

ORDINANCE NO. 24-19

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 521.08 "LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC." OF THE TROTWOOD CODIFIED ORDINANCES AND ENACTING NEW SECTION 521.08 "LITTERING AND DEPOSIT OF GARBAGE, RUBBISH AND JUNK"

WHEREAS, Trotwood Codified Ordinance Section 521.08 provides directives regarding littering and the deposit of garbage, rubbish and junk; and

WHEREAS, Trotwood City Council has determined that it would be in the best interest of the City to repeal the old Section 521.08 of the Trotwood Codified Ordinances and adopt a new Section 521.08 entitled "Littering and Deposit of Garbage, Rubbish and Junk"; and

WHEREAS, Trotwood City Council believes the implementation of this new legislation is in the best interest of the health, safety and welfare of the citizens of the City of Trotwood.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF TROTWOOD, STATE OF OHIO:**

SECTION I: The old Section 521.08 "Littering and Deposit of Garbage, Rubbish, Junk, Etc." of the Trotwood Codified Ordinances is hereby repealed.

SECTION II: A new Section 521.08 "Littering and Deposit of Garbage, Rubbish and Junk" of the Trotwood Codified Ordinances is hereby enacted to read as set forth in Exhibit A, attached hereto and incorporated herein by reference, with additions in **bold** and underlined and deletions in ~~strikethrough~~.

SECTION III: It is hereby found and determined 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 any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV: This Ordinance shall take effect at the earliest opportunity allowed by law.

_____2019.

ATTEST:

SANDRA L. RIEGE FULLER, CMC
DEPUTY CLERK OF COUNCIL

MARY A. MCDONALD
MAYOR

BETTYE L. GALES
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, _____, Clerk of the City of Trotwood,
Ohio,

do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance
No. 19- _____ passed by the Trotwood City Council on the _____ day of
_____, 2019.

IN TESTIMONY WHEREOF, witness by hand and official seal this _____ day
of

_____2019.

SANDRA L. RIEGE FULLER, CMC
DEPUTY CLERK OF COUNCIL

EXHIBIT A

521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, ~~AND~~ JUNK, ~~ETC.~~

- (a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the State, or Municipality, unless one of the following applies:
 - (1) The person is directed to do so by a public official as part of a litter collection drive;
 - (2) Except as provided in subsection (b) hereof, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;
 - (3) The person is issued a permit or license covering the litter pursuant to Ohio R.C. Chapter 3734 or 6111.
 - (b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property now owned by the person unless one of the following applies:
 - (1) The litter was generated or located on the property on which the litter receptacle is located.
 - (2) The person is directed to do so by a public official as part of a litter collection drive.
 - (3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.
 - (4) The litter consists of any of the following:
 - (A) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;
 - (B) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;
 - (C) Beverage containers and food sacks, wrappings and containers of a type and in an amount that reasonably may be expected to be generated during routing commuting or business or recreational travel by a motor vehicle;
 - (c) (1) As used in subsection (b)(1) hereof, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
 - (2) As used in subsection (b)(4) hereof, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.
 - (d) As used in this section:
 - (1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly, unsanitary or hazardous nature.
 - (2) "Deposit" means to throw, drop, discard or place.
 - (3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.
- (ORC 3767.32)
- (e) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(f) No person owning, or in possession or control of real property, shall deposit garbage, waste, debris or litter on the open land of such property or adjacent properties or permit the same to be deposited on such properties, whether public or private, unless the garbage, waste, debris or litter is contained in proper, approved waste containers.

(g) A person who owns or has possession or control of real property with garbage, waste, debris or litter on open lands in violation of this section shall, within three (3) days after written notification of the violation by the City, remove all garbage, waste, debris and litter from the premises. The notice required hereunder shall be deemed complete upon delivery of the notice of the violation by one of these methods:

(1) Hand delivery of the notice of violation to the owner, tenant, or other person in possession or control of the property;

(2) Sending notice of the violation to the property owner via regular U.S. mail to the property owner's last known address; or

(3) Posting the notice of the violation on the premises when the property is vacant and the current address of the owner is unknown.

(h) On the failure of any person to comply with the written notice of the violation from the City, the City shall, without prejudice to the operation of (i) below, have the right to go onto the property of such person and remove all garbage, waste, debris and litter which is the subject of the written notice of violation. In this event, the person in violation of this section shall pay to the City, within ten (10) days after receipt of notice of the amount due, the reasonable and necessary expenses incurred by the City to clean up the property.

(i)(f) In addition to the costs specified in subsection (h) above, Whoever violates any provision of **this section** subsections (a) to (d) hereof, is guilty of a **minor** misdemeanor of the third degree **and shall be fined \$25.00 for each day that there is a violation, and each day's violation shall constitute a separate offense.** The sentencing court may, in addition to or in lieu of the penalty provided in **subsection (i) above, this subsection,** require a person who violates subsections (a) to (d) hereof **this section** to remove litter from any public or private property, or in or on any waters.

(ORC 3767.99(C))

(g) ——— Whoever violates subsection (e) hereof is guilty of a minor misdemeanor.