

ORDINANCE NO. 20 -08
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Douglas Cline on the 26th day
of January, 2008.

**AN ORDINANCE AMENDING SECTION
660.03(c) OF THE CENTERVILLE
MUNICIPAL CODE TO ALLOW THE
POSTING OF A VIOLATION ON THE
PROPERTY.**

WHEREAS, the City of Centerville has previously enacted regulations in the Centerville Municipal Code Section 660.03(c) to enforce regulations for littering and for the deposit of garbage, rubbish and junk; and

WHEREAS, The City of Centerville previously authorized notification of violations of Section 660.03(c) to be delivered via registered or certified mail or by publication in a newspaper of general circulation; and

WHEREAS, the City now intends to allow the notification requirement to be satisfied by posting notice in a prominent place on the said property.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendments to Section 660.039(c) of the Centerville Municipal Code are hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

660.03 LITTERING; DEPOSIT OF GARBAGE, RUBBISH, JUNK.

- (a) (1) No person shall, without lawful authority, place or dispose of in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.
- (2) This division shall not be deemed to have application to United States mail delivery, to the delivery of newspapers at or near the front doors of residences or other buildings, to the delivery or placing of any legal notice, document or message to or at any premises, or to the placing of necessary barricades, structures or materials on public streets and places by employees of the City or by its contractors, nor shall this division be

construed to preclude the storage of leaves within the gutter area of any street right-of-way during normal leaf season as may be defined by the Manager.

(b) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances 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.

(c) Upon information that trash, garbage, waste, rubbish, refuse or any other noxious or offensive material or substance has been collected or allowed to remain in any place and that the same is likely to cause damage or prejudice to others or to the public, or upon information that any person has unlawfully obstructed, impeded, diverted, corrupted or rendered unwholesome or impure any natural watercourse, the Manager shall cause written notice to be served upon the owner or person having charge of such land that such trash, garbage, waste, rubbish, refuse or any other noxious or offensive material or substance is to be removed, or, in the case of an unlawful obstruction, impediment, diversion or corruption of any natural watercourse, or in the case of rendering the same unwholesome or impure, that such condition is to be corrected within five days after service of such notice. ~~If such owner or person having charge of such land is a nonresident whose address is known, such notice shall be sent to his or her address by registered or certified mail; if unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County. Such notice shall be deemed to be properly served if a copy thereof is:~~

(1) Delivered personally; or

(2) Sent by certified or first-class mail addressed to the last known address; or

(3) Posted in a conspicuous place in or about the structure affected by such notice.

(d) If the owner or person having charge of such land fails to comply with such notice, the Manager shall cause such condition to be corrected and the Manager and any other employees or subcontractors of the City are hereby directed to enter upon any premises for the purpose of correcting any such conditions, which, for the purposes of this section, are hereby declared to be nuisances. Whenever the City has incurred expenses in correcting any such conditions, the City shall give five days notice, by regular mail, to the owner of the lot or parcel, at his or her last known address, to pay the cost of correcting any such conditions, plus the City's administrative cost of fifteen percent of its cost for correcting any such conditions, which notice shall be accompanied by a statement of the amount of cost, including administrative cost, incurred. If the same is not paid within 30 days after the mailing of the notice, such amount shall be

certified to the County Auditor for collection, the same as other taxes and assessments are collected.

(e) Whoever violates this section is guilty of a minor misdemeanor.

Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 26th day of January, 2009.

E. Mark Kozel

Mayor of the City of
Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.

20-08, passed by the Council of the City of Centerville, Ohio
on the 26th day of January, 2009.

Debra A. James
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney