

Bethel Township Zoning Resolution Article 30 – Supplemental Regulations – October 2024

ARTICLE 30

SUPPLEMENTARY REGULATIONS

Section 30.01 General Regulations

Except as herein provided no building or structure shall be erected, converted, enlarged, reconstructed or moved except or unless:

- A. For a purpose permitted in the district in which the building or land is located.
- B. In conformance with the height or bulk limits established herein for the district in which the building or use is located.
- C. In conformance with the yard and lot regulations of the district in which the building or use is located.
- D. In conformance with the off-street parking and off-street loading space regulations of the district in which the building or use is located.
- E. Such building or structure is located on a lot as herein defined and, in no case, shall there be more than one main building on a lot except as specifically provided hereinafter.
- F. In conformance with the regulations of the Miami County Planning Commission and the Township Zoning Department, or their designated party, in their administration of the flood plain regulations issued by the Federal Emergency Management Agency.

Section 30.02 Yards Required for Corner and Through Lots

- A. In any district, the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yards.
- B. A rear yard shall be provided parallel to and opposite from the front yard.
- C. On through lots the front yard requirements shall apply to all street frontages.

Section 30.03 Corner Lot Accessory Buildings

In no case shall a corner lot accessory building project beyond the building to which it is accessory, be closer than ten (10) feet to a common lot line nor be located closer than five (5) feet to the rear lot line of the lot on which it is to be located.

Section 30.04 Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this Resolution, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

Section 30.05 Accessory Buildings and Structures

An accessory building or structure which is not part of the main building shall not occupy more than thirty (30) percent of the required rear or side yard.

A. Accessory buildings, structures and uses include, but are not limited to:

1. A private detached garage.
2. A private stable.
3. The keeping of animals as pets.
4. Temporary buildings or trailers for uses incidental to construction work. Such temporary buildings or trailers shall be removed upon the completion or abandonment of the construction work.
5. A swimming pool, bathhouse, tennis court, and/or other recreational facilities designed for the use of the occupants of the dwelling and their guests. Such facilities shall comply with the following conditions and requirements:
 - a. The facility shall not be located in any front yard and shall be no closer than ten (10) feet from the required side yard lot line or rear yard lot line.
 - b. The facilities shall be located on the same zoning lot as the principal building, structure or use that it is serving.
 - c. In addition, to the above, the following shall also apply to swimming pools. For the purpose of these regulations, "swimming pool" shall include all permanent above and in ground structures and temporary or portable pools with a depth twenty-four (24) inches or greater.
 1. A zoning application shall be completed that includes a site plan identifying the location of the pool and all surrounding structures and lot lines. The distances of the swimming pool from such structures and lot lines shall be clearly identified.
 2. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. The fence or wall shall not be less than four (4) feet in height and maintained in good condition with a self-locking gate. An automatic pool cover will still require a fence.
 3. The swimming pool shall be located at least six (6) feet from any structure, underground septic system access and at least ten (10) feet from overhead electric lines.
 4. All applicable building permits, electrical permits and health permits shall be obtained.
 5. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

B. In any residential zone, no garage or other accessory building shall be erected within the front yard.

C. In any zone, no truck trailer bodies, Portable On Demand Storage Units (PODS), cargo containers, old tanks, railroad cars, plastic barrels, or similar type container shall be considered as an accessory structure or storage building.

D. No garage or accessory building shall be constructed in the required side yard setback.

E. All accessory buildings 200 square feet or less shall not require a zoning certificate, but shall be included when figuring the total square footage requirements for a lot.

F. Each accessory building shall be located no closer than ten (10) feet from another such accessory buildings.

G. Maximum Gross Floor Area, Setback and Number Permitted for Accessory Buildings

ACREAGE	# OF ACCESSORY BUILDINGS PERMITTED	MAX. SQ. FT. FOR ACCESSORY ON LOT	SETBACK
.183-.275	2	672 SQ. FT.	Side 10' /Rear 5'
.276-.716	2	900 SQ. FT.	Side 10' /Rear 5'
.717-1.5	2	1400 SQ. FT.	Side 10' /Rear 5'
1.5-3.0	2	2000 SQ. FT.	Side 10' /Rear 5'
3.001-4.99	2	2600 SQ. FT.	Side 10' /Rear 5'
5.0-10	2	3200 SQ. FT.	Side 10' /Rear 5'

10+	Unlimited	Unlimited	Side 10' /Rear 5'
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Section 30.06 Fences, Walls and Hedges

Fences and walls are permitted in all Districts, subject to the following conditions:

A. Exemptions

Agricultural fences shall be exempt from the following regulations but shall comply with the standards and regulations in the Ohio Revised Code for agricultural fencing.

B. Location

1. No fence, wall, or hedge shall be closer to any public street than the right-of-way.
2. The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon his/her property.

C. Height

1. Side and rear yard fences, walls, and hedges shall not exceed six (6) feet in height for residential uses and shall not exceed four (4) feet in height in the front yard.
2. Side and rear yard fences, walls, and hedges shall not exceed eight (8) feet in height for non-residential uses and shall not exceed six (6) feet in height in the front yard.

D. Materials

1. Fences shall not contain an electric charge.
2. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be used in the non-residential areas and then only when approved by the Zoning Commission as part of an approved plan or in other areas by the Board of Zoning Appeals as a Conditional Use.
3. Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or treated so that they are weather resistant.
4. The finished or most decorative side of the fence shall face away from the property erecting the fence.
5. All fences located within the front yard shall not be of opaque design must allow for visibility of the front yard area.

E. Maintenance

The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained at all times.

F. Certificate Not Required

Fences and walls shall not require a Zoning Certificate.

G. Sight distance requirements

No fence, wall, or hedge planting shall interfere with visibility from a driveway. The Zoning Administrator/Enforcing Officer is hereby empowered to cause all such obstructions to be moved in the interest of the public safety.

Section 30.07 Removal of Soil, Sand or Other Materials

The use of land for the removal of topsoil, sand or other material, other than materials from basement excavations, is not permitted in any zone unless otherwise provided. When permitted as a conditional use, a bond or letter of credit will be required to assure that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition, unfit for the growing of turf, or for other land uses permitted in the district in which such removal occurs.

Section 30.08 Essential Services

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other Resolutions. Buildings required by a public utility in conjunction with an essential service may be permitted in any district when approved by the Board of Zoning Appeals. In granting such permission, the Board of Zoning Appeals shall consider the location, size, use, and effect such building will have upon adjacent land and buildings.

