

**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.

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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 (FAVORABLE) 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.

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~~(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.

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(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.

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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 (FAVORABLE) 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

**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.

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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 (FAVORABLE) 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.

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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 (FAVORABLE) 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:

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Clerk of Council

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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

**ORDINANCE NO. 031-2024**

MAKING UPDATES TO PART 11 – PLANNING AND ZONING CODE, TITLE 1 THROUGH TITLE 15, OF THE WHITEHALL CODIFIED CODE, TO REPLACE ALL INSTANCES OF “CITY ADMINISTRATOR” TO “DIRECTOR OF PUBLIC SERVICE” AS OUTLINED IN EXHIBIT A.

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WHEREAS, the City of Whitehall began an update of the Planning and Zoning sections of the Whitehall Codified Code and was the updated in 2023; and

WHEREAS, since that time minor updates to the Planning and Zoning Code have become warranted to further clarify the new code as amended; and

WHEREAS, in January the personnel table was updated to remove the position of City Administrator and reinstate the position of Director of Public service; and

WHEREAS, Part 11, Title 1 through Title 15, all instances of “City Administrator” will be replaced with “Director of Public Service” as reflected in Exhibit A; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case 883), which reported a (FAVORABLE) 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: That Part 11, Title 1 through Title 15 will be replaced as reflected in Exhibit A:

SECTION 2: This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024

ATTEST:

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

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor



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**City of Whitehall**

# Zoning Code

**2023**



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# **Title One**

Introduction  
and Using this  
Ordinance

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# 1101

## Code Introduction

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#### 1101.01: Title

- A. This Code shall hereinafter be known and cited as "The City of Whitehall Planning and Zoning Code," and hereinafter referred to as the/this "Code" or "these regulations".

5. Ensure adequate space for commercial, industrial, residential, and civic uses and activities, and facilitate harmonious and complementary interaction between these activities.
6. Promote equal opportunity to realize the benefits of living in the City of Whitehall.

#### 1101.02: Adoption and Effective Date

- A. This Zoning Code is made a part of Ordinance INSERT ORDINANCE, and shall become effective from and after the date of its approval and adoption (INSERT DATE).

#### B. Comprehensive plan.

1. A Comprehensive Plan ("Plan") sets out community objectives pertaining to land use and acts as a policy guide for City zoning regulations.
2. The Code should be updated in accordance with periodic updates to the Plan to effectively reflect the Plan and community objectives.

#### 1101.03: Purpose and Intent

- A. The application of this Zoning Code aims to achieve the following objectives:
1. Achieve the land use goals set out in the City's Comprehensive Plan and other adopted long-range plans.
  2. Accommodate growth and foster vibrancy and resiliency for residents, businesses, and institutions, and organizations.
  3. Conserve and enhance the City's environment.
  4. Conserve property values throughout Whitehall.

#### 1101.04: Applicability

- A. When interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. This Zoning Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of laws or ordinances or any rules or regulations previously adopted or issued, or which shall be adopted or issued pursuant to law regulating the use of buildings or premises. However, where this Zoning Code imposes a greater restriction upon the use of buildings or premises

## 1101.05

### Invalidity/Severability

or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations, the provisions of this Zoning Code shall control.

- B. In the case of any conflict or inconsistency between two or more provisions of this Code (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a base district) or any other City, State, or Federal ordinance, regulation, or standard, the provision which imposes the greater or higher or more restrictive standard shall control.
- C. Except as shall be expressly provided for in this Code, the adoption of this Code shall not:
1. Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision code.
  2. Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or subdivision code.
  3. Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or subdivision code.
  4. Waive any right of the City under any section or provision of any prior zoning code or subdivision code.
  5. Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the City under, or by virtue of, any prior zoning code or subdivision code.

## 1101.05: Invalidity/Severability

- A. **Invalidity.** If for any reason any one or more articles, sections, sentences, clauses, or parts of this Zoning Code are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Zoning Code but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Zoning Code held invalid.
- B. **Severability.** The invalidity of any section, sentence, clauses, or parts of this Zoning Code in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Code in any other instance.

## CODE INTRODUCTION

## 1101.06: Districts and Map

- A. The City is divided into districts as shown on the Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Code.
- B. The Zoning Map shall be located in the office of the Service Department of Whitehall, and on the City's official website, and this map shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.
- C. No changes of any nature shall be made in the Zoning Map or matter shown thereon except in accordance with the procedures set forth in Title Six - Administration and Procedures of this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under this Code.
- D. The following districts are hereby established for the corporate limits of the City of Whitehall, and land within said areas shall be designated on the Zoning Map by the following symbols:

TABLE 1101.06 ZONING MAP DESIGNATIONS

DISTRICT OR OVERLAY NAME	SYMBOL
Single- and Two-Unit Residential District	(STUR)
Multi-Unit Residential District	(MUR)
Broad Street District	(BRD)
Main Street District	(MAIN)
South Hamilton District	(SH)
Yearling Road District	(YEAR)
Community Crossroads District	(CCD)
Military/Office District	(MILO)
Industrial District	(INDD)
Planned Unit Development	(PUD)
Floodplain Overlay	(FP)

