

ORDINANCE NO. 1434- 2024

AN ORDINANCE EXTENDING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND/OR GRANTING OF BUSINESS LICENSES, BUILDING PERMITS, ZONING AND SITE PLAN APPROVALS, CERTIFICATES OF BUSINESS OCCUPANCY AND CERTIFICATES OF OCCUPANCY THAT WOULD INCREASE THE NUMBER OF BEDS AND/OR ROOMS AVAILABLE TO BE RENTED FOR A PERIOD OF 90-DAYS OR LESS, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 802 of the Village of Put-in-Bay Codified Ordinances (“Codified Ordinances”) contains regulations imposed on businesses requiring businesses to obtain a business license in order to commence or engage in any business within the Village.

WHEREAS, Chapter 1222 of the Codified Ordinances requires site plan approval for all construction on commercially zoned property, including construction of accessory structures and any residential construction located in commercially zoned districts;

WHEREAS, Section 1262.02 of the Codified Ordinances requires a zoning certificate be issued prior to locating, erecting, constructing, converting, adding to, moving, reconstructing, enlarging, changing, maintaining or structurally altering any building or structure within the Village;

WHEREAS, Section 1440.01 of the Codified Ordinances applies to the construction of a new building and the altering, rebuilding or modifying any existing temporary or permanent building and requires all plans and specifications for any structure, temporary or permanent to be filed with Village Council, be subject to Council’s approval and if approved by Council for the Mayor to issue a building permit;

WHEREAS, pursuant to Ohio law as well as the Ohio Constitution, this Council has the authority to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses;

WHEREAS, establishing and maintaining limitations concerning the number and location of short term rentals of 90-days or less operating in the Village is necessary so that the Village can provide more adequate police and fire protection, better efficiency and economy in furnishing public utility services, more comprehensive and informed planning and zoning for uses of land and structures within the Village, to provide adequate parking for residents and visitors, to mitigate traffic congestion, limit the impact on critical infrastructure and promote the general health, safety and welfare of the Village and its residents and visitors; and

WHEREAS, on July 11, 2023, the Council adopted Village Ordinance 1404-23 establishing a moratorium on the acceptance of any applications for, or the granting of, business licenses, building permits, zoning and site plan approvals, certificates of business occupancy or certificates of occupancy that would increase the number of beds and/or rooms available to be

rented for a period of 90-days or less in the Village for the eight-month period beginning on July 11, 2023.

WHEREAS, this Council determines that the Village needs additional time to review applicable sections of its Codified Ordinances and the Ohio Revised Code in order to determine appropriate regulations concerning the permissible number of short term rentals in the best interests of the Village, its business community, residents and visitors, and desires to extend the moratorium maintaining the number of beds/rooms available for short term rental established pursuant to Village Ordinance 1404-23 until December 31, 2024, unless terminated or extended through passage of a substantive ordinance on the subject.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Put-in-Bay, County of Ottawa, State of Ohio, that:

SECTION 1. This Council extends the moratorium established pursuant to Village Ordinance 1404-23 on the acceptance of any applications for, or the granting of, business licenses, building permits, zoning and site plan approvals, certificates of business occupancy or certificates of occupancy that would increase the number of beds and/or rooms available to be rented for a period of 90-days or less in the Village through December 31, 2024, unless terminated earlier or extended through passage of a substantive ordinance on the subject.

SECTION 2. Any business license currently in effect for a business that operates short term rentals of 90-days or less may be renewed during the period of this moratorium if the number of beds/rooms is equal to or less than the numbers of beds/rooms in existence at the time of this Ordinance's passage.

SECTION 3. If a site plan was approved prior to the passage of this Ordinance, construction may only commence if a building permit was also issued prior to the passage of this Ordinance.

SECTION 4. 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/or any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

SECTION 5. This Ordinance is deemed an emergency measure necessary for the health, safety, and welfare of the residents of the Village and for the further reason that this Ordinance must be immediately effective so that the Village may review applicable sections of its Codified Ordinances and the Ohio Revised Code to determine appropriate regulations concerning the permissible number of short term rentals that is in the best interests of the Village, its business community, residents and visitors so that the Village can provide more adequate police and fire protection, better efficiency and economy in furnishing public utility services, more comprehensive and informed planning and zoning for uses of land and structures within the Village, to provide adequate parking for residents and visitors, to mitigate traffic congestion, limit the impact on critical infrastructure and promote the general health, safety and welfare of the Village and its residents and visitors while maintaining the status quo. Wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: March 12, 2024

Attest: Christina Saatchi
Fiscal Officer

Approved: March 12, 2024

Judy Berry
Judy Berry, Mayor

ORDINANCE NO. 1428- 2023

AN ORDINANCE RESCINDING POLICIES TITLED "COMPENSATORY TIME FOR SALARIED EXEMPT POLICE OFFICERS" AND "COMPENSATORY TIME FOR NON-EXEMPT VILLAGE EMPLOYEES IN THE VILLAGE OF PUT-IN-BAY'S PERSONNEL POLICY AND PROCEDURE MANUAL AND DECLARING AN EMERGENCY.

