830 of the Codified Ordinances of the City of Lima is hereby enacted as set forth above. It is effective as set forth in Section 6 below, and shall apply to all PODS present within the City as of the effective date of this Ordinance as well as prospectively from and after the effective date of this Ordinance.

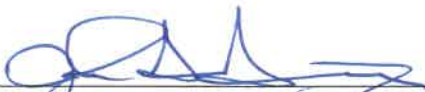
Section 3. The Auditor is authorized to take any action and to account for the activity authorized herein, as is appropriate under the circumstances of this ordinance and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in this ordinance; determine the correct legal description for any real property at issue in this ordinance; correct any error in any exhibit to this ordinance; correct any clear scrivener error in this ordinance and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

Section 4. 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 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. 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: Oct. 10, 2022



John Nixon, President

Approved: Oct. 10, 2022



Sharetta T. Smith, Mayor

ATTEST: Dana Addis
Dana Addis, Clerk of Council