



City of Ashtabula

Ashtabula City Council Pre-Council Agenda
Monday, April 18, 2022 at 6:30 PM
Council Chambers
4717 Main Avenue

Agenda

- 1. Opening of a Pre-Council Meeting**
 - a. Call to Order
 - b. Roll Call
- 2. Welcome and Acknowledgement of Visitors**
- 3. President's Report and Regular Meeting Review**
 - a. House Bill 563 and Resolution in Opposition to House Bill 563
- 4. Administrative Reports**
 - a. City Manager
 - b. Finance Director
 - c. City Solicitor
 - d. Clerk of Council
- 5. City Council Committee Reports**
 - a. Community Development/Economic Development/Parks & Recreation
 - b. Finance & Personnel
 - c. Public Works
 - d. Safety Forces
- 6. Miscellaneous Business/Discussion**
- 7. Public Comment (at Council's discretion)**
- 8. Monthly Council Calendar**
 - a. April 2022
- 9. Adjournment**

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 563

Representatives Fowler Arthur, Ferguson

**Cosponsors: Representatives Jordan, Stein, Hillyer, Brinkman, Click, Plummer,
Holmes, Creech, Loychik, Riedel, Merrin, Cross, Carruthers, Stoltzfus, Pavliga,
Dean, Wiggam, Hall, Gross, Edwards, Johnson, Zeltwanger, McClain, John,
Lampton, Stewart, Powell**

A BILL

To amend section 5321.01 and to enact section 1
5325.01 of the Revised Code to limit local 2
regulation of short-term rental property. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5321.01 be amended and section 4
5325.01 of the Revised Code be enacted to read as follows: 5

Sec. 5321.01. As used in this chapter: 6

(A) "Tenant" means a person entitled under a rental 7
agreement to the use and occupancy of residential premises to 8
the exclusion of others. 9

(B) "Landlord" means the owner, lessor, or sublessor of 10
residential premises, the agent of the owner, lessor, or 11
sublessor, or any person authorized by the owner, lessor, or 12
sublessor to manage the premises or to receive rent from a 13
tenant under a rental agreement. 14

(C) "Residential premises" means a dwelling unit for 15

residential use and occupancy and the structure of which it is a 16
part, the facilities and appurtenances in it, and the grounds, 17
areas, and facilities for the use of tenants generally or the 18
use of which is promised the tenant. "Residential premises" 19
includes a dwelling unit that is owned or operated by a college 20
or university. "Residential premises" does not include any of 21
the following: 22

(1) Prisons, jails, workhouses, and other places of 23
incarceration or correction, including, but not limited to, 24
halfway houses or residential arrangements that are used or 25
occupied as a requirement of a community control sanction, a 26
post-release control sanction, or parole; 27

(2) Hospitals and similar institutions with the primary 28
purpose of providing medical services, and homes licensed 29
pursuant to Chapter 3721. of the Revised Code; 30

(3) Tourist homes, hotels, motels, short-term rental 31
properties, recreational vehicle parks, recreation camps, 32
combined park-camps, temporary park-camps, and other similar 33
facilities where circumstances indicate a transient occupancy; 34

(4) Elementary and secondary boarding schools, where the 35
cost of room and board is included as part of the cost of 36
tuition; 37

(5) Orphanages and similar institutions; 38

(6) Farm residences furnished in connection with the 39
rental of land of a minimum of two acres for production of 40
agricultural products by one or more of the occupants; 41

(7) Dwelling units subject to sections 3733.41 to 3733.49 42
of the Revised Code; 43

(8) Occupancy by an owner of a condominium unit;	44
(9) Occupancy in a facility licensed as an SRO facility	45
pursuant to Chapter 3731. of the Revised Code, if the facility	46
is owned or operated by an organization that is exempt from	47
taxation under section 501(c)(3) of the "Internal Revenue Code	48
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an	49
entity or group of entities in which such an organization has a	50
controlling interest, and if either of the following applies:	51
(a) The occupancy is for a period of less than sixty days.	52
(b) The occupancy is for participation in a program	53
operated by the facility, or by a public entity or private	54
charitable organization pursuant to a contract with the	55
facility, to provide either of the following:	56
(i) Services licensed, certified, registered, or approved	57
by a governmental agency or private accrediting organization for	58
the rehabilitation of mentally ill persons, persons with	59
developmental disabilities, adults or juveniles convicted of	60
criminal offenses, or persons suffering from substance abuse;	61
(ii) Shelter for juvenile runaways, victims of domestic	62
violence, or homeless persons.	63
(10) Emergency shelters operated by organizations exempt	64
from federal income taxation under section 501(c)(3) of the	65
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.	66
501, as amended, for persons whose circumstances indicate a	67
transient occupancy, including homeless people, victims of	68
domestic violence, and juvenile runaways.	69
(D) "Rental agreement" means any agreement or lease,	70
written or oral, which establishes or modifies the terms,	71
conditions, rules, or any other provisions concerning the use	72

