



# LEGISLATIVE COVER MEMO

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**Introduction:** December 16, 2024

**Public Hearing:** January 7, 2025

**Effective Date:** February 5, 2025

**Agenda Item:** **Ordinance 2024-36**

ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "USE OF TEMPORARY GENERATORS"

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** This Ordinance renders it illegal to use any temporary/portable generators or similar equipment to supply electricity to property, unless the owner or occupant of the property has first received permit-approval from the City authorizing use of the equipment.

**Exhibits:** Exhibit A: Section 532.14

CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-36

**ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO,  
CAPTIONED "USE OF TEMPORARY GENERATORS"**

WHEREAS, Chapter 532 of the Codified Ordinances of the City of Franklin designates certain actions and conditions on real property within the City as nuisances subject to abatement by the City;

WHEREAS, the City of Franklin City Council recognizes that the use of temporary generators and similar equipment on property may constitute a nuisance in certain circumstances; and

WHEREAS, City Council desires to enact a new Section 532.14 of the Codified Ordinances to prohibit unauthorized use of temporary generators and similar equipment on property in the City limits.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. Section 532.14 of the City's Codified Ordinances is hereby enacted as set forth in Exhibit A, attached hereto.

Section 2. All City ordinances, or parts thereof, that conflict with this Ordinance are hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Chapter 121 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: December 16, 2024

ADOPTED: January 7, 2025

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Mayor

**CERTIFICATE**

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2024-36 passed by City Council on January 7, 2025.

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Khristi Dunn, Clerk of Council

**APPROVED AS TO FORM:**

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Ben Yoder, Law Director

## CHAPTER 532 Nuisances

### **532.14 Use of Temporary Generators**

- (a) Prohibitions. Subject to Section (c) herein, it shall be unlawful for any person to operate a temporary generator or similar equipment on any real property within the City of Franklin without a valid permit issued by the City authorizing such operation.
- (b) City Permit. Application for a permit allowing operation of a temporary generator or similar equipment shall be made on a form and/or in the manner provided by the City of Franklin. A permit issued by the City pursuant to this Section may set forth conditions governing the location and use of the temporary generator or similar equipment (including but not limited to the duration of use).
- (c) Exception.
  - (1) A temporary generator or similar equipment may only be operated on real property within the City of Franklin without a prior City-issued permit if such operation is in response to a period of unanticipated electric power outage impacting the subject property; provided, the owner or other occupant of the property shall promptly notify the City of the unanticipated power outage and need for temporary alternative electric generation, and the owner's authorization to use the temporary generator or similar equipment shall immediately cease when the power outage is resolved.
  - (2) This exception shall not apply in any case where an electric power outage on real property is the result of any act or omission committed by the owner or other occupant of the subject property.
- (d) Definitions. As used in this section, "temporary generator" shall mean a device or equipment capable of generating and/or supplying electricity, which is not permanently affixed to and/or installed within a principal or accessory structure in accordance with a lawfully issued building permit.