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# Public Forum FAQ

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<b>Date</b>	March 23, 2026
<b>To</b>	Harpersfield Township Residents
<b>From</b>	Verdantas
<b>Subject</b>	Harpersfield Township Zoning Code Update Public Forum

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## Public Forum Overview

Harpersfield Township is currently updating its Zoning Code. The key purpose of this Code Update is to make the text more user friendly, modernize the language, eliminate any inconsistencies, and bring the Code into alignment with changes in state law and standard zoning practice. The Code Update process began in July 2025 and will be completed in May 2026. This process is funded by the Ohio Department of Development Housing Technical Assistance Program.

On March 18<sup>th</sup>, 2026, from 6:30PM to 7:30PM, the Township held a Zoning Code Update Public Forum at the Harpersfield Community Center. The forum began with a presentation by Verdantas Staff, providing a high-level overview of key changes to the Code. Following the presentation, residents had the opportunity to ask questions and express concerns. The following information summarizes the questions that were asked at this event.

## Frequently Asked Questions

### Code Enforcement and Nuisance Abatement :

**Q: What is the difference between civil and criminal enforcement for zoning code violations and nuisances? How are the two processes different?**

Ohio townships have two primary enforcement pathways for zoning violations, each with different processes, standards, and outcomes.

*Civil enforcement* is authorized under ORC 519.99 and allows the Township—or even an adjacent property owner—to file an action in the Court of Common Pleas seeking an injunction to stop or remedy a violation. Civil cases use a lower burden of proof (preponderance of the evidence) and result in court orders compelling compliance. A property owner who ignores a court order can be held in contempt, which carries additional penalties. This is the most practical enforcement pathway for Ohio townships.

*Criminal enforcement* is authorized under ORC 519.24. Zoning violations may be prosecuted as misdemeanors of the fourth degree. Criminal cases require involvement of the county prosecutor's office or a municipal court with jurisdiction and must meet the higher "beyond a reasonable doubt"

standard. Criminal enforcement does not automatically fix the offence and is often deprioritized by prosecutors.

In practice, civil enforcement can be more accessible to townships. Civil prosecution in zoning and property maintenance issues focuses on fixing the violation rather than punishing the violator. Instead of charging a misdemeanor, the township brings a civil action asking the court to order compliance, such as stopping an illegal use, or bringing a property into conformance. This approach uses a lower burden of proof, allows the court to issue injunctions and abatement orders, and creates ongoing leverage through court oversight and potential contempt if the violation continues. As a result, civil enforcement is often faster, more practical, and more effective at achieving the actual goal of zoning compliance. Criminal enforcement is generally reserved for the most serious or repeat violations

**Q: What does civil enforcement look like in practice?**

If a zoning inspector serves notice and the violation is not remedied in the prescribed number of days, then the Township has the right to proceed with civil enforcement. The township, acting through its zoning inspector and board procedures, files a civil action in the Court of Common Pleas seeking an injunction or abatement order that requires the property owner to correct the violation.

Unlike criminal cases, the township does not need to rely on the county prosecutor and may proceed using hired legal counsel or special counsel, which gives the township more control over timing and strategy. The court can order compliance by a set deadline, impose civil fines (including ongoing daily penalties), and retain jurisdiction so that continued noncompliance can result in contempt of court—creating strong, remedy-focused leverage to actually fix the problem.

*What is an injunction?* An injunction is a court order that requires a property owner to do something, or stop doing something to comply with law. If the owner fails to comply after an injunction, the township can seek contempt of court. At this point, the violation is no longer just a zoning issue; it becomes a failure to obey a court order. This allows the court to impose stronger consequences.

*What is abatement?* Abatement is an order to make the problem go away, either by requiring the owner to fix it, or if necessary, allowing the township to ensure it gets fixed.

**Q: When can a township issue property liens for nuisance abatement?**

Unlike municipalities, townships generally do not have the same level of direct authority to unilaterally abate nuisances or impose corrective remedies. As a result, when a violation cannot be resolved administratively, the safest and most defensible approach is to seek a court order confirming the violation and directing the appropriate remedy. Having the court “say it is so” ensures that enforcement actions meet the required standards of public proof and due process, shifts the burden of enforcement to a judicial order, and provides clear legal authority to compel compliance. Several enforcement avenues remain available to townships, including civil court actions seeking injunctive relief and abatement:

**Civil injunctions (ORC 519.24):** The Township can pursue court orders compelling a property owner to abate a nuisance. While this doesn't produce a lien directly, contempt of court sanctions for non-compliance can be significant.

**Nuisance conditions:** ORC 505.87 authorizes a township to abate certain nuisance conditions, *specifically the removal, control, or abatement of vegetation, garbage, refuse, and other debris*—after proper notice and a finding by the Board of Township Trustees. If the township performs the abatement because the owner fails to comply, the costs may be recovered and certified to the county auditor to be placed on the property tax duplicate, effectively becoming a lien on the property.

That said, this authority is narrow and condition-specific, must be exercised by resolution, and requires strict adherence to notice and due-process steps. It is not a general, all-purpose remedy tool, which is why, for many situations outside the scope of §505.87, townships still rely on civil court orders to establish the violation and compel compliance.

*NOTE:* The updated Zoning Code includes clear prohibition of junk and disabled vehicle outdoor storage in section 605.2, and clear notice procedures and escalating enforcement steps in Article 14 of the Resolution that maximize the Township's civil enforcement leverage even in the absence of routine prosecutorial support.

**County Board of Health:** For nuisances that rise to a public health concern, the County Board of Health has independent authority under ORC Chapter 3707 to order abatement and, in some cases, recover costs.

**Q: How do we know if a property was nonconforming before or after the passage of this updated Code?**

A property is considered "legally nonconforming" if it was lawfully established under the rules in effect at the time it was built or used, but no longer meets current code requirements. Nonconforming status is tied to the effective date of whichever regulation created the nonconformity.

*When the updated Code takes effect:*

Properties that were already nonconforming under the *prior* code remain legally nonconforming—their status doesn't change.

Properties that were *conforming* under the prior code but are made nonconforming by a new standard in the updated Code become newly legally nonconforming as of the updated Code's effective date.

To establish whether a property was nonconforming and when, the Township and property owners can draw on several sources of documentation, including building permits and zoning certificates on file with the Township, county auditor records (year built, parcel data), historical aerial photography available through the county GIS, and prior zoning maps. The updated Code will

include provisions clarifying how nonconforming status is determined and how property owners can document their status going forward.

## Land Use Planning

### **Q: What land use planning needs to be done in order to regulate emerging uses such as Short-Term Rentals and Adult-Use Cannabis facilities? What is the process for garnering community input?**

Both of these uses benefit from a policy framework before—or alongside—any zoning text amendment, so that the Code reflects an intentional community decision rather than an improvised response.

*Short-Term Rentals (STRs):* Ohio does not currently preempt local regulation of STRs, so the Township has authority under ORC Chapter 519 to address them through zoning. The key planning questions include: which zoning districts should allow STRs (and whether by right or by conditional use), whether owner-occupancy should be required, and what operational standards are appropriate (parking, occupancy limits, noise, a local contact person, insurance, and registration). Community input is best gathered through a resident survey and a working group or public information session, followed by a formal public hearing as required by ORC 519.12 for any text amendment.

*Adult-Use Cannabis:* Ohio voters approved adult-use cannabis legalization through Issue 2 in November 2023, and the Division of Cannabis Control now issues state licenses for dispensaries, cultivators, processors, and other facility types. Local zoning retains authority to regulate *where* these facilities may locate (e.g., which districts, minimum separation distances from schools, parks, or churches). The key planning questions include which license types the Township wishes to address, which districts are appropriate for each, and what operational standards to impose. As with STRs, the process should include community input—surveys and public meetings—followed by the required public hearing under ORC 519.12.

## Other

### **Q: The current code draft seems to discourage the use of shared fencing between neighbors. Is there a way to still share fencing despite the setbacks?**

Standard fence setback language—which requires fences to be located on the owner's property rather than the property line—can inadvertently complicate the very common practice of neighbors sharing a boundary fence.

The updated Code can address this directly by including a "shared fence" or "partition fence" provision that allows a fence to be located on the property line when both adjoining property owners agree in writing. This is consistent with Ohio's Partition Fence Law (ORC Chapter 971), which already establishes rights and responsibilities for fences along shared boundaries, particularly in agricultural contexts. The Township may also consider requiring that such agreements be kept on file with the Zoning Inspector or recorded with the County Recorder to

protect future property owners. This approach preserves the intent of setback standards (preventing encroachment disputes and ensuring maintenance access) while accommodating the practical reality of shared fencing.

**Q: The Code would require camper trailers that have dwellings to be parked in the side or rear yard. Can this be less restrictive while still meeting the goals?**

Yes. The core goal of that regulation is to prevent camper trailers and RVs from becoming permanent dwellings or significantly altering the visual character of a neighborhood—not to prohibit all driveway or front-yard parking.

The Code could be adjusted to distinguish between *storage* (side or rear yard required) and *temporary parking* (driveway or front yard permitted for a defined period, such as 72 hours for loading/unloading or up to two weeks to accommodate visiting guests). Alternatively, the Code could allow driveway parking by right with a short-term zoning certificate or permit for limited time periods.

For a rural township context like Harpersfield, where visual character concerns are often less acute than in denser suburban settings, the Code could also emphasize *screening* requirements—requiring that stored RVs not be visible from the public right-of-way using fencing or landscaping—rather than strictly dictating location on the lot. This gives property owners more flexibility while still addressing neighborhood appearance and the prohibition on full-time occupancy.