and occupancy of residential premises by one of the parties. 73

(E) "Security deposit" means any deposit of money or 74
property to secure performance by the tenant under a rental 75
agreement. 76

(F) "Dwelling unit" means a structure or the part of a 77
structure that is used as a home, residence, or sleeping place 78
by one person who maintains a household or by two or more 79
persons who maintain a common household. 80

(G) "Controlled substance" has the same meaning as in 81
section 3719.01 of the Revised Code. 82

(H) "Student tenant" means a person who occupies a 83
dwelling unit owned or operated by the college or university at 84
which the person is a student, and who has a rental agreement 85
that is contingent upon the person's status as a student. 86

(I) "Recreational vehicle park," "recreation camp," 87
"combined park-camp," and "temporary park-camp" have the same 88
meanings as in section 3729.01 of the Revised Code. 89

(J) "Community control sanction" has the same meaning as 90
in section 2929.01 of the Revised Code. 91

(K) "Post-release control sanction" has the same meaning 92
as in section 2967.01 of the Revised Code. 93

(L) "School premises" has the same meaning as in section 94
2925.01 of the Revised Code. 95

(M) "Sexually oriented offense" and "child-victim oriented 96
offense" have the same meanings as in section 2950.01 of the 97
Revised Code. 98

(N) "Preschool or child day-care center premises" has the 99

same meaning as in section 2950.034 of the Revised Code. 100

Sec. 5325.01. (A) As used in this section, "short-term 101
rental property" means a house, apartment, condominium, 102
cooperative unit, cabin, cottage, or bungalow, or one or more 103
rooms therein, that is, or are, offered to transients or 104
travelers for a fee for a period of thirty days or less, 105
regardless of whether amenities, including meals, daily 106
housekeeping, concierge services, or linen services, are 107
provided. 108

(B) No county, township, or municipal corporation shall 109
adopt or enforce any regulation, restriction, or other 110
resolution or ordinance that does either of the following: 111

(1) Prohibits short-term rental properties; 112

(2) Regulates the number, duration, or frequency of rental 113
periods for short-term rental properties. 114

(C) Division (B) of this section does not prohibit a 115
county, township, or municipal corporation from enacting or 116
enforcing a regulation, ordinance, or resolution that regulates, 117
prohibits, or otherwise limits short-term rental properties, 118
provided the regulation, prohibition, or limitation is enforced 119
by the county, township, or municipal corporation in the same 120
manner as for similar properties that are not short-term rental 121
properties and is enacted for any of the following reasons: 122

(1) To protect public health, safety, and welfare related 123
to fire and building safety, property maintenance, sanitation, 124
traffic control, hazardous waste, or noise; 125

(2) To limit or prohibit use of property for any of the 126
following purposes: 127

<u>(a) To house sex offenders as defined in section 2950.01</u>	128
<u>of the Revised Code;</u>	129
<u>(b) To manufacture, distribute, or sell beer or</u>	130
<u>intoxicating liquor, as defined in section 4301.01 of the</u>	131
<u>Revised Code, or drugs of abuse, as defined in section 3719.011</u>	132
<u>of the Revised Code;</u>	133
<u>(c) To operate an adult entertainment establishment as</u>	134
<u>defined in section 2907.39 of the Revised Code, or to produce</u>	135
<u>pornography or obscenity;</u>	136
<u>(d) To maintain a public nuisance.</u>	137
Section 2. That existing section 5321.01 of the Revised	138
Code is hereby repealed.	139

**RESOLUTION NO. 2022-11
INTRODUCED BY: COUNCIL**

4381

**A RESOLUTION
OPPOSING THE ADOPTION OF HOUSE BILL 563,
CURRENTLY BEING CONSIDERED BY A COMMITTEE
OF THE OHIO HOUSE OF REPRESENTATIVES, WHICH
PROPOSES TO LIMIT LOCAL REGULATION OF SHORT-
TERM RENTAL PROPERTY**

