

ORDINANCE NO. ##-2026

AN ORDINANCE ENACTING CHAPTER 1249 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LOUDONVILLE, OHIO GOVERNING TOURIST HOMES AND AMENDING CERTAIN ORDINANCES TO CONFORM THEREWITH

WHEREAS, dwellings and portions of dwellings within the Village are being offered to transient guests for lodging for short periods of time; and

WHEREAS, the Zoning Code does not presently contain standards governing the registration, occupancy, or operation of such uses, and the Council of the Village of Loudonville finds that reasonable standards are necessary to protect the public health, safety and general welfare; and

WHEREAS, the Planning Commission of the Village of Loudonville has reviewed and made its recommendation upon the amendments set forth below, and Council has held a public hearing upon those amendments after notice published in accordance with Ohio R.C. 713.12;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LOUDONVILLE, STATE OF OHIO:

SECTION 1. ENACTMENT OF CHAPTER 1249

There is hereby enacted new Chapter 1249 of Title Four - Zoning, of Part Twelve - Planning and Zoning Code, of the Codified Ordinances of the Village of Loudonville, Ohio, to read as follows:

CHAPTER 1249

Tourist Homes

1249.01 PURPOSE AND INTENT

(a) The purpose of this chapter is to regulate Tourist Homes within the Village in order to:

- (1) Protect and promote the health, safety and general welfare of the residents of the Village;
- (2) Recognize the interest of property owners in renting their property on a short-term basis;
- (3) Require the registration, annual renewal, periodic inspection and certification of Tourist Homes; and

- (4) Establish reasonable standards to mitigate the effects that Tourist Homes may have upon surrounding property and upon the community.

1249.02 DEFINITIONS

As used in this chapter:

(a) “Bedroom” means a room within a building that is designed, arranged or used for sleeping purposes and that has a means of egress meeting the requirements of law applicable to the building. A kitchen, bathroom, hallway, closet, unfinished basement, unfinished attic or garage is not a bedroom.

(b) “Local responsible party” means a natural person eighteen (18) years of age or older who is designated on the permit application by the applicant, who has accepted that designation in writing, and who is authorized and able to act on behalf of the permit holder as provided in Section 1249.10. The permit holder may serve as the local responsible party. A person who furnishes only incidental goods or services to the premises, including without limitation lawn care, landscaping, cleaning, repair, maintenance or property showing services, is not a local responsible party unless that person is expressly designated as such on the application and has accepted the designation in writing.

(c) “Occupant” means a person who occupies a Tourist Home under an agreement with the permit holder, and any guest or invitee of such a person.

(d) “Owner” means each person holding record legal or equitable title to the premises.

(e) “Permit holder” means the owner to whom a Tourist Home permit has been issued under this chapter.

(f) “Tourist Home” means a dwelling, a dwelling unit, a portion of a dwelling unit, or one or more rooms within a building, that is offered, advertised, listed or otherwise made available to transient guests for lodging for compensation for a period of fewer than thirty (30) consecutive days. “Tourist Home” does not include:

- (1) A hotel as defined in Section 870.01;
- (2) A dwelling unit occupied only by its owner or by members of the owner’s family, and not offered for compensation;
- (3) Premises rented under an agreement for a term of thirty (30) consecutive days or more;
- (4) A hospital, nursing home, residential care facility, community residence or similar facility licensed or certified by the State of Ohio; or
- (5) A camp regulated under Section 1262.09, a mobile home park regulated under Chapter 820 and Section 1262.07, or a house trailer or mobile home regulated under Chapter 1430.

(g) "Tourist Home unit" or "unit" means each separate dwelling unit, or each separately rentable portion of a building, offered as a Tourist Home. Each dwelling unit within a two-family, three-family or multiple-family structure is a separate unit.

(h) "Transient guest" has the same meaning as in Section 870.01.

1249.03 PERMIT REQUIRED; DISTRICTS IN WHICH PERMITTED

(a) No person shall operate, offer, advertise, list or otherwise make available a Tourist Home within the Village, and no owner shall permit the premises to be so used, unless a Tourist Home permit has been issued for that unit under this chapter and remains in effect.

