

**Amended Ordinance No. 09 - 20**

**By: Jessica Saad**

**An ordinance to regulate and license Boarding House uses, and to amend definitions within the Housing Code in order to allow for the effective regulation of Boarding House uses.**

**WHEREAS,** Certain single-family dwelling units have become *de facto* boarding house uses within the City, in which unrelated individuals not constituting a family unit routinely share lodging and accommodations; and

**WHEREAS,** The operation of single-family dwelling units as boarding houses presents unique life safety, parking, and other challenges and impacts on residential neighborhoods and the city that can be addressed by providing for restrictions on and licensure of boarding house uses; and

**WHEREAS,** This ordinance is being considered in the interests of the public peace, health, safety, and general welfare of the city and its residents and in order to restore and preserve the rights of residents to quiet enjoyment and the use of their property.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1**

That Chapter 850 shall be created as follows:

**CHAPTER 850 BOARDING HOUSES**

**850.01 PURPOSE**

- (a) Boarding House licensure is required in order to provide for safe living conditions and adequate parking arrangements in Boarding House properties, and to ensure the preservation of the public peace, health, safety, and welfare.

**850.02 DEFINITIONS**

- (a) "Boarding House" shall be construed consistently with the definition provided in Chapter 1230.
- (b) "Pre-Existing Non-Conforming Use" means a lawful Boarding House use that was in existence and legally operating on or up to six months prior to the effective date of this ordinance.

**850.05 BOARDING HOUSE LICENSURE REQUIRED**

- (a) No property owner shall operate or permit to be operated a Boarding House without having a valid license from the City of Bexley to do so as hereinafter provided.
- (b) Every new Boarding House must obtain a license before beginning operation.
- (c) Owners of Boarding Houses must register Boarding House properties with the City of Bexley.
- (d) Boarding House owners must remit a \$125 fee and obtain an annual license in the name of the property owner for the operation of a Boarding House in the City, on a registration form approved by the Zoning Officer.
- (e) Every Boarding House license shall expire one year from following its date of issuance.

- (f) The Boarding House license shall be displayed in a conspicuous place within the Boarding House at all times.
- (g) No Boarding House license may be issued without the written endorsement of the Zoning Director who may also require the endorsement of the Building Department Director, Safety Director or Code Enforcement Officer.
- (h) No Boarding House license may be issued for a Boarding House property that is not in compliance with the requirements of this Chapter, the charter, ordinances, rules and regulations of the City of Bexley and all other applicable laws, rules and regulations at the time of the application and issuance of the license.

**850.10 LIFE SAFETY PLAN REQUIREMENTS**

- (a) A life safety plan shall be submitted for initial approval of the Boarding House license. The life safety plan shall include the following considerations:
  - (1) Provision of hard-wired smoke and carbon monoxide alarms in all bedrooms and common rooms;
  - (2) Fire extinguishers placed prominently in kitchens;
  - (3) Hand rails on all exterior steps, subject to architectural review and approval.

**850.20 OFF STREET PARKING REQUIREMENTS**

- (a) Off street parking shall be provided at a ratio of one space per permitted occupant.
- (b) All onsite parking and drives shall be paved with asphalt or concrete pavement. Onsite parking shall be provided behind the rear building line, and shall be screened from the street and from adjacent properties.

**850.30 MAXIMUM NUMBER OF OCCUPANTS**

- (a) No more than eight (8) occupants will be permitted in any Boarding House.
- (b) Each occupant shall have a bedroom.
- (c) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space. Every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant.

**850.40 APPLICATION REVIEW AND ANNUAL INSPECTION**

- (a) The Boarding House site plan, floor plan, and life safety plan must be reviewed and approved by the Zoning Director or their designee prior to approval of the license.
- (b) Boarding Houses are subject to an annual inspection by the Code Enforcement Officer or their designee to ensure all conditions of this section are being met.

**850.50 PRE-EXISTING BOARDING HOUSE REQUIREMENTS**

- (a) Within sixty (60) days after the effective date of the initial adoption of this Chapter, the owner of the property on which each existing Boarding House is located in the City shall apply for a Boarding House license as provided in this Chapter. The Zoning Director shall issue a temporary zoning certificate, without charge, stating that a license has been applied for. A Boarding House license shall be issued or denied by the City within 90 days of the date of the application for a Boarding House existing upon the effective date of this Chapter.
- (b) A pre-existing lawful non-conforming Boarding House use shall be subject to the licensing provisions of this chapter, including life safety requirements, and must be continuously operated in compliance with its license and this Chapter in order to maintain its pre-existing non-conforming use exemption.

- (c) Pre-existing non-conforming properties may not have more than 5 occupants. In order to prove pre-existing non-conforming use status, landlords must provide written evidence of a *de facto* Boarding House lease that was in effect at the time this ordinance became effective or within 6 months prior to the effective date of this ordinance.

**850.60**

**NOTICE OF VIOLATION; SUSPENDING OPERATIONS**

- (a) When a City Official finds a Boarding House, its owner, operator or occupants has violated the requirements of this Chapter or the charter, ordinances, rules and regulations of the City of Bexley or any other applicable law, rule and regulation, such Official shall serve a written notice of violation upon the owner. A notice of violation shall include a brief statement of the facts upon which the denial is based, the period within which the violation must be remedied and the time within which an appeal may be taken to the Board of Zoning and Planning and request for hearing made.
- (b) An appeal must be filed within twenty (20) days from the date such notice of violation was delivered, posted or otherwise received. Such appeal must be in writing and state with specificity the grounds upon which the appeal is taken. Failure to file a written appeal with both the City Official providing the notice and the Board of Zoning and Planning within twenty (20) days of the date such notice was delivered, posted or otherwise received shall constitute a waiver of the right to an appeal and the suspension of the Boarding House license shall be final. Any suspension of a license shall be stayed until the decision of the Board.
- (c) If the violation is not remedied within the time specified in the notice of violation or the notice of violation timely appealed, then the City Official shall promptly suspend the license of the owner and notify the owner, in writing of such suspension. Upon receipt of the notice of suspension, the owner shall immediately cease the operation of such Boarding House and no person shall occupy the Boarding House or any portion thereof for sleeping or living purposes.

