

Ordinance No. 34-72

Passed May 1,

1972

ORDINANCE NUMBER 34-72  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN JOHN DAVIS ON THE 1ST DAY OF MAY, 1972.

AN ORDINANCE AMENDING CHAPTER 36 OF THE CODE OF ORDINANCES OF THE VILLAGE (NOW CITY) OF CENTERVILLE BY PROHIBITING LITTERING AND DEPOSITING OF GARBAGE, RUBBISH, JUNK, ETC. ON PROPERTY IN THE CITY OF CENTERVILLE; BY PROVIDING A PROCEDURE FOR REMOVAL AND BY PROVIDING A PENALTY.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

(now City) Section I. Chapter 36 of the Code of Ordinances of the Village of Centerville is hereby amended by the addition of the following section:

Section 36.45 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC., THE PROCEDURE FOR REMOVAL OF SAME AND PENALTY

(a) 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.

This subsection 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, or 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 the public streets and places by employees of the City or by its contractors; nor shall this section 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 City Manager.

(b) No person shall cause or allow trash, garbage, waste, rubbish, or 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 unpure, any natural water course.

(c) Upon information that trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances have been collected or allowed to remain in any place and that 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 unpure any natural water course, the City 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 materials or substances are to be removed, or in the case of an unlawful obstruction, impeding, diversion, corruption or rendering of unwholesomeness or impurity of any natural water course that same condition shall be corrected within five (5) days after service of such notice. If such owner or person having charge of such land is a nonresident whose address is known, such



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notice shall be sent to his address by registered mail or certified mail; If unknown, It shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

(d) If the owner or person having charge of such land fails to comply with such notice, the City Manager shall cause such condition to be corrected and the City Manager and any other employees or subcontractors of the City are hereby authorized and directed to enter upon any premises for the purposes of correcting any such conditions, which for the purposes of this Ordinance, are hereby declared to be nuisances, All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated.

(e) Whoever violates any provision of this section shall be fined not less than twenty-five (\$25.00) nor more than fifty (\$50.00) dollars.

Section 2. This Ordinance shall become effective on and after the earliest date provided by law.

Passed this 1st day of May, 1972.

/s/ Paul C. Hoy  
Mayor of the City of Centerville, Ohio

ATTEST:

/s/ Marilyn J. McLaughlin  
Clerk of the Council of the  
City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 34-72, passed by the Council of the City of Centerville, Ohio, on the 1st day of May, 1972.

/s/ Marilyn J. McLaughlin  
Clerk of the Council

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney