

SR/A&P Nov. 6th, 2018

Sponsor: Ousley

ORDINANCE NO. 2018-50

**AN ORDINANCE BY THE CITY OF WELLSTON LEGISLATIVE AUTHORITY
REPLACING PRIOR SECTION 93.03 OF THE WELLSTON CODE IN ITS ENTIRETY
AND DECLARING AN EMERGENCY**

WHEREAS the City of Wellston Council has established and adopted laws and regulations in the form of the Wellston Codified Ordinances

WHEREAS the City has determined that it is in best interest of the health safety and welfare of the inhabitants of the City to replace Section 93.03 of the Wellston Codified Ordinances in its entirety, a copy of the proposed Section 93.03 is attached hereto as Exhibit A, and

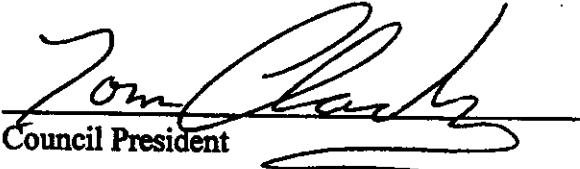
NOW THEREFORE BE IT ORDAINED by the Council that:

Section One: The current Section 93.03 of the Wellston Codified Ordinances is hereby repealed and replaced entirely and upon the passage and approval of this Ordinance, shall be replaced by the attached Exhibit A which is incorporated herein.

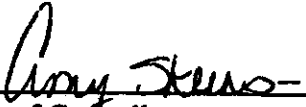
Section Two: It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section Three: This Ordinance is hereby declared to be an emergency, necessary for the immediate preservation of the public peace, health or safety of the City of Wellston, in that it is necessary to approve this additional appropriation in order that expenses can be timely paid as incurred and in accordance with the city's obligations. Therefore this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in the Ohio Revised Code Section 731.30.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 6th day of November, 2018.


Council President

ATTEST:


Clerk of Council

WASTE MATERIAL, JUNK AND JUNK VEHICLES ON PUBLIC AND PRIVATE PROPERTY.

(a) *No person shall deposit or leave rubbish, garbage, waste, putrid substances, junk, waste, or other waste material on any public street or any other public property or in any pond or watercourse, nor shall any person who is the owner, occupant or person in possession of any property within the city, deposit, permit to remain, or permit any other person to deposit, on private property, any of such material. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.*

(1) **WASTE MATERIAL.** Any material which has been discarded or abandoned or any material no longer in use, and, without limiting the generality of the foregoing, includes junk, waste boxes, cartons, plastic or wood scraps or shavings, waste paper and paper products and other combustible materials or substances no longer in use or discarded or abandoned, metal or ceramic scraps or pieces of all types, glass and other noncombustible materials or substances no longer in use or discarded or abandoned, and machinery, appliances or equipment, or parts thereof, no longer in use or discarded or abandoned.

(2) **JUNK.** Includes old or scrap copper, brass, rope, rags, batteries, paper and rubber. It also includes inoperable, partially dismantled or wrecked vehicles of any kind, whether motor vehicles, automobiles, motorcycles, emergency vehicles, public safety vehicles, school buses, bicycles, commercial tractors, agricultural tractors, house trailers, trucks, buses, trailers, semitrailers, railroad trains, railroad cars, watercraft or any other form of device for the transportation of persons or property, and, without limiting the generality of the foregoing, with respect to any automobile or other transportation device of any kind, the operation of which requires issuance of a license by the federal government or any agency thereof or by the state or any agency or political subdivision thereof, any such automobile or other transportation device shall be deemed to be junk unless a current valid license has been issued for the operation of such automobile or other transportation device, which license, if required by law, is displayed upon such automobile or other transportation device. The word also includes other automobiles or other transportation devices. The word also includes other old scrap and ferrous or nonferrous materials which are not held for sale or for remelting purposes by an establishment having facilities for processing such materials.

(b) The provisions of this section shall be enforced by the Director of Service and the Director of Public Safety or by either of them.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

DEBRIS REMOVAL.

(a) (1) The owner, occupant or person in control of any lot or land within the city shall keep all yard areas free from the accumulation in the open of paper, bottles, cans, cartons, rubbish and other debris.

(2) Operators of business establishments that sell food or other merchandise in containers that are customarily discarded on the premises or upon leaving the premises shall provide convenient and strategically located waste receptacles on their premises. Operators of business establishments shall maintain the cleanliness of the sidewalks and street areas in front of their establishments.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Definitions.

(1) "Litter" includes any "garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare.

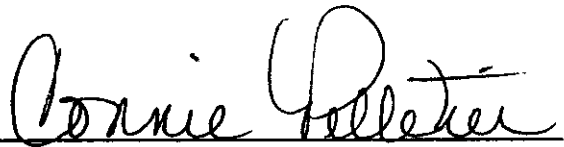
(2) "Garbage" includes any putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(3) "Refuse" includes any putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, tires, and solid market and industrial waste.

(4) "Rubbish" includes any nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, bottles, wire, wrappings, parts of automobiles, furniture, cardboard, cans, wood, glass, bedding, crockery and any thing else of an unsightly or unsanitary nature.

(e) *Exceptions.* This does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, 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 Ohio R. C. Chapter 3734, 4737.05 to 4737.12, or Chapter 6111. (ORC 731.52)

Approved this 6th day of November, 2018.



Mayor

Posted _____ through _____ at Piggly Wiggly, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Post Office.

Prepared by: Randy H. Dupree, Law Director, City of Wellston