

ORDINANCE NO. 21-08

AN ORDINANCE TO ESTABLISH GUIDELINES FOR THE REGULATION OF MOBILE HOMES, MANUFACTURED HOMES, AND TRAILERS IN THE VILLAGE OF LEESBURG

WHEREAS, Section 4781.14 of the Ohio Revised Code provides: "(A) The division of industrial compliance has exclusive authority to regulate manufactured home installers, the installation of manufactured housing, and manufactured housing foundations and support systems in this state. It is the intent of the general assembly to preempt municipal corporations and other political subdivisions from regulating and licensing manufactured housing installers and regulating and inspecting the installation of manufactured housing and manufactured housing foundations and support systems. (B) The division has exclusive power to adopt rules of uniform application throughout the state governing installation of manufactured housing, the inspection of manufactured housing foundations and support systems, the inspection of the installation of manufactured housing, the training and licensing of manufactured housing installers, and the investigation of complaints concerning manufactured housing installers. (C) The rules the division adopts pursuant to this chapter are the exclusive rules governing the installation of manufactured housing, the design, construction, and approval of foundations for manufactured housing, the licensure of manufactured home installers, and the fees charged for licensure of manufactured home installers. No political subdivision of the state or any department or agency of the state may establish any other standards governing the installation of manufactured housing, manufactured housing foundations and support systems, the licensure of manufactured housing installers, or fees charged for the licensure of manufactured housing installers. (D) Nothing in this section limits the authority of the attorney general to enforce Chapter 1345. of the Revised Code or to take any action permitted by the Revised Code against manufactured housing installers, retailers, or manufacturers." and

WHEREAS, the Village of Leesburg council desires to exercise its authority to regulate manufactured housing not inconsistent with Ohio law or the rules promulgated thereunder;

Now therefore be it ORDAINED by the Council of the Village of Leesburg, State of Ohio, that

PURPOSE: To provide uniform regulations for manufactured housing and to protect the rights of owners of manufactured housing and owners of adjacent properties.

SECTION ONE:

No structure, as defined herein, shall be erected or maintained in the Village, unless in full compliance with Chapter 4781 of the Revised Code and Chapter 4781 of the Ohio Administrative Code, to the extent these State of Ohio rules apply and preempt local laws. If any section, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the section, clause, phrase, word, provision, or portion so held to be invalid.

## SECTION TWO:

"Structure" or "structures" as used in this Ordinance shall refer exclusively to manufactured housing, mobile homes, trailers, shipping containers or other structures intended for human habitation which were, or are capable of, being transported upon a public roadway, and which employ a metal chassis, a tongue or drawbar, axles or tires, or any other equipment or appurtenances for transport from place to place, whether or not the title has been surrendered to become a part of the real property and whether or not modifications have been made to remove any part of the appliances or to conceal the nature of the structure.

## SECTION THREE:

Any nonconforming structure under this ordinance may be continued which exists on the effective date of this ordinance that is not otherwise already prohibited by law. No premises involving a nonconforming structure shall, if such structure is voluntarily discontinued for three or more years, again be put to a nonconforming structure. A nonconforming structure which is damaged or destroyed by fire, flood, winds, act of God, or other cause beyond the control of the owner may be repaired or reconstructed and the nonconforming structure may be continued, provided that such repair or reconstruction is commenced within a period of one year and diligently prosecuted to completion. A nonconforming structure may be altered or repaired provided that such alteration or repair does not increase the degree of nonconformity. No extension of a nonconforming structure may be made.

## SECTION FOUR:

Each structure placed on land in the Village shall be located entirely on a defined, platted lot or parcel, which shall have frontage on a street, with a minimum square footage of land of 18,000 square feet.

## SECTION FIVE:

Each structure shall have a minimum square footage of living space of 640 square feet.

## SECTION SIX:

Any structure shall have a permanent foundation consisting of a permanent masonry or concrete footing and foundation around the entire perimeter of the structure.

## SECTION SEVEN:

No utility connection shall be permitted and no utility service shall be maintained by the Village for any structure not in compliance with this Ordinance.

SECTION EIGHT:

No person, firm or corporation shall place or permit a structure to be placed or maintained upon any land in the Village that is in violation of the Ordinance. A violation of the Ordinance shall be a first degree misdemeanor.

SECTION NINE:

Any person aggrieved by the application of this Ordinance to the structure or land of such person, may file a written appeal to Village council which shall be heard at the next regular council meeting that is not sooner than five days from the time of the written appeal, and appellant may be heard, call witnesses and be represented by counsel. The written appeal shall state the substance of the grievance, the location of the disputed land or structure, and the remedy requested. Council may continue the matter from meeting to meeting at the request of any council member or the appellant. The determination of council shall be final and have the effect of an ordinance as to the future application of this ordinance. All communications shall be at the Village Hall or by email to the fiscal officer or Village Administrator.

SECTION TEN:

This Ordinance shall become effective upon passage by a majority of Council, and publication according to law.

Passed \_\_\_\_\_ Mayor \_\_\_\_\_

Attested \_\_\_\_\_, Fiscal Officer