

Ordinance 04-2017

AN ORDINANCE TO AMEND SECTION 1278.04, OF THE CODIFIED ORDINANCES REGARDING LANDSCAPING FOR SERVICE STRUCTURES

WHEREAS, the Council enacted Ordinance 5-89 specifying the rules and regulations governing landscaping for service structures which became **Chapter 1278.04, Minimum Landscape Requirements**, in the codified ordinances of the Village of Minerva Park.; and

WHEREAS, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

WHEREAS, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding dumpster screening;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. Section 1278.04 is hereby amended to read as follows:

(d) Dumpsters (Service Structures) Screening All dumpsters shall be screened on all sides including the gate wherever it is located. Dumpsters may be grouped together. However, screening height requirements shall be based upon the tallest of the dumpsters.

(1) Location of screening. A continuous (having 100 percent opacity) planting, hedge, or fence, which would enclose any dumpster that must be frequently moved, shall be one foot higher than the height of the enclosed dumpster, but shall not be required to exceed ten feet in height. Whenever a dumpster is located next to a building wall, a perimeter landscaping material, or a vehicular use area landscaping material, such wall or screening material may fulfill the screening requirements for that side of the dumpster if such wall or screening material is of an average height sufficient to meet the height requirement set forth in this section. Whenever dumpsters are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping.

(2) Curbs to protect screening material. Whenever screening material is placed around a dumpster which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the dumpster is moved or emptied.

(3) Permitting, Inspection and Acceptance. No dumpster screening may be installed or constructed without first obtaining a permit from the Code Enforcement Officer and the Mayor or his or her designee.

Permit & Fee: A permit filing and a fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Permit Filing and Review Fee is due and payable.

All permits expire six months after issuance and are not transferable between owners.

Use of service structures and dumpsters shall require the following:

- (1) The gate must remain closed when not being loaded or unloaded.
- (2) No trash may be placed beside or on top of the dumpster.

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(3) Dumpster enclosures may be locked or unlocked; however, all measures shall be taken to prevent unauthorized dumping or placing of trash near or against dumpster screening.

Dumpster screening installation shall be inspected by the Code Enforcement Officer or other designee of the Mayor twice: first, when the post holes have been dug or other screening material location has been laid out and second, at the completion of the screening construction. Only after the Code Enforcement officer or other designee of the Mayor has approved the completed dumpster screening will the Planning & Zoning Commission accept the screening as a permanent improvement on any lot, part of a lot or combination of lots.

(4) Repair. Repair to dumpster screening that requires the replacement of posts or greater than 50% of the screening material requires an accessory structure permit at one half the cost of a new dumpster screening permit.

(e) Variances. Variances to the fence ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in chapter.1232.01.

(f) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 4. This Ordinance shall take effect and be in force from and after its passage.

/S/ Lynn Eisentrout

Lynn Eisentrout, Mayor

First Reading: February 13, 2017
Second Reading: February 27, 2017
Third Reading: June 19, 2017
Passed: June 19, 2017

ATTEST

APPROVED AS TO FORM

/S/ Kimberly Pulley

Kimberly Pulley, Fiscal Officer

/S/ Eugene Hollins

Solicitor