Section 30.09 External Effects

No land, building, or structure in any district shall be used or occupied in any manner so as to be unsightly or create any dangerous, injurious, noxious, or otherwise objectionable vibration; smoke, dust, fumes, odor, or other forms of air pollution; heat, cold, or dampness; electrical or electronic disturbances; nuclear radiation; or any other condition detrimental to persons or property not located on the premises on which such building, structure or use is located. Such uses, when lawfully permitted under the provisions of this Resolution, shall be operated in a manner so as to ensure that the property rights of all other parcels of land will not be adversely affected to the extent of reducing the enjoyment of property rights thereon.

A. Air pollution. Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and the Regional Air Pollution Control Agency and of the Miami County, Ohio Combined General Health District.

B. Erosion. No erosion, other than by natural causes, shall be permitted which will carry objectionable substances onto neighboring properties.

C. Fire and explosion hazards. Adequate safety devices shall be provided where there are activities involving storage of flammable or explosive materials in facilities that require fire inspections. Adequate safety devices shall be provided against the hazards of fire and explosion and adequate firefighting and fire suppression equipment and devices, standard in the industry shall be provided.

D. Fissionable, radioactivity or electrical disturbance: No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems. Activities shall not be permitted which emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.

E. Glare and heat: Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises. Welding that is required for exterior construction of a structure shall be exempt from these regulations.

Section 30.10 Outdoor Lighting

In order to reduce light pollution, all areas containing outdoor lighting, including but not limited to floodlighting, security lighting, canopy or parking lot lighting shall be as follows:

A. Lights shall be fully shielded so as to prevent the visibility of the light bulb from adjacent properties.

B. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, fixture height, fixture aim or a combination of these or other factors to mitigate light glare and trespass.

C. Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure.

D. Lights shall not be mounted on the top or sides of a canopy or bay.

E. Any lawful lighting fixtures located within the Township at the effective date of this Resolution which does not conform to the provisions of this Section may continue, provided the lighting remains in conformance with the provisions of this Section.

F. Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

G. Legal nonconforming status shall terminate under the following conditions:

1. If a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
2. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
3. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty (50) percent of its replacement value.

Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Section, or the lighting fixture(s) shall be removed.

H. Lighting found by the Township to create public hazard can be ordered removed or altered at any time.

Section 30.11 Outdoor Storage and Waste Disposal

Every use shall be operated in accordance with the following provisions:

A. No highly flammable or explosive liquids, solids or gases shall be stored in bulk except in an "I-1" Light or "I-2" Heavy Industrial District. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot are excluded from this provision provided that such devices, drums or tanks are in safe, working order and are approved by the applicable Department or Agency charged with inspection and approval.

B. No materials or wastes shall be deposited, stored, or disposed upon a lot in such form or manner as to allow such materials or wastes to be transferred off the lot by wind, flood, or natural causes or forces.

C. All materials or wastes which might cause fumes or dust, or which constitute a fire or health hazard, or which may be edible or attractive to rodents or insects shall not be stored outdoors except in closed containers constructed of an impervious material.

Section 30.12 Projections Into Required Yards

Projections into required yards shall comply with the following requirements unless approval has been granted by the Board of Zoning Appeals:

A. Chimneys, flues, sills, pilasters, cornices, eaves, gutters, roof overhangs, and other similar features may project into a required side yard a maximum of twenty-four (24) inches.

B. Uncovered handicap ramps may project into the required front yard a maximum of twenty (20) feet. No handicap ramp may be constructed closer than 5 feet from any street Right of Way line.

C. No building or structure may be constructed, placed or project into a required front yard.

D. No building or structure may project into a required side yard except that, where a single lot under one ownership legally existed in a residential district at the time of passage of this Resolution, and such lot is of insufficient width to meet the side yard requirements of this Resolution, the Board of Appeals may grant a minimum variance to permit the construction of a one-family residence.

E. An open, unenclosed porch may project into a required front yard for a distance not exceeding six (6) feet.

Section 30.13 Exceptions to Height Limitations

Chimneys, domes, spires, necessary mechanical appurtenant, and radio and television towers may exceed district height limitations, provided:

A. Public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

B. Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property.

C. Unless exempted by Federal regulations, radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.

Section 30.14 Temporary Uses

In any district, subject to the conditions stated below, the Zoning Administrator/Enforcing Officer may issue a permit for the following temporary uses. A fee as established by Resolution by the Township Trustees shall be paid for the specified time so stated.

A. Temporary office buildings, or yard for construction material or equipment, provided such use is adjacent to the construction site. Each permit shall be valid for one (1) year and may be renewed by the Zoning Commission if conditions warrant such renewal.

B. A temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for a period of two (2) years and may be renewed by the Zoning Commission for two (2) additional years if conditions warrant such renewal. In no instance shall a temporary office be located in a structure used for human habitation.

C. Building and yard locations shall be subject to such conditions and safeguards, as the Zoning Administrator/Enforcing Officer may deem necessary to preserve the character of the surrounding area.

D. Tents or gathering areas under tents that are subject to regulation by the Ohio Basic Building Code.

E. Temporary signs in accordance with Article 36, Sign Regulations.

F. All temporary vendors are subject to temporary use permits issued by the Zoning Administrator/Enforcing Officer. No request hereunder will be accepted for consideration within the F-1, Flood Plain District, unless the applicant has furnished a valid written favorable recommendation thereto by the Miami Conservancy District and complies with the Flood Damage Prevention Regulations of Miami County, Ohio.

Section 30.15 Major Street Setbacks

Any building or structure shall hereafter be constructed in accordance with the required front yard setback in the district in which it is to be located, measured from the required right-of-way line of a proposed or existing arterial or collector street designated as such on the official Thoroughfare Plan.

Section 30.16 Mobile Homes and Recreation Vehicles

This Section shall apply to all existing mobile homes that were located prior to the adoption of this Zoning Resolution.