WHEREAS, the Mayor and Council have been advised of a bill introduced into the Ohio House of Representatives, known as House Bill 563 (“HB563”) which purports to deny municipalities the ability to prohibit short-term rental properties or to regulate the number, duration or frequency of rental periods for short-term rental properties;

WHEREAS the Council and Mayor strongly oppose proposed HB563 which will have a significant and detrimental effect on the Village and its residents who bear the burden, by preempting the Village by regulating or prohibiting short-term rental properties;

WHEREAS, HB563 would attempt to unconstitutionally interfere with the Home Rule Powers of the municipal corporations in the State of Ohio and short-term rentals are, by their very nature, matters that should be subject to local control and should not be subjugated to state control and the preemption of the exercise of the police powers of the Village;

WHEREAS, HB563 would hinder development and Home Rule economic wellbeing to the Village and its neighboring communities;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO, TWO-
THIRDS OF ALL MEMBERS ELECTED THERETO CONCURRING:**

SECTION 1. The Ohio General Assembly and all of its applicable committees should immediately take action to oppose the referral of HB563 out of committee and to deny passage of HB563 for all the reasons set forth in the Whereas provisions of this Resolution, as well as statements of position presented by other communities and to prohibit the Planning Commission and Council for the Village of Chagrin Falls from continuing to investigate and consider adoption of regulations regarding short-term rentals.

SECTION 2. The Clerk of Council is hereby directed to forward a certified copy of this Resolution to the Speaker of the House, the Honorable Robert R. Cupp, and representative Scott Wiggam, the Chair of the State and Local Government Committee.

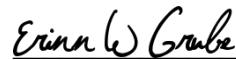
RESOLUTION 2022-11
INTRODUCED BY

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Resolution shall also be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. This Resolution shall take effect and be in full force after the earliest period allowed by law.

PASSED: March 14, 2022



Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

15th day of March, 2022

Approved by the Mayor

03/15/2022



Mayor William Tomko

I hereby certify that Resolution No. 2022-11 was duly enacted on the 14th day of March, 2022, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



David Bloom, Clerk of Council

April 2022

ASHTABULA CITY COUNCIL

Council Chambers – cc * Pre-Council Chambers – pc * August A. Pugliese Conference Room [2nd Floor] – aap

COUNCIL CALENDAR / MUNICIPAL BUILDING CONFERENCE ROOM SCHEDULE

4717 Main Avenue, Ashtabula, Ohio 44004

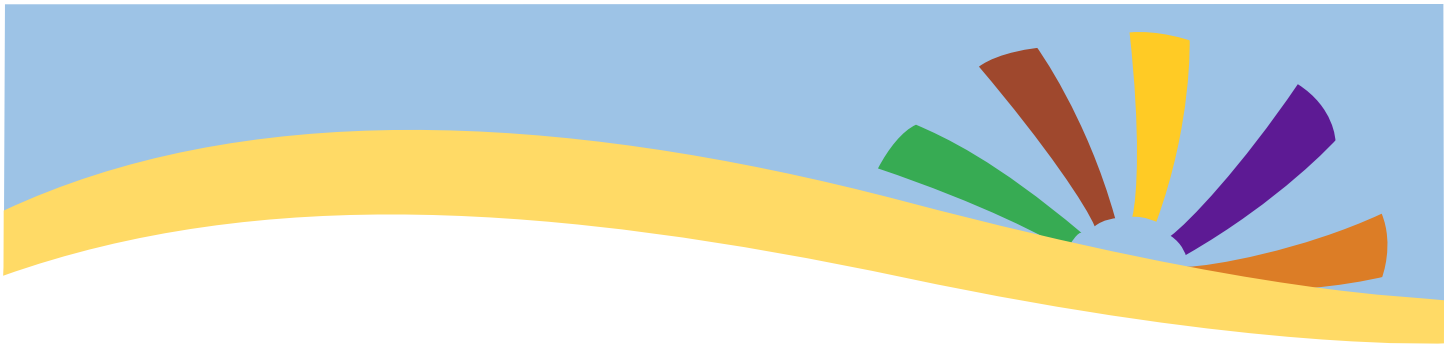
Office (440) 992-7119; Fax (440) 998-4457

Please notify Clerk of Council of additions/corrections ASAP to schedule by
emailing clerkofcouncil@cityofashtabula.com

