

ORDINANCE AMENDING EXISTING MARION CITY CODE SECTIONS  
1159.01, 1123.01 AND 1127.99 FINDING A REAL AND PRESENT NEED TO  
CONTROL NUISANCES WITHIN THE CITY OF MARION, OHIO

Whereas the Council finds the Administration's suggested modification to the existing Code of the City of Marion related to controlling nuisance structures within the City of Marion to be well taken, and

Whereas, the Council finds a real and present need to control certain un-wanted structures, components and items, which have been determined to be nuisances within the City of Marion, Ohio

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
MARION, STATE OF OHIO

**Section 1. § 1159.01 ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS, now reading as:**

(A) An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard. Any accessory building not in a rear yard shall be integral or connected with the principal building and shall be so placed as to meet all yard requirements for a principal building.

(B) If located in a rear yard, an accessory building integral with the principal building shall also be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following sections:

(1) The height of such accessory buildings shall not exceed 15 feet and the distance of such buildings from other separate buildings on the same lot shall be at least six feet, except that a breezeway, at least six feet in length, may connect an accessory building with a principal building.

(2) The height of all accessory fences, walls or hedges shall comply with the requirements of § 1151.065(D).

(3) No accessory building in a rear yard shall be less than three feet from an interior side or rear lot line and no less than ten feet from a side or rear lot line which adjoins a dedicated public alley.

(4) Coverage of a rear yard by accessory buildings shall not exceed 25%.

SHALL BE AMENDED TO READ AS:

**§ 1159.01 ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS**

(A) An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard. Any accessory building not in a rear yard shall be integral or connected with the principal building and shall be so placed as to meet all yard requirements for a principal building.

(B) If located in a rear yard, an accessory building integral with the principal building shall also be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following sections:

(1) The height of such accessory buildings shall not exceed 15 feet and the distance of such buildings from other separate buildings on the same lot shall be at least six feet, except that a breezeway, at least six feet in length, may connect an accessory building with a principal building.

(2) The height of all accessory fences, walls or hedges shall comply with the requirements of § 1151.065(D).

(3) No accessory building in a rear yard shall be less than three feet from an interior side or rear lot line and no less than ten feet from a side or rear lot line which adjoins a dedicated public alley.

(4) Coverage of a rear yard by accessory buildings shall not exceed 25%.

**(5) NO ACCESSORY BUILDING, STRUCTURE SHALL BE TRAILER BOXES, TRUCK BOXES, PODS, SEMI-TRAILERS, RAILCARS, OR OTHER SIMILARLY CONSTRUCTED COMPONENTS.**

**Section 2. CHAPTER 1123: DEFINITIONS, now reading, in relevant part as:**

**§ 1123.01 DEFINITIONS.**

For the purposes of this zoning code, certain terms are herewith defined. When not inconsistent with the context, words in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word **STRUCTURE** includes buildings; the word **OCCUPIED** includes designed or intended to be occupied; the word **USED** includes designed or intended to be used; and the word **SHALL** is mandatory and not merely directive. Other words and terms shall have meanings as defined hereunder.

**ACCESSORY BUILDING or STRUCTURE.** A subordinate building or structure on the same lot with a principal building, or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after the construction of the principal building.

SHALL BE AMENDED TO READ AS:

**§ 1123.01 DEFINITIONS.**

For the purposes of this zoning code, certain terms are herewith defined. When not inconsistent with the context, words in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word **STRUCTURE** includes buildings; the word **OCCUPIED** includes designed or intended to be occupied; the word **USED** includes designed or intended to be used; and the word **SHALL** is mandatory and not merely directive. Other words and terms shall have meanings as defined hereunder.

**ACCESSORY BUILDING or STRUCTURE.** A subordinate building or structure on the same lot with a principal building, or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after the construction of the principal building. **NO ACCESSORY BUILDING, STRUCTURE SHALL BE TRAILER BOXES, TRUCK BOXES, PODS, SEMI-TRAILERS, RAIL CARS, OR OTHER SIMILARLY CONSTRUCTED COMPONENTS.**

Section 3. **CHAPTER 1127: MISCELLANEOUS PROVISIONS, now reading in relevant part:**

**§ 1127.99 VIOLATIONS AND PENALTIES.**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this code or any amendment thereto. Whoever violates any provision of this Zoning Code for which no penalty is otherwise provided is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$100. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or \$250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or \$500.

SHALL BE AMENDED TO READ AS FOLLOWS:

**CHAPTER 1127: MISCELLANEOUS PROVISIONS**

**§ 1127.99 VIOLATIONS AND PENALTIES.**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this code or any amendment thereto. Whoever violates any provision of this Zoning Code for which no penalty is otherwise provided is guilty of a **misdemeanor of the fourth degree ( M - 4 ) on a first offense which is punishable by a fine of not more than \$ 250.00 fine and/or a jail sentence of up to thirty (30) days. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the second degree ( M - 2 ) which is punishable by not more than 90 days in jail and/or \$ 750.00 fine. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the first degree ( M - 1 ) which is punishable by not more than 180 days in jail and/or a fine of \$ 1,000.00..**

Section 4. That this Ordinance shall be in force from and after the earliest period allowed by law.

Approved:

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President of Council

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Mayor Scott Schertzer

Attest:

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Clerk of Council