(b) A separate permit is required for each Tourist Home unit.

(c) A Tourist Home permit shall be issued only for premises located in a zoning district in which a Tourist Home is a permitted or conditionally permitted use under Section 1248.01. Where a Tourist Home is a conditionally permitted use in the district, the applicant shall first obtain conditional use approval from the Board of Zoning Appeals under Section 1244.05(c), and the permit shall be subject to every condition imposed by the Board.

(d) A Tourist Home permit does not relieve any person of the obligation to obtain a zoning permit under Section 1242.02 or any other permit required by law.

1249.04 APPLICATION

(a) Application for a Tourist Home permit shall be made to the Zoning Inspector upon a form provided by the Village, shall be signed by each owner, and shall include at a minimum:

(1) The street address and county parcel number of the premises, and the zoning district in which the premises are located;

(2) The name, mailing address, electronic mail address and telephone number of each owner;

(3) The name, mailing address, electronic mail address and a telephone number monitored twenty-four (24) hours per day for the local responsible party and for each alternate local responsible party, together with the written acceptance of the designation signed by each such person;

(4) The number of bedrooms and the maximum occupancy requested;

(5) The number and location of off-street parking spaces serving the premises;

(6) A sketch of the premises, which need not be to scale, showing the location of the building or buildings to be used, each point of entry and exit, the location of each smoke alarm, carbon monoxide alarm and portable fire extinguisher, and the location of each off-street parking space;

(7) A certificate of insurance or other evidence of the liability insurance required by Section 1249.08(1);

(8) Evidence that the applicant has registered with the Village as a vendor under Chapter 870;

(9) A statement, signed by each owner, that all construction, alteration, addition or change of occupancy at the premises has been performed under permits issued by the building department having jurisdiction, and that the owner knows of no condition at the premises that renders it unsafe for occupancy;

(10) A statement, signed by each owner, consenting to the inspection required by Section 1249.05; and

(11) The application fee required by Section 1249.20.

(b) The Zoning Inspector shall not accept for filing an application that is incomplete. Within fourteen (14) days after an application is submitted, the Zoning Inspector shall either accept the application for filing and record the date and time of acceptance, or notify the applicant in writing of the information that is missing.

(c) No person shall knowingly provide false or misleading information upon an application or renewal application under this chapter.

1249.05 INSPECTION

(a) Before a Tourist Home permit is issued, and before each renewal for which an inspection is required by Section 1249.15(c), the Fire Chief or a fire safety inspector designated by the Fire Chief shall inspect the premises. The inspection under this section is limited to determining whether the premises comply with the safety standards set forth in Section 1249.09 and whether the maximum occupancy requested can be safely accommodated. This section does not impose upon the Fire Chief or the Fire Department any duty to determine compliance with any other provision of these Codified Ordinances or of any other law or regulation.

(b) The Fire Chief shall report the results of the inspection in writing to the Zoning Inspector within thirty (30) days after the inspection, and shall furnish a copy of the report to the applicant and to the Village Administrator.

(c) Where consent to inspect the premises is not given by the owner or authorized agent for at least ten (10) days after request by the Fire Chief or fire safety inspector designated by the Fire Chief, the application shall be denied.

1249.06 ISSUANCE OF PERMIT; MAXIMUM OCCUPANCY

(a) Within thirty (30) days after the Zoning Inspector has received a complete application, a satisfactory inspection report under Section 1249.05, and, where required, conditional use approval under Section 1244.05(c), the Zoning Inspector shall issue a Tourist Home permit if the application satisfies the requirements of this chapter and a permit is available under Section 1249.07. Otherwise, the Zoning Inspector shall deny the application as provided in Section 1249.17.

(b) Each permit shall state the address of the premises, a unique permit number, the name of the permit holder, the name and twenty-four (24) hour telephone number of each local responsible party, the number of bedrooms, the maximum occupancy, and the date of expiration.

(c) Maximum occupancy. The maximum occupancy stated upon the permit shall be the lesser of:

- (1) Two (2) persons for each bedroom, plus two (2) additional persons; or
- (2) Ten (10) persons.

The maximum occupancy shall not in any case exceed the number of persons that the Fire Chief has determined under Section 1249.05 can be safely accommodated upon the premises.

(d) Within ten (10) days after issuing a permit, the Zoning Inspector shall furnish a copy to the Village Administrator, to the Chief of Police and to the Fire Chief.

(e) A permit is valid for one (1) year from the date of issuance unless sooner suspended or revoked.

1249.07 MAXIMUM NUMBER OF PERMITS; ORDER OF CONSIDERATION

(a) Not more than twenty-five (25) Tourist Home permits shall be in effect within the Village at any one time. Each Tourist Home unit counts as one permit for purposes of this section, and each dwelling unit within a two-family, three-family or multiple-family structure counts separately.

(b) Applications shall be considered in the order in which complete applications are accepted for filing under Section 1249.04(b). The Zoning Inspector shall record the date and time of acceptance of each application and shall maintain a register of permits and applications, which shall be a public record.

(c) When twenty-five (25) permits are in effect, the Zoning Inspector shall place each subsequent complete application upon a waiting list in the order of acceptance for filing. When a permit expires, is surrendered, is not renewed, or is revoked, the Zoning Inspector shall notify in writing the applicant first upon the waiting list, who shall have thirty (30) days from the date of the notice to satisfy the remaining requirements of this chapter. An applicant who fails to do so shall be removed from the waiting list and the Zoning Inspector shall notify the next applicant.

(d) Property owners operating Tourist Homes at the time of the enactment of this legislation must obtain permits as set forth herein for continued operation.

(e) Property owners with expiring permits shall be entitled to a renewed permit if they are in compliance with all requirements of this Chapter, and apply for renewal before expiration of their existing permit.

1249.08 GENERAL OPERATING STANDARDS

No permit holder shall operate, and no owner shall permit the operation of, a Tourist Home except in compliance with the following standards:

- (a) Occupancy. The number of persons present at the Tourist Home at any time shall not exceed the maximum occupancy stated upon the permit. Persons present solely to deliver goods, to furnish services to the premises, or to respond to an emergency shall not be counted.
- (b) Events. No wedding, reception, party, banquet, commercial event, or similar organized gathering to which persons in excess of the maximum occupancy are invited or admitted shall be held upon the premises.
- (c) Sleeping accommodations. Sleeping shall occur only within the bedrooms identified upon the permit. No person shall sleep outdoors upon the premises, or within a tent, camper, recreational vehicle, motor vehicle, or other temporary structure. An accessory building may be used for sleeping purposes only if it is identified upon the permit, complies with Section 1249.09, and contains a bathroom with a toilet, a sink, and a bathtub or shower.
- (d) Parking. Off-street parking shall be provided in accordance with Chapter 1260. Premises located within the downtown region described in Section 1260.01(a)(1) are not subject to the minimum number of spaces required by this subsection, but shall not satisfy any parking requirement by use of the public right-of-way.
- (e) Refuse. Refuse and recyclable materials shall be stored in containers with tight-fitting lids and shall be set out for collection in accordance with Chapter 1050. Refuse shall not be stored in public view except within such containers.
- (f) Quiet hours. Between the hours of 10:00 p.m. and 7:00 a.m., no permit holder or local responsible party shall permit, and no occupant shall engage in, any activity upon the premises that constitutes a violation of Chapter 648.
- (g) Animals. Every animal kept or brought upon the premises shall be confined, restrained, registered and otherwise handled in accordance with Chapter 618 and Section 1262.05.
- (h) Nuisance and criminal activity. No permit holder shall permit any public nuisance prohibited by Section 1262.06, or any criminal activity, to occur upon the premises. Upon becoming aware of criminal activity or of a public nuisance upon the premises, the permit holder or the local responsible party shall immediately notify the Loudonville Police Department.
- (i) Posting. A legible copy of the permit shall be posted at all times in a conspicuous location within the Tourist Home, in the immediate vicinity of the primary entrance.
- (j) Address identification. Address numbers not less than four (4) inches in height, of a color contrasting with their background, shall be posted so as to be legible from the street fronting the premises.

(k) Heating devices. No unvented fuel-fired heating device shall be used within a Tourist Home. No portable heating device of any kind shall be used or stored within a bedroom.