- A. No person shall occupy a recreational vehicle as a residence in any district as a temporary or permanent residence.
- B. No person shall occupy a mobile home as a residence outside an approved and licensed mobile home park or trailer court except as provided in the A-2 General Agricultural District.
- C. No mobile or manufactured home may be stored or parked in any district other than:
 1. An approved and licensed mobile home park or trailer court, or
 2. B-1 General Business, I-1 Light Industrial and I-2 Heavy Industrial.
- D. No recreational vehicle or boat may be stored in any required front yard or in front of the front building line of the building, whichever is farthest from the right of way, of any residential district.
- E. No recreational vehicle or boat may be parked in any required front yard or in front of the front building line of the building, whichever is farthest from the right of way, of any residential district for a period of more than 72 consecutive hours.
- F. No recreational vehicle or boat shall have a permanent connection to electric, water, gas or sewer facilities in any residential district.

Section 30.17 Modular and Manufactured Homes

Modular or manufactured homes will be permitted if such dwelling meets the minimum square footage requirements of the district where the home is to be located and if placed on a permanent foundation and made part of the real estate.

Section 30.18 Driveway Entrance Structures

Entrance structures for driveways shall be permitted in any district. Entrance structures must have the approval of the Bethel Township Planning and Zoning Department and must not restrict visibility of entrance to the roadway. Minimum open space between structures shall be twelve (12) feet.

Section 30.19 Lot Required

Every building shall be located on a lot. There shall be not more than one (1) principal building on one lot containing the principal use for that lot, except as provided below:

- A. There may be more than one (1) principal building on a lot in the Planned Unit Development District when approved as part of that specific process.
- B. There may be more than one (1) principal use building in a Business or Industrial District, provided that the required yard setbacks are provided around the group of buildings with approval from the Zoning Commission and if all applicable separation requirements are met with respect to fire and safety.

C. There may be more than one (1) principal building on a lot for multi-family, hotel, or motel purposes if the required yard setbacks are maintained around the group of buildings and the buildings are separated by a horizontal distance that is at least equal to the height of the highest building with approval from the Zoning Commission and if all applicable separation requirements are met with respect to fire and safety.

Section 30.20 Agricultural Uses Permitted

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings and structures are located. Furthermore, no Zoning Certificate shall be required for any such agricultural use, building or structure as exempted by the Ohio Revised Code, Section 519.

Section 30.21 Existing Lots of Record

Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Resolution provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution.

Section 30.22 Public Utilities

Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business.

Section 30.23 Cemeteries

Any cemetery established after the effective date of this Resolution must contain no less than twenty (20) acres. Grounds must be landscaped so as to be an asset to the District in which it is located and shall be properly maintained as per the Ohio Revised Code.

Section 30.24 Drive-In and Drive Through Service

Business establishments, which by their nature create lines of customers waiting to be served in motor vehicles, shall provide off-street waiting areas at least twenty (20) feet in length for each vehicle and at least ten (10) feet in lane width with a minimum of the following:

- A. Drive through or drive-in facilities shall provide sufficient stacking length for at least five (5) vehicles in each drive through or drive-in lane.
- B. Any establishment providing for gasoline or other motor vehicle fuel sales shall provide no less than two (2) waiting areas for each accessible side of a motor vehicle fuel pump island. Pumps shall not be located closer than fifteen (15) feet to any right-of-way line or within fifteen (15) feet of a clear visibility area at a corner lot as defined in this Resolution.
- C. Such waiting areas shall not obstruct off-street parking spaces, driveways or circulation areas.

D. Waiting spaces shall be situated in such a manner that vehicles using the drive through or drive-in facilities are traveling in a continuous forward motion.

E. A bypass lane shall be required to permit unimpeded circulation around a drive through lane. A bypass lane shall not include parking spaces.

Section 30.25 Required Trash Areas

All business, industrial and multi-family residential uses that provide trash and/or garbage collection areas shall:

A. Have such areas enclosed on at least three (3) sides by a solid wall or fence adequate in height to screen the containers if such area is not within an enclosed building or structure. Such enclosure shall be of materials or be painted in such a manner as to deemphasize the structure.

B. Adequate vehicular access to and from such area or areas for the collection of trash and/or garbage shall be required.

C. A six (6) inch raised curb shall be located one (1) foot from the interior walls of the enclosure to prevent the dumpster or refuse container from damaging the walls of the enclosure.

D. When visible from the public right-of-way, the enclosure shall be provided with a gate to fully screen the containers.

Section 30.26 Junk Storage

The accumulation and/or storage of junk vehicles, disabled or inoperative machinery and equipment, dismantled parts of vehicles, machinery or equipment, discarded appliances and furnishings, other junk and debris, shall be prohibited except when stored within a completely enclosed structure.

Section 30.27 Auxiliary Uses Permitted in Residential Districts

Many work-related activities, particularly those of the self-employed, can be compatible with and not detract from the primary use of a Residential District. This Section establishes regulations that permit such activities and shall govern them in a manner that the residential characteristics of the district shall be retained.

A. Home Occupations

1. The home occupation use shall be incidental and secondary to the residential use of the premises and shall not alter the appearance of the residence or cause the property to differ from its residential character in any manner. This shall include the addition of a separate entrance.
2. The individual primarily responsible for the home occupation and all employees must be family members residing on the premises.
3. There shall be no outward indication or display of occupational activity other than a non-illuminated name plate of not more than one (1) square foot.
4. No additional points of access to any street, road, or highway shall be constructed specifically to accommodate a home occupation.
5. No home occupation shall create excessive traffic volume as based on what is normally found in a residential neighborhood.
6. Direct retail or wholesale sales and/or stocking of products, parts, supplies, materials or any kind of merchandise are prohibited except for those products produced or parts, supplies and materials used in production or in a service of a home occupation.
7. Vehicles, other than passenger cars, used in the operation of home occupations or used in the operation of and as transportation to and from nonresidential occupations, shall be limited to pickup trucks and vans of one (1) ton capacity or less except for those that are stored in a private garage.

8. Any equipment or process used in a home occupation that creates excessive noise, vibration, glare, or any environmental emissions or effluents detrimental to the health, safety, and general welfare of the District or causes any audible or visual interference with radio or television reception or electric line voltage fluctuations off of the subject property is prohibited.

9. Hours that a home occupation may be open to the public shall be limited to those between 8:00 A.M. and 8:00 P.M.

10. A home occupation shall comply with all Federal, State, County, and Township regulations that are pertinent to its operation in addition to those contained in this Section.

11. The home occupation shall be conducted wholly within habitable rooms of the dwelling and shall not exceed two hundred (200) square feet of the total area of all habitable rooms of the dwelling.

