

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. 2023-8

Passed July 3, 20 23

## ORDINANCE 2023-8 VILLAGE OF WESTON, WOOD COUNTY, OHIO

### ORDINANCE AMENDING MUNICIPAL ORDINANCE SECTIONS 174.01

WHEREAS, the Village of Weston is a statutory village located in Wood County, Ohio, with powers of local self-government pursuant to Ohio Constitution Article XVIII, Section 3, and

WHEREAS, the Village Council has adopted Municipal Regulations, including, but not limited to, chapter 174, and

WHEREAS, the Village Council desires to expand definitions, regulations, and penalties in the Village Municipal Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WESTON, WOOD COUNTY, OHIO, THAT:

**SECTION 1:** Section 174.01 is hereby repealed in its entirety and replaced as follows:

#### §174.01 Junk, Trash, Yard Waste and Litter

**(A) Definitions used in this section:**

**LITTER** refers to any discarded or abandoned solid waste materials, including but not limited to, paper, bottles, cans, wrappers, packaging materials, and other similar items. Litter can also include trash and yard waste if it is improperly disposed of or left on properties.

**TRASH** refers to household or commercial solid waste materials that are typically generated as a byproduct of daily residential and commercial activities. It includes non-compostable food waste, packaging materials, disposable products, papers, plastics, and other similar materials.

**YARD WASTE** refers to organic materials that are generated from routine yard maintenance and landscaping activities. This typically includes grass clippings, leaves, branches, shrubs, tree trimmings, and other plant debris originating from properties.

**JUNK** refers to any worn-out, broken, or unused items that have no value or purpose in their current state, and are typically recycled or discarded. This includes but is not limited to old appliances, furniture, machinery, electronic devices, and other bulky or non-functional items.

**PRIVATE RECEPTACLES** is a plastic or metal container with tight-fitting lids or covers. Plastic garbage bags may be substituted as a private receptacle when following the provision laid out in Section B.

**PROPERTY OWNER** shall include the owner of the real property on which the violation is alleged, and any tenant of such real property.

**(B) Regulations for junk, trash, yard waste and litter:**

- 1) No property owner shall store, keep, or permit any junk on their premises unless it is housed within a fully enclosed building. As a provision, junk intended for recycling may be stored outdoors, provided it is contained within a properly maintained trailer with a suitable, unweathered cover. However, this provision is limited to a duration of ninety (90) consecutive days.
- 2) Residential property owners are required to store all trash within a private trash receptacle or a fully enclosed building to prevent access by domestic, community, or wild animals. As a provision, this rule allows for the use of plastic garbage bags for curbside trash pickup. However, these bags should be put out no more than 18 hours before the scheduled pickup, must be free of any tears or leaks, and should be securely tied or closed shut to prevent spillage.
- 3) Property owners shall ensure that accumulation of yard waste from their lots, sidewalks, or driveways is not swept into gutters, streets, or other public areas or waterways within the village. They are also responsible for keeping their sidewalks free from yard waste.
- 4) Property owners shall be responsible for maintaining their property to remove the presence of litter that is visible from the street, public alleys, or neighboring properties. It is the responsibility of property owners to educate and encourage tenants, residents, employees, or any other individuals occupying their property to adhere to this regulation and actively participate in maintaining a litter-free environment.
- 5) Commercial property owners are required to take adequate measures to prevent the accumulation of litter. This includes providing and maintaining appropriate commercial trash receptacles, ensuring secure storage of trash within these containers, and utilizing property commercial disposal methods.

**(C) Notice to Remove, Remedy or Store; Notice of Violation**

Notice of Violation of **SUB-SECTION B** will be issued to the Property Owner by ordinary mail and by posting at such residence a written **NOTICE TO REMOVE, REMEDY, OR STORE** after no less than 3 days of the initial inspection by the Village Code Enforcement Officer or designated official. The violation must be removed, remedied, or otherwise stored in order to gain compliance within 7 days of the written

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notice, unless other arrangements have been made with the Village Code Enforcement Officer or designated official.

If the violation persists greater than 7 days after the **NOTICE TO REMOVE, REMEDY, OR STORE** without arrangements to remedy have been approved by the Village Code Enforcement Officer, a **NOTICE OF VIOLATION** will be issued to the Property Owner at such residence, and also by certified and ordinary mail. Failure to remedy the violation within 14 days of this Notice of Violation may result in penalty and declaration of public nuisance by Village Council, and notwithstanding any other remedies or courses of action, the Village may pursue civil judgment for remediation of said nuisance

**(D) Penalty**

Violators that fail to comply with **SUB-SECTION B** after 14 days of **NOTICE OF VIOLATION**, and were unsuccessful in remediation arrangements otherwise, are guilty of a minor misdemeanor for the first offense; and a misdemeanor of the fourth degree on subsequent offenses within a year of a previous violation.

**(E) Abatement**

If, with or without a court order the violator fails to comply or remedy the public nuisance, the Village may, consistent with ORC 715.261 or such order, employ the necessary labor and equipment to perform the task(s) necessary to abate the nuisance. The property owner shall be charged the total cost of abatement. The cost to repair any village equipment damaged while abating said nuisance condition shall be included with the aforementioned total costs, and shall be payable within 30 days of notice to the violator, or as otherwise directed by the Court.

Upon failure to pay the village the billed amount within 30 days of demand for the total cost of abatement, the Fiscal Officer shall submit an affidavit or the court's order to the Wood County Auditor, and a description of the property (parcel number), and the request that such amount be entered upon the tax duplicate, be a lien upon such lands from the date of entry and be collected as other taxes and returned to the Village's general fund according to law.

**SECTION 2:** Section 174.04 is hereby amended to remove the terms "Litter" and "Junk/Litter" from the various paragraphs of the aforementioned section. All provisions of Section 174,04 not amended hereby shall remain in effect.


**SECTION 3:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that results in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Date: 7/3/2023

Vote on Measure: 4 Yeas 0 Nays 0 Abstentions

  
President of Council

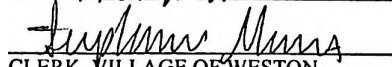
  
Mayor

ATTEST:  
  
Fiscal Officer

**CERTIFICATION**

I HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF THE VILLAGE OF WESTON ORDINANCE NUMBER 2023-8, AND THAT THERE IS NO NEWSPAPER PUBLISHED IN THE VILLAGE OF WESTON, AND THAT PUBLICATION OF THIS ORDINANCE WAS MADE BY POSTING IT AT THE FIVE PUBLIC PLACES DESIGNATED BY ORDINANCE 2023-1 ON

7/16/2023

  
CLERK, VILLAGE OF WESTON