(l) Insurance. The owner shall obtain and maintain in effect general liability insurance covering the use of the premises as a Tourist Home, and shall furnish evidence of that insurance with each application and each renewal application.

(m) Information to occupants. The permit holder shall furnish and post the information required by Section 1249.11.

1249.09 SAFETY STANDARDS

Every Tourist Home shall be equipped and maintained as follows:

(a) A smoke alarm shall be installed within each bedroom, outside of each separate sleeping area in the immediate vicinity of the bedrooms, and upon each story of the building, including basements.

(b) A carbon monoxide alarm shall be installed outside of and in the immediate vicinity of the bedrooms upon each story containing a bedroom, in every Tourist Home that contains a fuel-burning appliance or fireplace or that has an attached garage.

(c) Not fewer than one (1) portable fire extinguisher having a rating of not less than 2-A:10-B:C shall be provided upon each story, mounted in a visible and readily accessible location, and not fewer than one (1) such extinguisher shall be located in or immediately adjacent to each kitchen. Each extinguisher shall be inspected and tagged annually.

(d) Every smoke alarm, carbon monoxide alarm and portable fire extinguisher shall be maintained in operating condition, and shall be tested or inspected by the permit holder or the local responsible party before each occupancy.

(e) Each bedroom shall have an operable means of egress meeting the requirements of law applicable to the building. No required means of egress shall be blocked, obstructed or rendered inoperable.

(f) Every Tourist Home shall contain at least one bathroom equipped with a toilet, a sink, and a bathtub or shower. Where a Tourist Home contains more than two (2) bedrooms, it shall contain at least one additional room equipped with a toilet and a sink.

(g) The electrical service, wiring, fixtures, devices and equipment serving the premises shall be maintained free from recognized hazards. All electrical work performed at the premises shall comply with applicable state law and shall be inspected by the building department having jurisdiction. No extension cord or similar temporary wiring shall be used in place of permanent wiring.

(h) Heating, plumbing and mechanical equipment shall be maintained in safe operating condition.

1249.10 LOCAL RESPONSIBLE PARTY

(a) At all times that a Tourist Home is offered or occupied, the permit holder shall have a designated local responsible party who shall:

- (1) Be reachable at the twenty-four (24) hour telephone number stated upon the permit;
- (2) Answer, or return, a telephone call from an occupant, from the Village, from the Police Department, from the Fire Department or from an owner or occupant of adjoining property within one (1) hour after the call is placed;
- (3) Be able to be physically present at the premises within thirty (30) minutes after being requested to be present by the Village, the Police Department, or the Fire Department; and
- (4) Be authorized and able to take action to address the condition, operation or conduct of the Tourist Home, including complaints concerning occupancy, noise, parking, refuse, animals, trespass or criminal activity, and conditions requiring immediate attention such as the failure or interruption of utility, plumbing, heating or sanitary service.

(b) A permit holder may designate one or more alternate local responsible parties. At all times at least one designated local responsible party shall satisfy subsection (a). Designation of an alternate does not relieve the permit holder of responsibility under this chapter. Names and contact information for all designated local responsible parties shall be provided to the Village.

(c) It is a violation of this chapter by the permit holder if, at any time a Tourist Home is offered or occupied, no designated local responsible party satisfies subsection (a).

(d) A permit holder shall not offer or permit occupancy of a Tourist Home at any time when no local responsible party is designated.

1249.11 INFORMATION TO BE FURNISHED TO OCCUPANTS

The permit holder shall post in a conspicuous location within the Tourist Home, and shall furnish in writing to each occupant not later than the beginning of occupancy, the following:

- (a) The maximum occupancy stated upon the permit, and a statement that the number of persons present may not exceed that number;
- (b) The name and twenty-four (24) hour telephone number of the local responsible party;
- (c) The number and location of the off-street parking spaces serving the premises, and a statement that occupants shall not park within the roadway right-of-way except where public parking is lawfully permitted;
- (d) Instructions for the handling and storage of refuse and recyclable materials, and the collection schedule;

(e) A statement of the noise restrictions of Chapter 648 and of the quiet hours established by Section 1249.08(f);

(f) A statement of the restrictions upon animals imposed by Chapter 618 and Section 1262.05;

(g) A statement that occupants shall not trespass upon adjoining property, create disturbances, or engage in criminal activity;

(h) The street address of the premises, the location of each exit and of each portable fire extinguisher, and the telephone number for emergency services; and

(i) A statement that the occupant is responsible for complying with this chapter and with all other applicable ordinances of the Village of Loudonville and laws of the State of Ohio, and that the occupant may be cited and fined by the Village for a violation.