12. Exterior storage, including storage in accessory buildings, of equipment, parts supplies, materials, products, merchandise, inventory and generated waste is prohibited.

13. Display of goods or products shall not be visible from outside of the dwelling.

B. Hobby

So long as any equipment or process used in a hobby does not create excessive noise, vibration, glare, or any environmental emissions or effluents detrimental to the health, safety and general welfare of the District or cause any audible or visual interference with radio or television reception or electric line voltage fluctuations off the premises and the hobby does not change the residential characteristics of the premises, the hobby may be practiced without restrictions except for pertinent regulations listed elsewhere in this Resolution.

C. Yard Sales, Equipment and Vehicle Sales

Yard sales, equipment and vehicle sales shall be regulated as follows:

1. All merchandise offered for sale must be the personal property of the resident holding the sale and must have been purchased by or purchased for and used by the resident.
2. Multiple family sales of two or more District residents may be held on the property of one of the participants.
3. The sale of consignment merchandise or merchandise that has been expressly purchased for resale is prohibited.
4. A resident may hold no more than two (2) yard sales per year with each sale lasting over a time period of not more than seventy-two (72) consecutive hours.
5. Merchandise may be displayed only when the sale is in active progress and remaining unsold merchandise must be removed immediately at the conclusion of the sale and stored indoors except for those items normally stored outdoors (vehicles, boats, etc.).
6. Directional and/or advertising signs must be in compliance with other Resolution regulations governing signs and must be removed immediately after the conclusion of a sale (See Section 36.08, Domestic Advertising Signs).
7. The sales of equipment, motor or recreational vehicles on private property shall be limited to the sale of five (5) vehicles a year, per adult living on premises, without an Ohio automobile dealer's license. No more than one (1) vehicle shall be for sale at one time.
8. Motor or recreational vehicles shall not be parked in the public right-of-way when being sold.

Section 30.28 Storage of Commercial Vehicles on Residential Property

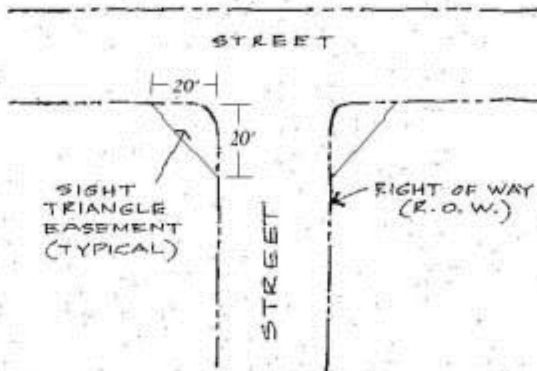
Any vehicle stored on residential property **for a period of more than seven consecutive days** and having lettering indicating an occupational use of any kind, must be parked within an enclosed building, garage, or parked behind the front building line of the residence.

Section 30.29 Landfills, Dumps, Mining and Extraction of Minerals or Raw Materials

The Board of Zoning Appeals may attach such conditions and safeguards as it deems necessary to protect neighboring properties or Districts from fire hazards or smoke, noise, odor, dust or any other detrimental or obnoxious effects incidental to such operation of a landfill, dump, mine or mineral extraction operation. In addition, the Board of Zoning Appeals shall require a written agreement, from the owners of such operation to the effect that, upon termination of such operation, the land involved shall be reclaimed to as near its original state as practical in the opinion of the Board of Zoning Appeals.

Section 30.30 Visibility Across Corner Lots

In any District on any corner lot, no opaque fence, structure or planting higher than four (4) feet, shall be erected or maintained within a triangle twenty (20) feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.



Section 30.31 Outdoor Bulk Storage and Display in Commercial and Industrial

The following regulations shall apply to outdoor bulk storage or displays:

- A. The outdoor storage or display of bulk goods including seasonal items such as firewood and mulch shall be controlled by the following regulations:
1. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
 2. The outdoor storage of merchandise, inventory or materials shall not be located in any required yard area within the lot nor shall it be visible from the public right-of-way.
 3. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
 4. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight (8) feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.
 5. All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.
 6. Only a sample of materials, to properly identify the materials for sale on the premises, shall be permitted as part of the outdoor display.
 7. Outdoor storage or display locations shall be approved by the Zoning Administrator upon the application of the record owner of the property.
- B. Applications for outdoor storage or display areas shall be on a form provided by the Zoning Administrator and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Administrator may request the specific review and approval of the Zoning Commission of any application. The review and approval of the Zoning

Commission may also be requested by any applicant whose application has been rejected or modified by the Zoning Administrator, which request must be made in writing and must be made within ten (10) days of such rejection or modification.

Section 30.32 Sexually Oriented Businesses

A Sexually Oriented Business is a conditional use within the "I-1" Light Industrial District. A conditional use for such facilities shall not be approved unless the following minimum conditions are complied with:

A. Minimum location requirements

No Sexually Oriented Business shall be established within 1,000 feet of:

1. Any residentially zoned property.
2. Any public, private, governmental or commercial library, school, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool.
3. Any PUD utilized in whole or in part for residential purposes.

B. Prohibited public display

No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

C. Public view to be prevented

All building openings, entries, windows, etc. for adult entertainment establishments shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. The building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

D. External audio and visual impact

No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

In granting any such conditional use, the Board of Zoning Appeals may prescribe additional conditions it deems necessary in the public interest. However, no conditional use shall be approved by the Board of Zoning Appeals unless it finds that the use for which such approval is sought is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation or improvement, either residential or nonresidential, or be contrary to the public health, safety, morals and general welfare of the Township.

Section 30.33 Wireless Telecommunication Facilities, Towers and Antennas

Prior to approving a permit for the location, construction, reconstruction, modification, enlargement or repairs of a telecommunication tower, antennas and service building when located in a residential district, the Board of Zoning Appeals shall find that the applicant has satisfied all of the following regulations listed below and is in full conformance of Section 519.211 of the Ohio Revised Code:

A. A site plan, (scale of one (1) inch equal twenty (20) feet) shall be submitted with the permit application and shall indicate all uses adjacent to the proposed facility as well as the proposed layout of the property.

B. The applicant shall prove that the proposed antenna cannot be collocated on any other telecommunication tower or located on a building or other structure in the area to be served.

C. Proof shall be provided to the Board of Zoning Appeals by the applicant that the proposal has been approved by all Federal and State agencies, with jurisdiction, such as but not limited to ODOT Office of Aviation, FAA and FCC.

- D. All new towers shall be of the monopole design and constructed to withstand an eighty (80) mile per hour wind.
- E. Maximum tower height including antenna shall be two hundred (200) feet.
- F. A wireless telecommunication facility is permitted as a primary use on a lot subject to the following:
1. Minimum lot area – forty thousand (40,000) square feet.
 2. Front building line – minimum of fifty (50) feet from the right-of-way line.
 3. Side and rear building lines – minimum of forty (40) feet from side and rear lot lines.
- G. The equipment shelter shall be a single floor structure and its size not to exceed three hundred (300) square feet. If more than one shelter is needed, due to perhaps collocation, total area of equipment shelters cannot exceed six hundred (600) square feet.
- H. An eight (8) foot tall security fence shall completely surround the tower and equipment shelter. A landscape buffer screen of evergreens shall be planted around the outside perimeter of the security fence. Remaining open areas shall be planted with grass. All plantings are to be maintained in good condition by the property owner.
- I. The tower shall be painted a non-contrasting gray or earth tones minimizing its visibility, unless otherwise required by the FCC or FAA.
- J. No advertising is permitted anywhere on the facility. Identification and no trespassing signage shall be permissible and shall include an emergency telephone number.
- K. Where an antenna is attached to an existing structure, its height shall not exceed that of the structure by more than twenty (20) feet or twenty (20) percent of the structure height, whichever is greater. If the equipment shelter is not located on or attached to the structure, the shelter shall comply with the regulations listed above in paragraphs F and G. The shelter shall not in any way interfere with parking or vehicular circulation of the principal use on the site.
- L. Towers shall not be lighted except as required by the FAA.
- M. Security lighting may be installed on the equipment shelter but shall not exceed the height of the building if it has a flat roof or the eaves of a peaked roof.
- N. All weather service access shall be installed to accommodate fire and emergency equipment.
- O. Upon written approval of the Board of Zoning Appeals, a conditional permit shall be issued by the Zoning Administrator. To show intent to continue operation, the permit shall be renewed annually by application to the Zoning Administrator by the applicant. If finding that the permit holder is in compliance with the permit conditions, the Zoning Administrator shall issue a renewal. If conditions have not been met by the applicant, action will be taken to revoke the original permit (See paragraph R of this Section). Zoning Certificate and renewal permit fees shall be set by the Board of Township Trustees.
- P. Within thirty (30) days of ceasing operation of a telecommunication facility, the permit holder shall give notice of such ceasing of operation to the Zoning Administrator. Facilities shall be removed within twelve (12) months of ceasing operation. Sale or renting of facilities to another telecommunication system may be permissible subject to the procedure set forth above in paragraph O.
- Q. A Zoning Certificate issued under this Section is revocable and shall be revoked after notice and hearing by the Board of Zoning Appeals, if any condition of the permit has been violated and not fully remedied.

Section 30.34 Bed and Breakfast Establishment

Prior to awarding an applicant a conditional use permit for a Bed and Breakfast Establishment, the Board of Zoning Appeals shall determine that the applicant has satisfied all of the following conditions:

- A. A Bed and Breakfast located in a single-family dwelling shall only be operated by family members residing on the premises.
- B. The Bed and Breakfast shall not alter the exterior appearance of the residence or property or cause it to differ from its residential character in any manner.
- C. The Bed and Breakfast shall not involve the exterior storage of a materials or supplies, and storage of general waste and trash shall be screened from public view.
- D. There shall be no exterior displays or signs except for one on-site unlighted sign no larger than four (4) square feet stating the name of the Bed and Breakfast and related contact information.
- E. The Bed and Breakfast shall be limited to maximum of three (3) guest rooms.
- F. Each guest room shall be provided an off-street parking space.
- G. No more than two (2) adults shall occupy each guest room concurrently.
- H. No guest shall occupy the Bed and Breakfast for more than fourteen (14) consecutive nights.
- I. The serving of meals shall be strictly limited to registered guests only.
- J. Certification by the Township Fire Inspector that the applicant has complied with all fire protection requirements shall be presented to the Board of Zoning Appeals before the Bed and Breakfast may commence operation.
- K. A Zoning Certificate issued under this Section is revocable and shall be revoked after notice and hearing by the Board of Appeals if any condition of the permit has been violated and not fully remedied.

Section 30.36 Noise

A. Application of Performance Standards

For the protection of the health, safety and general welfare of the community, all uses shall comply with the noise standards established in this Section, unless any Federal, State, County, or Township local ordinance, law or regulation establishes a more restrictive standard; in which event the more restrictive standard shall apply.

B. Enforcement

Enforcement of the noise standards shall be the duty of the Zoning Administrator pursuant to these regulations and of Article 2, Administration and Enforcement.

C. Noise

1. No use of land or real property, for any purpose whatsoever, shall create or emit noise levels at or beyond the property line in excess of those given in the following table. Noise level measurement shall be performed using a sound level meter meeting the American National Standards Institute Specification S1,4-1961, or later version thereof. Where a property line separates two zones, the lower levels shall apply. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

Table 1

Maximum Permitted Sound Levels	SOURCE PROPERTY	RECEIVING PROPERTY
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NOISE SOURCE	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Residential	Covered by Adopted Noise Resolution			
Commercial	Daytime ¹	60	70	70
	Nighttime ²	45	65	65
Industrial	Daytime ¹	60	70	80
	Nighttime ²	45	65	80

1 Daytime shall be considered as the hours between 8:00 AM and 9:00 PM.

2 Nighttime shall be considered as the hours after 9:00 PM.

2. Measurements may be taken, at the discretion of the Zoning Administrator, at the subject property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or Zoning District regardless of the proximity of the source property to the receiving property. The source property need not be contiguous to the receiving property.

3. Exemptions

a. Any and all changes, alterations, increases, extensions or expansion of uses prior to the effective date of this Section which result in conditions of noise in excess of specified levels, shall constitute a violation of these regulations.

b. The following noise levels shall be exempt from the noise provisions during the *daytime* only:

- i. Legal blasting.
- ii. Construction activity and equipment.
- iii. Installation or maintenance of utility equipment.
- iv. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions:

- i. Aircraft.
- ii. Agricultural operations as legally operating under the Ohio Revised Code.
- iii. Emergency vehicles and equipment.
- iv. Warning devices operated by a Federal, State, County or Township.
- v. The repair of utility services.
- vi. Parades or other events officially sanctioned by Bethel Township.

Section 30.37 Portable Storage Units

A. Purpose

The purpose of these regulations is to regulate the use and location of portable storage units. These types of units are used for moving, temporary storage during construction and other purposes as listed in this Section.

B. Definition

For the purposes of this Section, the term “Portable Storage Unit” shall mean any enclosed unit of durable construction or material, not to exceed eight (8) feet in width by eight (8) feet in height by sixteen (16) feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on site or are delivered to site, filled by the owner or renter, and stored off site. Examples of these types of units are commonly known by the following names: Portable On Demand Storage (PODS) units, U-Pack Portable Storage Units, SmartBox, etc.

C. General Regulations

Portable storage units may be permitted as a temporary use in any zoning district as follows:

1. Location and Timeframe
 - a. Temporary Use for New Construction Sites

Portable storage units are to be removed within three (3) days after use of the unit is no longer necessary for on-site storage or when construction is complete, whichever is sooner.

b. Moving and Relocating in Residential Single-Family Districts

2. When the occupant of a property is moving or relocating, a portable storage unit shall be located on a paved surface on the property for a period of not more than seven (7) days or for a period of fourteen (14) total days in any three hundred sixty-five (365) day period.
3. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district the unit is located.

D. Other Temporary Uses

1. When necessary to facilitate general temporary uses not described above a portable storage unit shall be located on a paved surface on the property for a period of not more than seven (7) days or for a period of fourteen (14) total days in any three hundred sixty-five (365) day period.
2. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district that the unit is located.

2. Prohibitions

- a. No portable storage unit shall be used for human or animal occupation.
- b. Portable storage units larger than those identified in 30.37 B, Definition, shall be prohibited in Bethel Township.
- c. Only one (1) portable storage unit shall be permitted on any property at any time.
- d. No portable storage unit shall be located in a public right-of-way or on a public street.

Section 30.38 Massage Establishments

(A) Definitions. As used in these regulations:

- (1) "Massage" means any method of external pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
- (2) "Massage Establishment" means any fixed place of business, including but not limited to, a Massage parlor, where a person offers Massages, either in exchange for anything of value, or in connection with providing another legitimate service, except as provided in (B) (2), below.
- (3) "License" means a license to act as a Masseur or Masseur at a Massage Establishment, issued pursuant to these regulations.
- (4) "Masseur" or "Masseur" means any person who performs Massages at a Massage Establishment.
- (5) "Permit" means a permit to operate a Massage Establishment, or a permit to operate an adult cabaret, issued pursuant to these regulations.

(B) Scope of Regulations

- (1) These regulations govern Massage Establishments within the unincorporated area of Bethel Township, Miami County, Ohio, and the owners, operators, persons in charge, and employees of such establishments.
- (2) The regulations regarding Massage Establishments do not apply to the practice of any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code section 4731.15, including the practice of Massage therapy, and to the extent specified in Ohio Revised Code section 4731.151 of the Revised

Code, naprapathy and mechanotherapy, or the practice of providing therapeutic Massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other licensed health professional licensed, certified, or registered to practice in the State of Ohio.

(C) Permit or License Required

(1) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a Massage Establishment in a premises owned or controlled by him or her within the unincorporated area of Bethel Township, Miami County, Ohio, without first registering with the Board and obtaining a valid, current permit issued pursuant to these regulations. A separate permit is required for each location at which a Massage Establishment is operated.

(2) No individual shall act as a masseur or masseuse for a Massage Establishment located in the unincorporated areas of Bethel Township, Miami County, Ohio, without first having obtained a valid, current license from the Bethel Township Board of Township Trustees issued pursuant to these regulations.

(D) Application For Permit or License

(1) An application for an original or renewal permit or an original license or renewal shall be made in writing, addressed to the Board of Trustees of Bethel Township, Miami County, Ohio.

(2) An application for a renewal permit or license shall be filed not later than thirty days prior to expiration of the permit or license to be renewed.

(3) All applications shall be filed with the Fiscal Officer.

(4) A non-refundable filing fee shall be paid at the time of filing the application, as follows:

(a) \$250.00 for an initial permit to operate a Massage Establishment;

(b) \$125.00 for a renewal permit to operate a Massage Establishment;

(c) \$100.00 for an initial license as masseur or masseuse;

(d) \$50.00 for a renewal license as masseur or masseuse.

(5) A written and signed application for an initial or renewal permit to operate a Massage Establishment shall contain the following:

(a) The address where the Massage Establishment is operated, or is to be operated, including a legal description of the premises and a plat of the such property showing the property lines, building locations, parking areas, entry ways, and lighting systems.

(b) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;

(c) The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;

(d) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the

address of its principal office; the address of its principal office in Ohio; its federal employer identification number; the name and address of its statutory agent in Ohio; the full name, residence address, date of birth, and social security number of each partner or any other person holding any financial interest in the Massage Establishment, and the status of each individual as a general partner, limited partner or having a financial interest in the Massage Establishment;

(e) If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two per cent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership;

(f) The full name, residence address, date of birth, and social security number of each person employed by the Massage Establishment or whose employment is contemplated by the Massage Establishment, and the capacity in which such person is or is to be employed; A statement that the applicant and, to the applicant's knowledge, the persons named in the application have never been convicted of or pleaded guilty to any offense other than a misdemeanor traffic offense, or a statement listing the offenses other than misdemeanor traffic offenses of which the applicant or any person named in the application has been convicted, including the offense, date of conviction, and the name and location of the court;

(g) The establishment will be inspected by the appropriate state or local authorities acting pursuant to an agreement with the Board. A written health and safety report of the inspection shall be presented to the Board within thirty days of the application to ensure compliance with local health and safety codes;

(h) Authorization for an investigation into the criminal record and/or other background of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information; and

(i) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.

(6) An application for a license or renewal license as a Masseur or Masseuse shall contain all of the following:

(a) The full name, residence address, date of birth, and social security number of the applicant;

(b) A statement of the applicant's training, experience, and other qualifications as a Masseur or Masseuse;

(c) A dated, signed, written report of the results of a physical examination of the applicant by a licensed physician a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty days of the application certifying that the applicant is free from communicable diseases;

(d) The results of an investigation by the Miami County Sheriff's Office or other appropriate police agency into the criminal record of the applicant, including two clear color photographs of the applicant taken no later than thirty days prior to the application, fingerprints, and background investigation. The applicant shall provide written authorization for an investigation into the background and any criminal record of the applicant, including authorization for subsequent investigations to supplement or update the information.

(e) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.

(E) Inspection and Investigation

(1) Upon receipt of an application for a permit or renewal permit to operate a Massage Establishment, the Fiscal Officer shall notify local or State of Ohio authorities designated by the Board to conduct health and safety inspections of the specified premises, and to determine compliance or noncompliance with applicable health and safety codes. Written reports of any such inspection shall be prepared by the persons conducting such inspections and shall be filed with the Fiscal Officer, which inspection reports shall become part of the application for a permit and/or a renewal permit.

(2) Upon receipt of an application for a permit or renewal permit to operate a Massage Establishment, or an application for a license or renewal license as a Masseur or Masseuse, the Fiscal Officer shall refer the applicant to the Miami County Sheriff's Office to be fingerprinted, and shall notify the Miami County Sheriff to conduct an investigation into the background of the applicant and, in the case of a permit, into the background of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the Miami County Sheriff's Office and filed with the Fiscal Officer and shall become part of the application for a license or permit.

(F) Action on Application For Any Permit

(1) The Board shall consider an application for any permit within 30 days of the Fiscal Officer receiving an application. The Board may issue an order denying or revoking a permit to operate a Massage Establishment without holding a hearing. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order approving, denying, or revoking any permit.

(2) The Board shall deny an application for any permit to operate a Massage Establishment or revoke a previously issued permit, for any of the following reasons:

(a) Applicant's falsification of any of the information required for the application or failure to fully complete the application;

(b) The failure of the applicant to cooperate with any required health or safety inspection;

(c) Any one of the persons named on the application is under the age of eighteen;

(d) Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or of any municipal ordinance that is substantially equivalent to any offense contained in Chapter Ohio Revised Code Chapter 2907, within five years preceding the application;

(e) Any Masseur or Masseuse employed at the licensed Massage Establishment has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42(0)

(f) The operation of the Massage Establishment would violate any existing zoning restrictions;

(g) The report of the applicable health and safety inspections conducted pursuant to this Resolution reveal any unsanitary, unsafe, or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;

(h) The applicant has violated these regulations, or aided and abetted any violation of regulations.

(3) If any application for a permit is denied, the Fiscal Officer shall promptly notify the applicant in writing of the order denying the application. If the Board approves any application, the Fiscal Officer shall promptly issue to

the applicant a permit or license, as the case may be. In accordance with Ohio Revised Code Chapter 2506, any person adversely affected by an order of the Board denying or revoking a permit may appeal from the order of the Board to the Miami County Court of Common Pleas, the court of common pleas for the county where the place of business where the permit holder is located, and/or the court of common pleas for the county where the person is a resident.

(4) Any permit to operate a Massage Establishment shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit. Any permit issued under this Resolution shall expire one year after the date of issuance, except that no Massage Establishment shall be required to discontinue business because of the failure of the Board to act on a renewal application filed in a timely manner and pending before the Board on the expiration date of the Massage Establishment's permit.

(5) The permit to operate a Massage Establishment shall be prominently displayed in an area of the premises open to the public.

(G) Action on Application For Any License

(1) The Board shall consider an application for any license within 30 days of the Fiscal Officer receiving an application. The Board may issue an order approving, denying or revoking a license to work as a Masseur or Masseuse without holding a hearing. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order approving, denying, or revoking any license.

(2) The Board shall deny an application for any license or revoke a previously issued permit, for any of the following reasons:

(a) The applicant has falsified any of the information required for the application or failure to fully complete the application;

(b) The applicant is under the age of twenty-one;

(c) The applicant has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or of any municipal ordinance that is substantially equivalent to any offense contained in Ohio Revised Code Chapter 2907 within the five years preceding the application;

(d) The applicant has been convicted of or pleaded guilty to a violation of Ohio Revised Code section 503.42(0);

(e) The applicant for a license or renewal license has failed to cooperate with any required background investigation;

(f) Any report of the physical examination filed with the application license or renewal license as Masseur or Masseuse reveals that the applicant suffers from a communicable disease;

(g) The applicant has violated these regulations, or aided and abetted any violation of these regulations.

(3) If any application for a license is denied, the Fiscal Officer shall promptly notify the applicant in writing of the order denying the application. If the Board approves any application, the Fiscal Officer shall promptly issue to the applicant a license. In accordance with Ohio Revised Code Chapter 2506, any person adversely affected by an order of the Board denying or revoking a license may appeal from the order of the Board to the Miami County

Court of Common Pleas, the court of common pleas for the county where the place of business of the license holder is located, and/or the court of common pleas for the county where the person is a resident.

(4) A license or renewal license issued to Masseur or Masseuse shall contain the name, address, date of birth, physical description, and a clear, color photograph of the licensee, and the date of issuance and date of expiration of the license. Any license issued under this Resolution shall expire one year after the date of issuance, except that no Masseur or Masseuse shall be required to discontinue business because of the failure of the Board to act on a renewal application filed in a timely manner and pending before the Board on the expiration date of the Masseur or Masseuse license.

(5) The license of a Masseur or Masseuse shall be prominently displayed in the area where the licensee provides Massages.

(H) Transfer of Permit or License Prohibited

A permittee or licensee shall not transfer the permit or license to a location other than the premises designated in the application. A permittee or licensee shall not transfer the permit or license to any other person or entity.

(I) Inspections, Investigations, And Physical Examinations

(1) Health and safety inspections of the premises of a permitted Massage Establishment shall be conducted at intervals of 3, 6, 9 and 12 months after issuance or renewal of the permit, to insure continued compliance with health and safety codes.

(2) In addition, the Board may order health and safety inspections at any time the Board has reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises.

(3) When it becomes necessary to undertake any inspection set forth in (1) or (2) above, the Fiscal Officer shall notify appropriate authorities, agencies and/or if necessary, law enforcement officials (including without limitation the Miami County Sheriff's Office) to make such inspections at the designated times. Written reports of inspections shall be filed with the Fiscal Officer. The costs of the health and safety inspections shall be paid by permittee.

(4) Township personnel, the Miami County Sheriff's Office and/or other designated law enforcement personnel may at all reasonable times inspect the permitted premises to insure continued compliance with the laws of Ohio and these regulations.

(5) At any time, there is reasonable cause to do so, the Board may order a background investigation, including the criminal record, if any, of any permittee, person named in the application for a permit, employee of a permittee, or a licensee. Written reports of any such investigation shall be filed with the Fiscal Officer.

(6) Every 3rd, 6th, 9th and 12th month after issuance of any license as Masseur or Masseuse, the licensee shall undergo a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife to determine that the licensee remains free of communicable diseases. Such person conducting the exam shall issue a dated, signed, written report of the results of a physical examination of the licensee.

(7) The Board may order a licensee to undergo a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife at any time there is reasonable cause to believe the licensee has a communicable disease. The Fiscal Officer shall notify the licensee when an examination is so ordered. The licensee is responsible for obtaining any such examination who shall also

pay the costs of such physical examination. The licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife conducting the exam shall issue a dated, signed, written report of the results of a physical examination of the licensee.

(J) Rules Governing Operation of Massage Establishments

- (1) No permittee or operator of a Massage Establishment shall knowingly allow, permit and/or encourage a licensed Masseuse, Masseur and/or any other person to do any of the following acts:
 - (a) Place his or her hand upon, touch with any part of his or her body, fondle in any manner and/or Massage the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
 - (b) Perform, offer, or agree to perform any act which would require the touching and/or fondling of the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
 - (c) Touch, offer, or agree to touch the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person with any mechanical or electrical apparatus or appliance.
 - (d) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the sexual, pubic, genital areas, buttocks or, if the person is a female, the breast, of the Masseur or Masseuse.
 - (e) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.
 - (f) At any time, uncover or allow the breasts of a female and/or the sexual, pubic or genital areas or buttocks of a client and/or other person be uncovered and/or exposed while providing Massages or any other time.
 - (g) Engage, offer, and/or agree to engage, in sexual conduct or sexual contact as those terms are defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with any part of the employee's body and/or with a mechanical or electrical apparatus or appliance.
 - (h) Commit, offer, or agree to commit any offense set forth in Ohio Revised Code Chapter 2907 titled "Sex Offenses".
- (2) The permittee or person in charge of a Massage Establishment shall exercise adequate supervision to insure that the employees comply at all times with these regulations and the laws of the State of Ohio.
- (3) No permittee or operator of a Massage Establishment shall employ a Masseur or Masseuse who does not have a valid, current license issued pursuant to these regulations.
- (4) The permittee or person in charge of a Massage Establishment shall allow state or local authorities, including without limitation the Miami County Sheriff's Office and other law enforcement personnel as appropriate, to make any health or safety inspection pursuant to these regulations or other law, cooperate in any background investigation, and allow them at any time to check licenses of any masseurs or masseuse, or the permit of any such Massage Establishment.
- (5) No permittee or operator of a Massage Establishment shall employ or contract with any person under the age of eighteen in any capacity, whether full-time or part-time, and with or without remuneration or compensation in any form.

- (6) No person under age eighteen shall be permitted entry into the Massage Establishment during business hours without being accompanied by a parent or legal guardian.
- (7) Massage Establishments shall close not later than 11 :00 PM and shall not reopen earlier than 12:00 Noon.
- (8) The permittee or person in charge of a Massage Establishment shall file a list of employees with the Fiscal Officer, and shall file an amended list at any time there is a change in personnel. The list shall state the name, address, date of birth, and position of each employee and have attached thereto a copy of the license of any Masseuse or Masseur working at the Massage Establishment.
- (9) All off street parking areas and premises entries of the Massage Establishment business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface.
- (10) The permittee or person in charge of a Massage Establishment shall not allow any portion of the interior premises of the Massage Establishment to be visible from outside such premises.
- (11) The permittee or person in charge of a Massage sleep for any length of time at the Massage Establishment premises as his or her residence.
- (K) Rules Governing Conduct of Massage Establishment Employees
- (1) No person employed in a Massage Establishment located within the unincorporated area of Bethel Township, Miami County, Ohio shall knowingly in the performance of his or her duties do any of the following:
- (a) Place his or her hand upon, touch with any part of his or her body, fondle in any manner and/or Massage the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
- (b) Perform, offer, or agree to perform any act which would require the touching and/or fondling of the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person.
- (c) Touch, offer, or agree to touch the sexual area, breast of any female, genitalia, pubic area, rectal area, and/or perineum of any other person with any mechanical or electrical apparatus or appliance.
- (d) Go unclothed, or wear clothing which is transparent or translucent, or wear clothing in such a way as to reveal or display the sexual, pubic, genital areas, buttocks or, if the person is a female, the breast, of the masseur or masseuse.
- (e) Wear unclean clothing, or fail to wash the hands or bathe when reasonably necessary, or otherwise fail to observe reasonable standards of personal cleanliness and hygiene.
- (f) At any time, uncover or allow the breasts of a female and/or the sexual, pubic or genital areas or buttocks of a client and/or other person be uncovered and/or exposed while providing Massages or any other time.
- (g) Engage, offer, and/or agree to engage, in sexual conduct or sexual contact as those terms are defined in Ohio Revised Code section 2907.01, whether such sexual conduct or sexual contact is with any part of the employee's body and/or with a mechanical or electrical apparatus or appliance.
- (h) Commit, offer, or agree to commit any offense set forth in Ohio Revised Code Chapter 2907 titled "Sex Offenses".

- (2) No licensed Masseur or Masseuse person shall accept or continue employment at a Massage Establishment that does not have a current, valid license issued by the Bethel Township Board of Trustees pursuant to this Resolution.
- (3) Any Masseur, Masseuse and/or other employee of a Massage Establishment shall cooperate with any background investigation and/or health or safety inspection conducted by state or local authorities, including the Miami County Sheriff's Office, and other law enforcement personnel, making any health or safety inspection or background investigation pursuant to these regulations or any other law.
- (4) A Masseur or Masseuse shall obtain a physical examination whenever required to do so under this Resolution and/or any pertinent State, Local or Federal law.
- (5) No licensed Masseur or Masseuse shall sleep for any length of time at the Massage Establishment.
- (6) No licensed masseur or masseuse shall use the Massage Establishment premises as his or her residence.

Updated to add Massage Establishment Regulations – October 2024 – Resolution #: 24-07-067