**850.70**

**DENIAL OR REVOCATION OF LICENSE**

- (a) A Boarding House license shall be denied or may be revoked by the Zoning Director, Building Department Director or the Safety Director for any of the following conditions:
  - (1) Failure to meet and/or continuously comply with the requirements of this Chapter, the charter, ordinances, rules and regulations of the City of Bexley and all other applicable laws, rules and regulations;
  - (2) Failure to maintain the requirements of the life safety plan;
  - (3) Failure to maintain the off street parking requirements;
  - (4) Continued or repeated instances of insanitation, or disregard of fire safety regulations, or inadequate maintenance of the building and/or of its parts or equipment;
  - (5) Continued or repeated instances of criminal conduct occurring on the premises by occupants or their guests, and/or continued or repeated instances of disturbance of the peace of the neighborhood.
- (b) When the Zoning Director or their designee denies an application for a Boarding House license, that official shall notify the applicant or licensee in writing. A notice of denial shall include the date of the denial, the time within which an appeal may be taken to the Board of Zoning and Planning and request for hearing made, and a brief statement of the facts upon which the denial is based.

- (c) When a license or a Boarding House license is revoked by the Zoning Director, Building Department Director or the Safety Director, that official shall notify the licensee in writing twenty (20) days in advance of the date the license will be revoked. A notice revocation shall include the date on which the license shall be revoked, a brief statement of the facts upon which the revocation is based, and the time within which an appeal may be taken and request for hearing made
- (d) Any person whose application for a license to operate a Boarding House has been denied or notice has been provided that an existing license will be revoked shall have the right to appeal the decision to the Board of Zoning and Planning. The appeal must be filed within twenty (20) days from the date such notice was delivered, posted or otherwise received. Such appeal must be in writing and state with specificity the grounds upon which the appeal is taken. Failure to file a written appeal with both the City Official providing the notice and the Board of Zoning and Planning within twenty (20) days of the date such notice was delivered, posted or otherwise received shall constitute a waiver of the right to an appeal, the decision of the City Official and the denial or revocation of any license shall be final. If an appeal is filed, the Board will hear the appeal at its next regular meeting for which adequate notice of the hearing and the agenda of the Board can be provided as required by the city charter, ordinances and rules of the City and the Board. Any revocation of a license shall be stayed until the decision of the Board.

**850.80 TRANSFER OF LICENSE**

- (a) No license issued pursuant to this Chapter shall be transferable. Any person taking over the ownership of a licensed Boarding House shall apply for a new license within ten (10) days of taking ownership or be considered delinquent and charged an amount equal to the double the fee provided for in this Chapter. No refunds shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a Boarding House to another person.
- (b) Every person holding a Boarding House license shall give the City notice in writing within three (3) days after having sold, transferred, given away, or otherwise disposed of the ownership of, interest in, or control of any Boarding House. Such notice shall include the name and address of the person succeeding to the ownership or control of such Boarding House.

**850.99 PENALTIES**

- (a) Whoever violates any provision of this Chapter for which no other specific penalty has been provided other than the denial, suspension or revocation of a license, shall be fined not more than \$100. Each day's continuance shall constitute a separate offense.

**Section 2**

That definition of "Family" in 1490.02 be amended to read as follows:

"Family" means a person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (a) Any number of people related by blood, marriage, civil union, adoption, foster care, guardianship or other duly authorized custodial relationship, gratuitous guests, domestic help and not more than one (1) additional unrelated person.  
(Related by blood shall include only persons having one of the following

relationships with another individual(s) residing within the same dwelling unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces and nephews);

- (b) Two (2) unrelated persons and any children related to either of them;
- (c) A cumulative total of up to three (3) adult persons. More than three (3) adult persons may qualify as a family pursuant to (d);
- (d) Persons living together as a functional family as determined by the criteria listed below. For the purpose of enforcing these regulations, it shall be assumed (presumptive evidence) that more than three (3) persons living together, who do not qualify as a family based on (a) or (b) of this definition, do not constitute a functional family. To qualify as a functional family, all of the following criteria shall be met:
  - (1) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by a functional family;
  - (2) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
  - (3) The group is permanent and stable. Evidence of such permanency and stability may include:
    - (A) The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
    - (B) Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
    - (C) Members of the household are employed in the area;
    - (D) The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
    - (E) There is common ownership of furniture and appliances among the members of the household; and
    - (F) The group is not transient or temporary in nature.

### **Section 3**

That definition of "Boarding House" in 1490.02 be created as follows:

"Boarding House" means a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

### **Section 4**

That the definitions in Chapter 1490 be renumbered to accommodate the insertion of the definition provided for in Sections 2 and 3 of this Ordinance.

### **Section 5**

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

Passed: APRIL 17, 2020



Lori Ann Feibel, President of Council

Attest: William Harvey  
William Harvey, Clerk of Council

Approved: April 21, 2020



Benjamin J. Kessler, Mayor

First Reading:  
Second Reading:  
Third Reading:

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