## CODE INTRODUCTION

## 1101.07

### Rules for Interpreting District Boundaries on Zoning Map

#### 1101.07: Rules for Interpreting District Boundaries on Zoning Map

- A. **Unclear district boundaries.** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the Zoning Districts Map, the provisions within this Section shall apply.
- B. **Where boundaries approximately follow streets, alleys, or highways.** Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- C. **Where boundaries parallel street right-of-way lines, alley lines, or highway rights-of-way.** Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Map.
- D. **Boundaries following lot lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- E. **Vacation of public rights-of-way.** Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- F. **Lots divided by district boundaries.** Where a district boundary line divides a lot that was in single ownership at the time of passage of this Code, the Planning Commission may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

#### 1101.08: Rules of Measurement and Calculation

- A. **Measuring distance.** When measuring a required distance, such as the minimum distance between a structure and a particular lot line, the measurement is made at the closest or shortest distance between them.
- B. **Lot or yard dimensions.**
  - 1. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein.
  - 2. Yards or lots created after the effective date of this Code shall meet at least the minimum, and shall not exceed the maximum, requirements established by this Code.
- C. **Measuring setbacks.**
  - 1. The front street setback is measured at a right angle from the right-of-way line to the closest point of the primary structure that is not deemed to be a permitted encroachment.
  - 2. Where a lot extends through the block from street to street, the required front yard must be provided along each street unless a variance is granted.
  - 3. The side street setback is measured at a right angle from the side street right-of-way line.
  - 4. The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite the front street lot line. Where there is more than one front street, the Director of Public Service will determine the rear lot line.
  - 5. All lot lines which do not front a street, side street, or rear lot lines are considered side interior lot lines. Setbacks from such lot lines shall be measured at the closest or nearest point of the primary structure to the lot line.
  - 6. The Director of Public Service will determine setbacks for irregularly shaped lots.

**ORDINANCE NO. 032-2024**

AUTHORIZING ADOPTION OF THE MAY 2024 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL.

---

WHEREAS, it is desirable and necessary that the City of Whitehall maintain an organized and published code of ordinances; and

WHEREAS, the codified ordinances for the City of Whitehall should be amended regularly to conform with current state law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by council and should be included in the codified ordinances; and

WHEREAS, the Walter H. Drane Company of Cleveland, Ohio has entered into a contract with the City of Whitehall to prepare and publish such revisions twice a year and the May 2024 replacements are now before the council; NOW, THEREFORE,

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

SECTION 1. That the ordinances of the City of Whitehall, Ohio, of a general and permanent nature, as revised, recodified, rearranged, and consolidated into component codes, titles, chapters, and sections within the May 2024 replacement pages to the codified ordinances are hereby approved and adopted.

SECTION 2. That the President of Council and Clerk of Council shall certify that the permanent and general ordinances of the City, as codified in the current replacement pages are correctly set forth therein.

SECTION 3. That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City to pay the Walter H. Drane Company for said services and products from previously appropriated monies in the City Council Office Supplies Account (101-100-52000).

SECTION 4. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

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

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor



**ORDINANCE NO. 033-2024**

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF FORTY FIVE THOUSAND NINE HUNDRED FIFTY EIGHT AND 34/100 DOLLARS (\$45,958.34) FROM UNAPPROPRIATED MONIES IN THE EVIDENCE SETASIDE FUND (245) TO THE LAW ENFORCEMENT TRUST FUND (241) AND MAKING A SUPPLEMENTAL APPROPRIATION ON THE AMOUNT OF FORTY FIVE THOUSAND NINE HUNDRED FIFTY EIGHT AND 34/100 DOLLARS (\$45,958.34) FROM UNAPPROPRIATED FUNDS IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNT (241.000.50000) AND DECLARING AN EMERGENCY.

---

WHEREAS, the Whitehall Division of Police seized monies as a result of a narcotics investigation and recorded the said monies in the Evidence Setaside Fund (245) and;

WHEREAS, the Franklin County Common Pleas Court has released the monies, by court order, to the Whitehall Division of Police and disperse the monies as outlined in Whitehall City Ordinance 52-87; NOW, THEREFORE,

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

SECTION 1: That this Council approves a fund transfer in the amount forty five thousand nine hundred fifty eight and 34/100 dollars (\$45,958.34) from unappropriated monies in the Evidence Setaside Fund (245) to the Law Enforcement Trust Fund (241) and a supplemental appropriation in the amount of forty five thousand nine hundred fifty eight and 34/100 dollars (\$45,958.34) from unappropriated funds in the Law Enforcement Trust Fund (241) to the Law Enforcement Trust Fund Expense Account (241.000.50000).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the stated purpose.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that these monies need to be available to the Whitehall Division of Police to continue to protect and serve the City of Whitehall; 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. 034-2024**

AUTHORIZING AND APPROVING THE EXPENDITURE OF FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) FROM THE LAW ENFORCEMENT TRUST FUND ACCOUNT (241) AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SEVENTEEN THOUSAND EIGHT HUNDRED SEVENTY THREE AND 24/100 DOLLARS (\$17,873.24) FROM UNAPPROPRIATED FUNDS IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNT (241.000.50000) AND DECLARING AN EMERGENCY.

---

WHEREAS, the City of Whitehall Division of Police recognizes that employee wellness, fitness, and training is essential to the success of the Department; and

WHEREAS, the new police department was constructed with officer wellness, fitness, and training in mind; and

WHEREAS, the City of Whitehall Division of Police has the need for equipment related to officer wellness, fitness, and training; and

WHEREAS, Law Enforcement Trust Fund monies are specifically authorized by law to cover law enforcement needs or expenses; and

WHEREAS, the regular Division of Police budget does not support the costs of the equipment essential to officer wellness, fitness, and training; NOW, THEREFORE,

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

**SECTION 1:** That, pursuant to the provisions of section 135.15(E) (6) of the Codified Ordinances of the City of Whitehall, titled "Law Enforcement Trust Fund," the expenditure of Fifty Thousand and 00/100 Dollars for equipment related to officer wellness, fitness, and training is hereby authorized from the Law Enforcement Trust Fund Account (241-000-50000).

**SECTION 2:** That the City Auditor is hereby authorized to draw his warrant upon the treasurer of the City for these funds for the purposes stated in this ordinance.

**SECTION 3:** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare of the community, and for further reason that training is upcoming and the vehicle needs to have equipment installed prior; WHEREFORE, the 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. 035-2024**

AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FRANKLIN COUNTY PUBLIC HEALTH TO PROVIDE HEALTH SERVICES AND PLUMBING INSPECTIONS FOR THE CITY OF WHITEHALL AND ITS RESIDENTS AND DECLARING AN EMERGENCY.

---

WHEREAS, Franklin County Public Health has previously provided annual health services and plumbing inspections for the City of Whitehall; NOW, THEREFORE,

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

**SECTION 1:** That the Mayor is authorized to execute a contract with Franklin County Public Health to provide health services and plumbing inspections for the City of Whitehall and its residents.

**SECTION 2:** That such public health services and plumbing inspections shall be furnished for the period of one (1) year beginning January 1, 2024, and ending December 31, 2024, at which time a new contract would be presented.

**SECTION 3:** That such health services and plumbing inspections be performed in accordance with the Ordinances for regulation of health as passed by the Council of the City of Whitehall and the rules and regulations of the District Advisory Council of Franklin County General Health District, passed March 22, 2019, which are hereby adopted and made a part hereof by reference.

**SECTION 4:** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare of the community, and for further reason, these funds need to be recorded into the appropriate grant fund account; 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: Michael T. Bivens, Mayor  
Prepared by: Casey Thomas, Director of Public Service  
Approved as to form: Bradley S. Nicodemus, City Attorney BSN/jo 05/02/2024

**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

Requested by: Michael T. Bivens, Mayor

Prepared by: Casey Thomas, Director of Public Service

Approved as to form: Kylie Keitch, Assistant City Attorney KK 4/12/2024

RESOLUTION NO. 011-2024

EXHIBIT A



**RESOLUTION NO. 012-2024**

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF WHITEHALL, OHIO FOR PLANNING, DESIGN AND CONSTRUCTION OF THE 2024 SANITARY AND STORM REPLACEMENT PROJECT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

---

WHEREAS, the City of Whitehall, Ohio (hereinafter referred to as the "LGA") currently owns and maintains the infrastructure that comprises the wastewater system (the "system"); and

WHEREAS, the LGA needs to implement certain capital improvements to upgrade the existing aging system; and

WHEREAS, the LGA has engaged engineering firm EMH&T to plan wastewater replacement projects for construction in 2024; and

WHEREAS, the LGA desires to obtain a Water Pollution Control Loan Fund for the planning of such facilities on the terms set forth in the Cooperative Agreement (defined below); and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; NOW THEREFORE,

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

SECTION 1: That Mayor, Michael T. Bivens, be and is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and construction of wastewater facilities on behalf of the City of Whitehall, Ohio.

SECTION 2: That the dedicated repayment source will be with revenue received from the sewer surcharge.

SECTION 3: That this resolution shall be in full force and effect from and after the earliest period allowed by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

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

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024. \_\_\_\_\_ Mayor

**RESOLUTION NO. 013-2024**

**AUTHORIZING THE MAYOR TO ACCEPT AN OHIO TRAFFIC SAFETY OFFICE GRANT AND DECLARING AN EMERGENCY.**

WHEREAS, the city is seeking legislative authorization and support from the Council of the City of Whitehall to accept an Ohio Traffic Safety Office Grant (OTSO) to pay the costs associated with drivers education classes for high school students; and

WHEREAS, the OTSO grant is in the amount of twenty-five thousand nine hundred seventy dollars (\$25,970.00); and

WHEREAS, the Whitehall City School District has agreed to collaborate with the division of police to provide this much-needed service to Whitehall Yearling High School students; and

WHEREAS, the OTSO will fully fund the project in advance; NOW, THEREFORE,

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

**SECTION 1:** That the Mayor is authorized to accept the OTSO grant.

**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 of the city and citizens; and for the further reason that the grant is time sensitive; 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