

CITY OF STRUTHERS
Ordinance

NO. 20-017

AN ORDINANCE CREATING § 351.17 OF PART THREE, TITLE SEVEN, CHAPTER 351 OF THE CODIFIED ORDINANCES FOR THE CITY OF STRUTHERS, OHIO TO PROHIBIT THE STORAGE, PARKING, OR KEEPING OF RECREATIONAL VEHICLES AND BOATS ON PUBLIC STREETS, ROADWAYS, ALLEYS, PUBLIC WAYS OR THOROUGHFARES AND DECLARING AN EMERGENCY.

WHEREAS, the City does not currently have an ordinance regulating the storage, parking, or keeping of recreational vehicles or boats on public streets, roadways, alleys, public ways or thoroughfares in the City;

WHEREAS, this Council finds that the storage, parking, or keeping of recreational vehicles and/or boats on public streets, roadways, alleys, public ways or thoroughfares in the City is detrimental to the health, safety and welfare of the residents of the City;

WHEREAS, this Council further finds that the storage, parking, or keeping of recreational vehicles and/or boats on public streets, roadways, alleys, public ways or thoroughfares creates a public nuisance that cannot be satisfactorily abated by the enforcement of existing ordinances; and

WHEREAS, this Council is satisfied that there is good cause to prohibit the storage, parking, and keeping of recreational vehicles and/or boats on public streets, roadways, alleys, public ways or thoroughfares in the City; that such prohibition will not be detrimental to the general interest; and that such prohibition should be authorized.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Struthers, Ohio, $\frac{3}{4}$'s of all members elected thereto concurring:

SECTION 1: § 351.17 is hereby created to Part Three, Title Seven, Chapter 351 of the City's Codified Ordinances to read as follows:

§ 351.17 PARKING OF RECREATIONAL VEHICLES AND BOATS ON PUBLIC STREETS, ROADWAYS, ALLEYS, PUBLIC WAYS OR THOROUGHFARES.

(a) Definitions.

(i) "Boat" means any vessel, with or without motor propulsion, commonly used for private recreation activities, designed for travel over water, and for which a trailer is required for transportation over land. The definition of boat shall specifically include a personal watercraft as defined by the Ohio Revised Code and shall specifically exclude those vessels not required to be titled with the State of Ohio pursuant to state statute.

(ii) "Fifth Wheel Trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

(iii) "Motor Home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

(iv) "Park Trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A

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119.5(1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

(v) "Recreational Vehicle" means a vehicular portable structure that meets all of the following conditions:

(A) It is designed for the sole purpose of recreational travel.

(B) It is not used for the purpose of engaging in business for profit.

(C) It is not used for the purpose of engaging in intrastate commerce.

(D) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.

(E) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

(F) It is classed as one of the following:

(1) Travel Trailer or House Vehicle

(2) Motor Home

(3) Truck Camper

(4) Fifth Wheel Trailer

(5) Park Trailer

(vi) "Travel Trailer" or "House Vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.

(vii) "Truck Camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

(b) No Recreational Vehicle or Boat shall be stored, parked or left on any public streets, roadways, alleys, public ways or thoroughfares in the City.

SECTION 2: All ordinances, or parts of ordinances, that are inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 3: The provisions of this Ordinance are severable. If any section, paragraph, sentence, or clause hereof shall be declared illegal, unconstitutional or invalid by any court of competent jurisdiction, such illegality, unconstitutionality or invalidity shall not affect the remaining portions of this Ordinance and it hereby is declared the intention and purpose of this Council that this Ordinance would have been enacted without such illegal, unconstitutional or invalid provision.

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SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including § 121.22 of the Ohio Revised Code.

SECTION 5: A delay in the effective date of this Ordinance will result in detriment to the economic health, safety and welfare of the Struthers community at large. Accordingly, this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 13th DAY OF May, 2020.

Megan R. Shorthouse
CLERK OF COUNCIL

Joseph N. Rudzik
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 13th DAY OF May, 2020.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 13th DAY OF May, 2020.

Catherine Cercone Miller
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 05/21/2020-05/28/2020

Megan R. Shorthouse
CLERK OF COUNCIL