1249.12 ADVERTISING

(a) The permit number issued by the Village shall be included in every advertisement, listing or other offer of the Tourist Home for rent, in any medium.

(b) No person shall advertise, list or offer a Tourist Home for an occupancy greater than the maximum occupancy stated upon the permit.

(c) No person shall advertise, list or offer for rent as a Tourist Home any premises for which a valid permit is not in effect.

1249.13 TRANSIENT OCCUPANCY TAX; RECORDS

(a) A Tourist Home is a transient accommodation, and its permit holder is a vendor, for purposes of Chapter 870. Every permit holder shall register, collect, report and remit the excise tax levied by Section 870.02 and shall comply with every other requirement of Chapter 870. This chapter does not levy any additional tax.

(b) The permit holder is responsible for the collection, reporting and payment of any tax due to Ashland County or to the State of Ohio arising from the operation of the Tourist Home.

(c) In addition to the records required by Section 870.04, the permit holder shall retain for four (4) years, and shall make available to the Village within fourteen (14) days after written request, records sufficient to demonstrate compliance with this chapter, including the dates of each rental, the duration of each stay, the number of occupants, the amount charged, and the tax collected and remitted.

1249.14 DUTY TO REPORT CHANGES

(a) The permit holder shall notify the Zoning Inspector in writing:

(1) Not later than fourteen (14) days after any change in the name, mailing address, electronic mail address or telephone number of any owner or of any local responsible party, or after any local responsible party ceases to serve;

(2) Not later than fourteen (14) days after the transfer of any ownership interest in the premises;

(3) Not later than fourteen (14) days after the cancellation, lapse or non-renewal of the liability insurance required by Section 1249.08(1); and

(4) Not later than fourteen (14) days after any other change that renders inaccurate any information contained in the application or renewal application.

(b) Before any change in the number of bedrooms, in the sleeping capacity, or in the number of off-street parking spaces serving the premises, and before offering the Tourist Home at an increased occupancy, the permit holder shall apply for an amended permit. An inspection under Section 1249.05 may be required before an amended permit is issued. No Tourist Home shall be offered or occupied at an occupancy greater than that stated upon the permit then in effect.

(c) If a local responsible party ceases to serve, the permit holder shall designate a replacement, and shall file the written acceptance required by Section 1249.04(a)(3), before further offering or permitting occupancy of the Tourist Home.

1249.15 RENEWAL OF PERMIT

(a) A Tourist Home permit expires one (1) year after the date of issuance. Application for renewal shall be filed with the Zoning Inspector not later than thirty (30) days before the date of expiration.

(b) A renewal application shall contain the same information required by Section 1249.04 for an original application, together with the renewal fee required by Section 1249.20. Where no information has changed since the last application, the permit holder may so certify in writing in lieu of resubmitting that information.

(c) An inspection under Section 1249.05 shall be required at any other time the Fire Chief determines that an inspection is warranted by reason of a complaint, a change in the premises, or a request for an increased maximum occupancy.

(d) A permit for which a timely and complete renewal application has not been filed expires by its terms, and the permit slot becomes available under Section 1249.07(d). An owner who thereafter seeks a permit shall apply as a new applicant.

(e) A permit shall not be renewed while a notice of violation issued under Section 1249.18(b) remains unresolved, or while any tax due under Chapter 870 remains unpaid.

1249.16 PERMIT NOT TRANSFERABLE

(a) A Tourist Home permit is issued to the permit holder for the premises identified upon the permit. A permit is not transferable to another person and is not transferable to other premises.

(b) Upon the transfer of ownership of the premises, the permit terminates on the date of transfer. The new owner may apply for a Tourist Home permit under this chapter. An application filed by the new or prospective new owner prior to transfer or within thirty (30) days

after the date of transfer shall be considered before any application then upon the waiting list maintained under Section 1249.07(d), and, if granted, shall occupy the position formerly held by the terminated permit for purposes of Section 1249.07(a).

(c) A permit shall not be issued to a new owner under subsection (b) unless the premises are located in a district in which a Tourist Home is a permitted or conditionally permitted use under Section 1248.01, or unless otherwise authorized by law.

1249.17 DENIAL OF PERMIT; NOTICE; APPEAL

(a) The Zoning Inspector shall deny an application for a Tourist Home permit that does not satisfy the requirements of this chapter, or for which no permit is available under Section 1249.07.

(b) Notice of denial shall be given to the applicant in writing, delivered personally or sent by certified mail, return receipt requested, to the address stated upon the application. The notice shall state the date of the denial, the specific provisions of this chapter or of the Zoning Code upon which the denial is based, a brief statement of the facts upon which the denial is based, and the time within which an appeal may be filed.

(c) An applicant whose application has been denied may appeal the denial to the Board of Zoning Appeals under Section 1244.05(a) by filing a written notice of appeal with the Zoning Inspector within twenty (20) days after the date of the notice of denial. The appeal shall be heard in the manner provided by Chapter 1244.

1249.18 SUSPENSION AND REVOCATION; NOTICE; HEARING; APPEAL

(a) Grounds. The Zoning Inspector may issue a notice of intent to revoke a Tourist Home permit upon any of the following grounds:

- (1) Two (2) or more separate violations of this chapter at the same premises under the same ownership within any three hundred sixty-five (365) day period;
- (2) The furnishing of false or misleading information upon an application or renewal application;
- (3) Operation of the Tourist Home at a time when the permit was suspended or had expired;
- (4) A determination that the permit was issued in error, or that a condition required for issuance is no longer satisfied; or
- (5) Failure to collect, report or remit any tax due under Chapter 870.

(b) Notice of violation; opportunity to correct. Except as provided in subsections (c) and (g), when the Village becomes aware of a violation of this chapter the Zoning Inspector shall give the permit holder and the local responsible party written notice describing the violation, identifying the specific provisions violated, and stating the action required to correct the violation, and shall allow not less than thirty (30) days within which to correct the violation

before proceeding to revocation. The thirty (30) day period does not apply where the Village has cited the permit holder for, or given the permit holder notice of, a violation of the same provision within the preceding three hundred sixty-five (365) days.

(c) Notice of intent to revoke. A notice of intent to revoke shall be given in the manner provided by Section 1249.17(b), shall state the grounds for the proposed revocation, and shall state that the permit holder may request a hearing before the Board of Zoning Appeals by filing a written request with the Zoning Inspector within twenty (20) days after the date of the notice. If no request is timely filed, the revocation takes effect on the twenty-first day after the date of the notice.

(d) Hearing. Upon a timely request, the Board of Zoning Appeals shall hold a hearing not later than forty-five (45) days after the request is filed, upon not less than ten (10) days' written notice to the permit holder. The permit holder may appear in person, be represented by counsel, present evidence, and examine witnesses. The Board shall, by a majority vote of its full membership, affirm the revocation, reverse the revocation, or in lieu of revocation suspend the permit for a stated period or impose conditions upon its continued effect. The Board shall issue a written decision stating its findings within thirty (30) days after the conclusion of the hearing.

(e) Effect of revocation or suspension. Upon revocation or suspension, the permit holder shall immediately cease offering the premises as a Tourist Home. An occupant in residence upon the effective date of the revocation or suspension may complete a stay already begun, not to exceed seven (7) days.

(f) Reapplication. An owner whose permit has been revoked shall not be issued a Tourist Home permit for the same premises for a period of one (1) year after the effective date of the revocation, and shall not be issued a permit until every violation has been corrected and every fine, fee and tax due to the Village has been paid.

(g) Emergency suspension. Where the Fire Chief or the Chief of Police certifies in writing that a condition upon the premises presents an immediate danger to health or safety, the Zoning Inspector may suspend the permit immediately upon written notice to the permit holder and the local responsible party. A hearing under subsection (d) shall be held not later than fifteen (15) days after the suspension unless the permit holder agrees to a later date.