SUBJECT TO CHANGE



Monday	Tuesday	Wednesday	Thursday	Friday
				1
4 630p Pre-Council-cc 7p Regular Mtg-cc	5 5p Parks & Rec-pc	6	7	8
11	12 4p CD/ED/P&R-cc	13 5p Ashtabula Historic Preservation Commission-cc	14	15 830a F&P-cc
18 630p Pre-Council-cc 7p Regular Mtg-cc	19	20 8a Port Authority-pc 130p Board of Health-cc 5p Civil Service Commission-aap	21 530p Planning Commission-pc	22
25 845a SF-cc 5p PW-cc (not streamed)	26	27	28	29



CLEAN UP ASHTABULA

* Let's take pride in our city and our community by coming together for a great cause and help support Earth Day! Please RSVP with contact person and number of volunteers in group by Monday April 18th. Lunch will be provided.

Saturday, April 30th 9a—noon

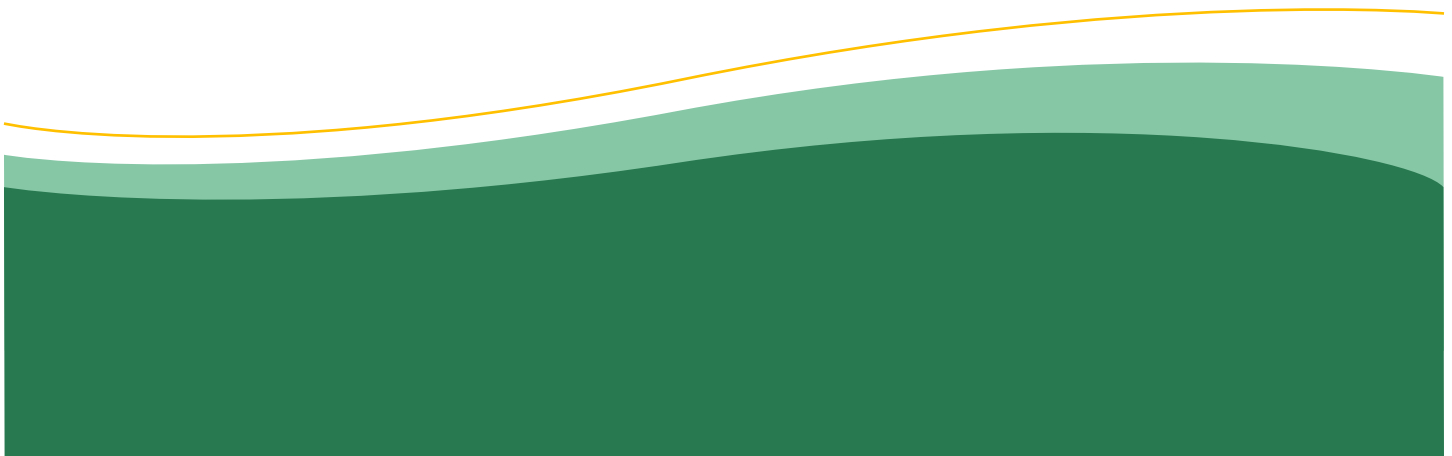
RAIN OR SHINE

**City of Ashtabula Municipal Building Parking Lot
4717 Main Avenue—Park Avenue entrance**

RSVP:

Jodi Mills—ward4@cityofashtabula.com or 440-812-5916

Jane Haines—ward5@cityofashtabula.com or 440-998-1635



Ashtabula City Health Department 440-992-7123

COVID Vaccine Hot-line 440-992-7188

Schedule Your Vaccine/Booster With The Ashtabula City Health Department Using VMS

- Visit <https://gettheshot.coronavirus.ohio.gov/>
- Select your language (default set is English)
- Click eligibility and book my appointment
- Answer the COVID-19 vaccination questionnaire
- If you are not eligible, you will be prompted to sign up for a notification when you become eligible
- If you are eligible, you will be directed to a page that allows you to search for a vaccine location near you
- Enter 44004 in the search bar to find the Ashtabula City Health Department clinics which are held at Kent State Ashtabula, Superior Intermediate or City Hall on Main Avenue. Providers with other clinics in the area with available appointments will also be listed.
- Clinics will be added as soon as vaccine is available. If you don't see a clinic appointment available, please check back frequently.

Please see <https://www.cityofashtabula.com/covid-19-vaccine> for a more detailed guide on utilizing the VMS system and FAQ's related to the VMS system.