WHEREAS, Village Council previously adopted a compensatory time policy as a fringe benefit for its salaried exempt police officers titled "Compensatory Time for Salaried Exempt Police Officers;"

WHEREAS, Village Council previously adopted a compensatory time policy where non-exempt full-time employees could elect to accrue compensatory time in lieu of overtime payments titled "Compensatory Time for Non-Exempt Village Employees;"

WHEREAS, the policies concerning compensatory time contain provisions permitting certain Village employees to accrue compensatory time; and

WHEREAS, Council now wishes to rescind certain existing compensatory time policies in order to provide consistency to all Village employees and to ensure sufficient employees are available to support and facilitate the operations of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Put-in-Bay Ohio, County of Ottawa, State of Ohio, that:

SECTION 1. This Council rescinds the policy titled "Compensatory Time For Salaried Exempt Police Officers" and the policy titled "Compensatory Time for Non-Exempt Village Employees," effective January 1, 2024.

SECTION 2. As of January 1, 2024, Village employees will not be eligible or permitted to earn or accrue compensatory time, except as set forth in, and in accordance with, the Village's Emergency Calls During Off Hours – Police Department Off Season Cell Phone Policy (approved by Ordinance 1427-23) and/or the Village's Emergency Calls During Off Hours for Utility Employees – Cell Phone Policy (approved by Ordinance 1423-23).

SECTION 3. This Council authorizes the Village Fiscal Officer to pay Village employees, where applicable, for all existing, unused compensatory time accrued prior to the effective date of this ordinance, in accordance with the regular payroll practices of the Village.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted 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 legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: Council declares this to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village, and for the further reason that this Ordinance must be immediately effective in order to ensure the consistent application of Village policies and continued efficient operation of the Village. Wherefore this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: March 12, 2024

Attest: Chlumensadt
Fiscal Officer

Approved: March 12, 2024

Judy Berry
Judy Berry, Mayor

ORDINANCE NO. 1430-2024

AN ORDINANCE AMENDING CHAPTER 802, LICENSING IN GENERAL OF PART EIGHT, TITLE TWO OF THE CODIFIED ORDINANCES OF THE VILLAGE OF PUT-IN-BAY BY AMENDING SECTION 802.09 "BUSINESS LICENSE FEES; GENERAL BUSINESS LICENSE FEE," AND DECLARING AN EMERGENCY

WHEREAS, the increased use of rental golf carts in the Village of Put-in-Bay have become a nuisance, caused severe traffic congestion and led to the disruption of the general peace and welfare of the Village; and

WHEREAS, in order to properly and appropriately regulate the business of golf cart rentals and to better align with Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinances of the Village of Put-in-Bay, the Council determines that an increase to the business license fee for golf cart-scooter-bike rentals and repair is necessary; and

WHEREAS, this Council desires to amend Section 802.09 "Business Licenses Fees; General Business License Fees" in Chapter 802, Licensing in General of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay, to increase the business license fee for Golf cart-scooter-bike-rentals and repairs to \$175.00.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Put-in-Bay, Ottawa County, State of Ohio that:

SECTION 1. Section 802.09 "Business License Fees; General Business License Fees" of Chapter 802, Licensing in General of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended as follows:

802.09 BUSINESS LICENSE FEES; GENERAL BUSINESS LICENSE FEE

(a) Any person who engages in the following businesses shall pay a license fee as set forth in this subsection:

| | |
|--|-----------------|
| (1) Bar/food-winery | \$150.00 |
| (2) Retail services-gift shop-carry-out | \$150.00 |
| (3) Hotel-motel-bed and breakfast home/cottage rental short term | \$150.00 |
| (4) Fuel sales | \$150.00 |
| (5) Repair shops (auto. or boat) | \$150.00 |
| (6) Amusement business | \$150.00 |
| (7) Golf cart-scooter-bike rentals and repair | \$175.00 |
| (8) Taxi-bus-pedicab-tour train | \$150.00 |
| (9) Ferry service | \$150.00 |
| (10) Charter boats | \$150.00 |
| (11) Watercraft dockage and marina | \$150.00 |
| (12) Watercraft rental | \$150.00 |

| | |
|------------------|----------|
| (13) Purveyors | |
| (14) Contractors | \$150.00 |
| (15) Food court | \$150.00 |
| | \$150.00 |

(b) Each person engaged in a business not listed in paragraph (a) of this section shall obtain a general business license for each business unit operated, and shall pay a fee of one hundred fifty dollars (\$150.00) for each such license.

(c) A general business license shall be issued upon the person's compliance with the provisions of this Title Two and with Village ordinances, the Village Zoning Code and any and all other local laws, rules and/or regulations as are incumbent on said business.

SECTION 2: This Ordinance shall replace and supersede any and all prior versions of the of section 802.09 "Business License Fees; General Business License Fee" of the Village of Put-in-Bay Codified Ordinances.

SECTION 3: All formal actions of the Council of the Village of Put-in-Bay concerning and relating to the adoption of this ordinance were taken in open meetings in compliance with all requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4: This ordinance is deemed an emergency measure necessary for the health, safety, and welfare of the residents of the Village of Put-in-Bay, Ohio, and for the further reason that this Ordinance is required to be immediately effective to provide adequate regulation of the golf cart rental business, to better align with Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinances of the Village of Put-in-Bay and to preserve the general peace and welfare of the Village. Therefore, it shall take effect and be in force immediately from and after its passage.

Passed: March 12, 2024

Attest: Obrumensadt
Fiscal Officer

Approved: March 12, 2024

Judy Berry
Judy Berry, Mayor