(h) Appeal. A decision of the Board of Zoning Appeals under this section may be appealed as provided in Ohio R.C. Chapter 2506.

1249.19 TOURIST HOMES IN OPERATION ON THE EFFECTIVE DATE

(a) A Tourist Home lawfully in operation on the effective date of this chapter may continue in operation for no more than one hundred eighty (180) days after the effective date of this chapter unless a permit has been issued for it under this chapter.

(b) The permit, inspection, operating, life safety, insurance, tax and reporting requirements of this chapter apply to every Tourist Home within the Village, including one that is a lawful

nonconforming use. Neither Section 1262.01 nor Ohio R.C. 713.15 exempts a nonconforming use from those requirements.

1249.20 FEES

- (a) The fee for an original application is one hundred fifty dollars (\$150.00).
- (b) The fee for a renewal application is one hundred dollars (\$100.00).
- (c) The fee for an amended permit under Section 1249.14(b) is one hundred dollars (\$100.00).
- (d) Fees under this section are not refundable, and are in addition to any fee required by Section 1242.03 for a zoning permit or by Section 1244.05 for an application to the Board of Zoning Appeals.

1249.99 PENALTY

- (a) Whoever violates any provision of this chapter shall be fined one hundred fifty dollars (\$150.00) for a first offense, and five hundred dollars (\$500.00) for each subsequent offense committed within three hundred sixty-five (365) days after a prior offense.
- (b) Each day that a violation continues to exist constitutes a separate offense.
- (c) It is the intent of Council that the offenses established by this chapter, other than the offense established by Section 1249.04(c), be offenses of strict liability, and that no culpable mental state be required for their commission, within the meaning of Ohio R.C. 2901.21(B).
- (d) Every owner, permit holder and local responsible party is subject to this section. An occupant who violates Section 1249.08 or the requirements furnished to the occupant under Section 1249.11 is subject to this section.
- (e) The penalties provided by this section are in addition to, and not in lieu of, denial of a permit under Section 1249.17, suspension or revocation of a permit under Section 1249.18, and any equitable remedy available under Section 1242.99 or Ohio R.C. 713.13.

SECTION 2. AMENDMENT OF SECTION 1240.07

The definition of "Tourist Home" in Section 1240.07 of the Codified Ordinances is hereby amended to read as follows:

"Tourist Home" has the meaning given in Section 1249.02. A Tourist Home does not include a hotel as defined in Section 870.01. The maximum occupancy of a Tourist Home is determined under Section 1249.06(c), and no Tourist Home shall accommodate more than ten (10) individuals.

SECTION 3. AMENDMENT OF SECTION 1248.01

Section 1248.01 of the Codified Ordinances is hereby amended as follows:

- (a) In the C-2 General Commercial District and in the C-2a (Urban) General Commercial District, "Tourist Home" is hereby added as a permitted use.
- (b) In the R-C Residential-Commercial District, "Tourist Home" continues as a permitted use.
- (c) In the R-1 Rural Residential District, "Tourist Home" continues as a conditionally permitted use, subject to approval by the Board of Zoning Appeals under Section 1244.05(c).
- (d) A Tourist Home is not a permitted use or a conditionally permitted use in any other zoning district.
- (e) Every Tourist Home, in every district, is subject to Chapter 1249.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS

All provisions of the Zoning Code of the Village of Loudonville, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or application of this ordinance is for any reason held to be invalid or unenforceable, that holding shall not affect the validity of the remaining provisions or applications, which shall remain in full force and effect, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. COMPLIANCE WITH LAW

This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Ohio R.C. 121.22. This Council further finds and determines that the amendments to the Zoning Code contained in this ordinance were submitted to the Planning Commission and were the subject of a public hearing held after notice published in accordance with Ohio R.C. 713.12.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this _____ day of _____, 20 ____.

Cathy Lance, Mayor

ATTEST:

Jenny Wade, Fiscal Officer

APPROVED AS TO FORM:

Thomas Gilman, Solicitor