

**ORDINANCE NO. 2013-05**

**AN ORDINANCE CREATING CODIFIED ORDINANCE §1449 PORTABLE STRUCTURES AND DECLARING AN EMERGENCY**

**WHEREAS**, it is necessary from time to time to adopt new ordinances and amend existing ordinances, and;

**WHEREAS**, portable non-residential structures and portable storage units are more prevalent in residential neighborhoods, including the Village of Mount Sterling

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MOUNT STERLING, MADISON COUNTY, OHIO**

**SECTION I:** Section 1449 Portable Structures, is hereby adopted to read as follows:

**1449.01 CONSTRUCTION DUMPSTERS**

- (a) Definition. Portable construction dumpster is defines as any dumpster brought into the Village of Mount Sterling for the purpose of loading litter, rubbish trash, construction materials, yard waste or other similar materials and then removing such debris from the site.
- (b) Use. The use of construction dumpsters or other similar units within the Village shall be permitted in any zoning district only for the purpose of loading litter, rubbish, trash, construction materials, yard waste, or other similar materials with the intent of removing such debris from the location.
- (c) Location and Length of Stay. Construction dumpsters or other similar units shall be parked on property for a period not to exceed 30 days, shall not be parked on public right-of-way, and shall be located on an asphalt or concrete surface.
- (d) Permit. A Temporary Use Permit is required when using a construction dumpster in the Village. If a dumpster is discovered by the Village Administrator or his designee which has not been issued a permit, the Village Administrator or his designee shall issue a Temporary Use Permit that will expire in 30 days. After 30 days, the property owner must submit an application to the Planning and Zoning commission if additional time is desired. If the application is approved, the Planning and Zoning commission shall instruct the Clerk to issue a Permit that shall not exceed an additional 30 days for the location of a dumpster in the Village.

**1449.02PORTABLE NON-RESIDENTIAL STRUCTURES**

- (a) Definition. Portable non-residential structure is defined as any building or other structure designed for occupation or sale of goods, which is not placed on a permanent foundation.
- (b) Use. Portable non-residential structures shall not be permitted in the Village except as provided for in this Section.

**1449.03PORTABLE RESIDENTIAL STRUCTURE**

- (a) Definition. Portable residential structure is any mobile home, trailer or similar portable residential structure.
- (b) No portable residential structure shall be permitted in any district in the Village except for camping and traveling trailers as specified in Section 1448.

#### **1449.04 PORTABLE STORAGE UNIT**

- (a) Definition. Portable storage unit is defined as any portable structure or unit intended to be used on a temporary basis for the loading of materials out of a location within the Village of Mount Sterling and then moved or removed to another location or the unloading of materials into a location with the Village of Mount Sterling in which the portable structure was brought. (Portable storage units are often referred to as PODS, Portable on Demand storage.)
- (b) Use. The use of portable storage structures or other similar units within the Village shall be permitted in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building.
- (c) Location and Length of Stay. Portable storage units shall be parked on property for a period not to exceed 30 consecutive days. Shall not be parked on public right-of-way, and shall be located on an asphalt or concrete surface. The Village Administrator or his designee shall issue a Permit for the location of the Portable Storage Unit in the Village abiding by the aforementioned conditions.
- (d) Permit. A Temporary Use Permit is required when using a portable storage unit in the Village. If a portable storage unit is discovered by the Village Administrator or his designee which has not been issued a permit, the Village Administrator or his designee shall issue a Temporary Use Permit which will expire in 30 days. After 30 days, the property owner must submit an application to the Planning and Zoning commission if additional time is desired. If the application is approved the Planning and Zoning Commission shall instruct the Clerk to issue a Permit that shall not exceed an additional 15 days for the location of a portable storage unit in the Village.

#### **1449.05 TEMPORARY PORTABLE SANITARY FACILITY**

- (a) Definition/Portable sanitary facility is defined as any sanitary facility that is portable, enclosed, and consisting of a chemically treated, tank-tight unit designed to be used as a toilet facility. (A temporary portable sanitary facility is often called a porta-potty.)
- (b) Use. No temporary portable sanitary facility shall be permitted on any residential property in the Village. The use of a temporary portable sanitary facility shall be permitted on non-residential property as described in this ordinance.
- (c) Location and length of Stay. Portable sanitary facilities shall be located on non-residential property for a period not the exceed 90 consecutive days, shall not be located on public right-of-way, and shall be located no fewer than 75 feet from the property line. The Village Administrator or his designee shall issue a Permit for the location of the portable Sanitary Facility in the Village abiding by the aforementioned conditions.

- (d) Permit. A Temporary Use Permit is required when using a portable sanitary facility in the Village. If a portable sanitary facility unit is discovered, the Village Administrator or his designee will determine if the unit is on residential property and must be removed or non-residential property and is permitted. If the facility can be lawfully located in the Village and has not been issued a permit the Village Administrator or his designee shall issue a Temporary Use Permit that will expire in 90 days. After 90 days, the property owner must submit an application to the Planning and Zoning commission if additional time is desired. If the application is approved, the Planning and Zoning commission shall instruct the Clerk to issue a Permit that shall not exceed an additional 90 days for the location of a portable sanitary facility in the Village.

**SECTION II:** The Village of Mount Sterling shall create a Temporary Use Permit that the Village Administrator or his designee can use to approve the location and length of stay for the portable structures that are permitted in the Village in accordance with this ordinance.

**SECTION III:** The Village Mayor and/or the Village Administrator or his designee and/or the Law Director are authorized to take further actions consistent with this Ordinance that are needed to carry out the intentions of the Ordinance for the permission and regulation of portable structures within the Village.

**SECTION IV:** All prior ordinances(s) or resolution(s) or any part thereof, which is (are) inconsistent with this ordinance is (are) hereby repealed as to the inconsistent part(s) thereof and the remainder of said ordinance(s) or resolution(s) not inconsistent with this ordinance shall remain in full force and effect.

**SECTION V:** That the Clerk of Council, pursuant to O.R.C, §731.24, shall cause to be published in a manner required by law, this Ordinance.

**SECTION VI:** This Ordinance is hereby declared an emergency measure and is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the Village of Mount Sterling. The emergency existing is the continued sound fiscal management of the Village of Mount Sterling, control of rodents and insects within the boundaries of the Village of Mount Sterling, and to provide a safe and secure environment for the citizens of the Village of Mount Sterling which is ascetically pleasing. This ordinance shall be in full force and effect upon the passage and signing by the Mayor.

PASSED:

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

Submitted to Mayor: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

\_\_\_\_\_  
Mark J. Pitstick, Law Director  
Approved as to Form

I, \_\_\_\_\_, the Clerk of Council, hereby certifies that Ordinance 2013-\_\_\_\_ was published in \_\_\_\_\_ Newspaper for once a week for two consecutive weeks beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and ending on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. See Attached Sworn Affidavit of Posting by the Newspaper. Further, I certify that a complete copy of the Ordinance was posted in the lobby of Village Hall.

\_\_\_\_\_  
Clerk of Council