

ORDINANCE NO. 2024-06

AN ORDINANCE BY THE COUNCIL OF THE VILLAGE OF PORT WASHINGTON, OHIO, ENACTING A “NOTICE TO OWNER TO REMOVE LITTER” REGULATION, AND DECLARING AN EMERGENCY

WHEREAS the Council of the Village of Port Washington, Ohio has deemed it appropriate for the health and safety of its residents to place regulations on the accumulation of litter on property within the corporation limits of the Village of Port Washington;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Port Washington, County of Tuscarawas, and State of Ohio as follows:

Section 1: NOTICE TO OWNER OF LAND CONTAINING LITTER THAT CONSTITUTES A DETRIMENT TO PUBLIC HEALTH: Upon a finding by Council that litter has been placed on lands in a municipal corporation, has not been removed, and constitutes a detriment to public health, the legislative authority of a municipal corporation shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him/her that litter is on the land, and that it must be collected and removed within fifteen (15) days after the service of the notice.

Section 2: “LITTER” DEFINED: As used in this Ordinance, "litter" includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

Section 3: NOTICE, SERVICE, FEES: If the owner or other person having charge of the land is a nonresident of the Village whose address is known, the notice shall be sent to his/her address by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in Tuscarawas County. A marshal, police officer, or clerk of the legislative authority of the Village may make service and return of the notice provided for in this Section or Section 1, and the fees therefore shall be the same as are allowed for service and return of summons in civil cases before a magistrate.

Section 4: EXCEPTIONS: This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junk yard, scrap metal processing facility, or similar businesses, or a permit or license issued pursuant to Chapter 3734., sections 4737.05 to 4737.12, or Chapter 6111 of the Ohio Revised Code or other Village Ordinance.

Section 5: REMOVAL OF LITTER FOR NONCOMPLIANCE: If the owner, lessee, agent or tenant having charge of the lands mentioned herein fails to comply with the notice required by such section, Village Council shall cause such litter to be removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by Council, be paid out of any money in the treasury of the Village funds not otherwise appropriated.

Section 7: LIEN ON PROPERTY FOR REMOVAL: Village Council shall make a written return to the county auditor of its action under these sections, with a statement of the charges for its services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Village's general fund.

Section 8: PENALTY: (A): Whoever violates any provisions of this chapter, and who has not previously been convicted of a violation of this chapter, is guilty of a minor misdemeanor under Ohio law.

(B): Any person who has been previously convicted of a violation of any provision of this chapter, shall be punished as follows:

- (1) One previous conviction- fourth degree misdemeanor;
- (2) Two previous convictions- third degree misdemeanor;
- (3) Three previous convictions- second degree misdemeanor;
- (4) Four or more previous convictions- first degree misdemeanor.

(C): Proceedings initiated under Section 3 or 5 of this chapter shall not relieve any party from criminal prosecution.

Section 8: All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 9: This ordinance is to be an emergency measure and its immediate passage is necessary in order to preserve, protect, and maintain the health, safety, and welfare of the citizens of the Village of Port Washington, Ohio.

Section 10: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED this 1st day of October , 2024.

PRESIDENT OF COUNCIL

ATTEST: _____
FISCAL OFFICER

APPROVED: October 1, 2024.

THOMAS J. GARDNER, MAYOR