

ORDINANCE NO. 018-2024

AMENDING SECTION 903.31 TITLED "PARKING PROHIBITED ON FRONT LANDSCAPED AREAS "OF THE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the current language in Section 903.31 prohibits parking on landscaped areas in specific districts; and

WHEREAS the suggested amendment will, prohibit parking on front landscaped areas in all districts, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Section 903.31 Parking Prohibited on Front Landscaped Areas is hereby amended to read as follows:

903.31 PARKING PROHIBITED ON FRONT LANDSCAPED AREAS.

In any ~~LCD, OD, GCD, I-1 or I-2~~ District, no vehicle shall be parked, nor any merchandise displayed for sale, upon any landscaped or unpaved area between the curb line and front building line, or curb line to the paved parking area when such paved parking area exists.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 019-2024

Amended 04-16-2024

AMENDING SECTION 1109.04-TITLED "COMMUNITY GARDENS AND URBAN AGRICULTURE"OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were found to be redundant or in conflict with other sections of the code and need to be modified; and

WHEREAS, the city has at least two beekeepers, and we have never had any complaints or issues. Honeybees are pollinators beneficial to our environment and food production. Honeybee and wild bee populations are declining in numbers, so keeping bees can be a way to help ensure the presence of pollinators in the future; and

WHEREAS, birds and fowl are already regulated under 505.01, 505.03, 505.08, 505.12, 505.18, 505.23; and

WHEREAS, the proposed modifications are necessary to maintain consistency in the City of Whitehall Codified Code; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case 879), which reported a () recommendation on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Section 1109.04 Community Gardens and Urban Agriculture is hereby amended to read as follows:

1109.04 COMMUNITY GARDENS AND URBAN AGRICULTURE.

(a) Applicability.

(1) Community gardens and urban agriculture are permitted as a primary or an accessory use in all zoning districts, subject to approval of a zoning permit per Title Six - Administration and Procedures.

(2) Where the operator of an urban agriculture site or community garden is not the property owner, written permission from the property owner shall be required before gardening or agricultural activities may commence.

(b) Operator Contact Information Required.

(1) In addition to any other applicable information required as part of a permit per Title Six - Administration and Procedures, permit applications for community gardens or urban agriculture shall include contact information for the organization or individuals responsible for maintenance of the use, including names, mailing addresses, emailing addresses, and telephone numbers.

(2) Should the contact information be changed for an operator of a community garden or urban agriculture, the operator must file an updated contact list with the City on a form made available by the City Administrator.

(c) Permitted Activities That Require a Zoning Permit. The following activities shall be permitted as part of an approved urban agriculture site or community garden for agricultural, floricultural, or horticultural commodities:

(1) Cultivation, growing, and harvesting, including the operation of greenhouses, hoop houses, cold frames, and similar structures.

(2) Operating farm stands.

(d) Permitted Activities That Do Not Require a Zoning Permit. The following activities typically associated with community gardens and urban agriculture do not require a zoning permit to operate on private property:

(1) Composting in compost bins.

(2) Keeping hens.

(3) Beekeeping.

ORDINANCE NO. 019-2024

Amended 04-16-2024

~~(e) Prohibited Fowl. All fowl except for hens are prohibited from being kept. Such prohibited fowl include but are not limited to:~~

- ~~— (1) Roosters.~~
- ~~— (2) Quail.~~
- ~~— (3) Geese.~~
- ~~— (4) Turkeys.~~
- ~~— (5) Ducks.~~
- ~~— (6) Ostriches.~~

(f) Keeping of Hens.

- (1) The keeping of hens shall not be permitted as the primary use of an urban agricultural site or community garden.
- (2) Hens shall have access to an outdoor coop or enclosure adequately fenced or otherwise bound to contain the birds on the property and to prevent access by dogs and other predators. Such coop and enclosure shall provide at least ten (10) square feet of area for each bird.
- (3) The coop, the enclosure, and other spaces where hens graze shall not be in a side yard or a front yard.
- (4) Not more than six (6) hens per lot are permitted.
- (5) Roosters are not permitted under any circumstances.
- (6) On-site slaughtering of hens is prohibited.
- (7) The coop, the enclosure, and any other constructed elements and reserved space for hens shall not exceed eight (8) feet in height, shall not occupy more than twenty-five percent (25%) of a rear yard, and shall not be closer than five (5) feet from any lot line.

~~(g) Beekeeping and Apiaries.~~

- ~~— (1) Enclosures and apiaries associated with beekeeping shall not be closer than forty (40) feet from any lot line.~~
- ~~— (2) Any lot smaller than two (2) acres shall not exceed two (2) hives or enclosures for beekeeping.~~
- ~~— (3) Individual hives or enclosures shall not exceed five (5) feet in height and twenty (20) cubic feet in size on any lot.~~

(h) Farm Stands.

- (1) Farm stands shall be permitted as accessory to a community garden or urban agriculture site, but they may only sell products harvested from the subject property.
- (2) Up to one (1) farm stand per lot shall be permitted.
- (3) Farm stands shall only operate between the hours of 8:00 a.m. and 8:00 p.m.
- (4) If the farm stand is a permanent structure, it must adhere to the applicable accessory structure standards of this Code.
- (5) Tables, chairs, or any other equipment associated with a farm stand must be stored away from view when the farm stand is not operating.

(i) On-site Composting.

- (1) On-site composting shall not be permitted as the primary use of an urban agricultural site or community garden and may not occupy more than twenty percent (20%) of the property.
- (2) Bins and materials associated with composting shall not be closer than fifteen (15) feet from any lot line.
- (3) Materials that will or are being composted shall be stored in a manner that is not visible from adjacent residential properties.
- (4) Where there is found to be an insect or rodent infestation, the composting activity shall discontinue, and composting equipment shall be removed until thirty (30) days after the insect or rodent infestation is addressed and removed.

(j) Fencing. Fencing shall comply with the applicable regulations of Article **1114** - Fences, Walls, and Screening.

(k) Agricultural Structure and Site Design Requirements.

- (1) All agricultural structures over 200 square feet shall require a building permit.
- (2) Where a parcel contains no dwelling or other principal structure, any agricultural structures other than fences shall be deemed accessory to the community garden or urban agriculture use.
- (3) Where an urban agriculture site or community garden is the primary use of a property, any structures on the lot shall be used only for agricultural purposes.

ORDINANCE NO. 019-2024

Amended 04-16-2024

(4) Any agricultural structures that are abandoned, or all structures associated with an urban agriculture site or community garden that ceases to operate, shall be removed within sixty (60) days of abandonment or discontinuance of the use.

(5) In residential districts, structures associated with an urban agriculture site or community garden shall only be in the rear yard of the subject property. Where the subject property is not improved with a dwelling or other approved principal structure, the rear yard shall be identified and assigned by the City Administrator based on the average location of rear yards for improved properties on either side of the subject property.

(6) Permitted agricultural structures include greenhouses, hoop houses, cold frames, and similar structures for the growing of plants.

(7) Permitted site design elements include open space for active and passive recreation including children's play areas.

(8) Permitted accessory structures include sheds, gazebos, pavilions, and similar structures.

(I) Maintenance.

(1) The property shall be maintained in an orderly manner, free of excessive weeds, debris, vermin, or standing water.

(2) Any citations for enforcement action against a property with an urban agriculture site or community garden shall be issued to the listed operators of the property.

(Ord. 081-2023. Passed 10-3-23.)

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 020-2024

Amended 04-16-2024

AMENDING CHAPTER 1113 TITLED "LANDSCAPING" CODE OF THE CITY OF WHITEHALL, CODIFIED ORDINANCES BY IMPLEMENTING A LANDSCAPE MAINTENANCE REQUIREMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, this addition is needed in order to maintain and preserve the appearance of our city; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case 880), which reported a () recommendation on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 1113.06 of the Landscape Maintenance will be enacted to read as follows:

1113.06 LANDSCAPE MAINTENANCE

Landscape materials shall be maintained in a neat and orderly manner.

(a) Maintenance and Installation. All landscaping materials shall be installed in a sound and competent manner, according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, including but not limited to grass, ground cover, trees, shrubs and tree lawn plantings along property frontage, and shall keep them in a proper, healthy, neat and orderly appearance, free of refuse and debris at all times.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

Requested by: Casey Thomas, Director of Public Service
Prepared by: Walt Sural, Code Enforcement
Approved as to form: Brad Nicodemus, City Attorney BSN 3/25/2024

ORDINANCE NO. 022-2024

Amended 04-16-2024

AMENDING CHAPTER 1115 TITLED "OUTDOOR LIGHTING" CODE OF THE CITY OF WHITEHALL, CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, the proposed additions are necessary for the preservation of public health, peace, safety, and welfare; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case 881), which reported a () recommendation on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 1115.03 of the Outdoor Lighting will be enacted to read as follows:

1115.03 OUTDOOR LIGHTING.

In any use district where outdoor lighting is provided, such lighting shall be arranged so as to reflect away from adjoining properties and any public street or highway.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 023-2024

Amended 04-16-2024

AMENDING CHAPTER 1111-TITLED "PARKING, LOADING AND DRIVE THRU" OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall updated the Planning and Zoning section of the Whitehall Codified Code in October of 2023; and

WHEREAS, sections of the Planning and Zoning Code were unintentionally removed and need to be reinstated; and

WHEREAS, the proposed additions are necessary for the preservation of the public health, peace, safety and welfare; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case 882), which reported a () recommendation on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: 1111.15 Portable Storage Units will be enacted to read as follows:

1111.15 PORTABLE STORAGE UNITS.

(a) For the purpose of this section, "portable storage unit" shall mean any portable enclosed unit of durable construction or material, not to exceed eight feet wide by eight feet tall by sixteen feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

(b) Portable storage units may be permitted as a temporary use in any zoning district within the City as follows:

(1) Temporary use or construction sites as provided in Section 1111.14 B 3; or

2) When the occupant of a property is relocating, a portable storage unit shall be located on a paved surface on the property for a period not to exceed seven consecutive days or fourteen total days in any 180-day period; or

(3) When necessary to facilitate general temporary uses not described above, a portable storage unit shall be located on a paved surface on the property for a period not to exceed seven consecutive days or fourteen total days in any 180-day period;

(4) The placement of any Portable Storage Unit shall be in such a manner as not to create a public nuisance nor obstruct nor hinder public or private traffic.

(c) Any use permitted in this section except for those uses under Section 1111.15(b) (1) shall require a permit to be issued by the City Building Department. This permit fee shall be fifteen dollars (\$15.00) and the permit shall be good for seven consecutive days or fourteen total days in any 180-day period.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

ORDINANCE NO. 023-2024

Amended 04-16-2024

APPROVED this ____ day of _____, 2024. _____
Mayor

Requested by: Casey Thomas, Director of Public Service
Prepared by: Walt Sural, Code Enforcement
Approved as to form: Brad Nicodemus, City Attorney BSN 3/25/2024

RESOLUTION NO. 010-2024

A RESOLUTION DECLARING APRIL 14 - 20, 2024 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK AND DECLARING AN EMERGENCY.

WHEREAS, emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of law enforcement officers, firefighters, and EMS providers is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our law enforcement officers, firefighters, and EMS providers is dependent upon the quality and accuracy of information obtained from citizens who contact the *Whitehall Division of Police Dispatch Center*; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our law enforcement officers, firefighters, and EMS providers by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators are critical in improving the chance of survival for patients who experience sudden cardiac arrest by recognizing the need for cardiopulmonary resuscitation and other lifesaving interventions prior to arrival of EMS; and

WHEREAS, Public Safety Telecommunicators of the *Whitehall Division of Police Dispatch Center* have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each telecommunicator has exhibited compassion, understanding, and professionalism during the performance of their job in the past year; NOW, THEREFORE,

BE IT RESOLVED that the City of Whitehall, Ohio:

SECTION 1: That the City of Whitehall declares the week of April 14 - 20, 2024 to be National Public Safety Telecommunicators Week in honor of the individuals whose diligence and professionalism keep our community and citizens safe.

SECTION 2: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare; WHEREFORE, This Resolution shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

Requested and Prepared by: Mike Crispen, Chief of Police
Approved as to form: Kylie Keitch, Assistant City Attorney KK 04-12-2024

RESOLUTION NO. 011-2024

A RESOLUTION AUTHORIZING THE ADOPTION OF THE OFFICIAL FLAG FOR THE CITY OF WHITEHALL AND DECLARING AND EMERGENCY.

WHEREAS, the City of Whitehall has rebranded as the City of Opportunity;

WHEREAS, the City of Whitehall has updated the design of the official City flag;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the City of Whitehall does hereby adopt its official flag as attached in exhibit A.

SECTION 2: That the Clerk of Council is hereby authorized to send copies of this Resolution to the Secretary of the State of Ohio and the Ohio Development Department.

SECTION 3: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare, and for the reasons stated in the preamble and for the further reason in order to make arrangements to have reproductions available immediately; WHEREFORE, This Resolution shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

RESOLUTION NO. 011-2024

EXHIBIT A

