

ORDINANCE NO. 3-2017

AN ORDINANCE TO AMEND CHAPTER 521 OF THE NEW PHILADELPHIA CODIFIED ORDINANCES TO INCLUDE SECTION 521.00, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of New Philadelphia, Ohio desires to amend and update chapter 521 of the New Philadelphia Codified Ordinances to include section 521.00.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AS FOLLOWS:

SECTION 1. That the previously enacted Section 521 of the Codified Ordinances shall be modified to include Section 521.00 and shall read as follows:

CHAPTER 521  
Health, Safety and Sanitation

521.00 DEPOSIT, STORAGE, MAINTENANCE OR COLLECTION OF USED BUILDING MATERIALS, MOTOR VEHICLES IN AN INOPERATIVE CONDITION, AUTOMOBILE PARTS, JUNK, RUBBISH OR OFFENSIVE MATERIALS.

(a) In the interpretation and enforcement of this section the following definitions shall apply:

(1) "Used building materials" means any materials including wood, steel, stone, plaster, brick, cement blocks, crating, aluminum products, all kinds of shingles or any composition thereof, which have been used previously for erection or construction of a building by any person.

(2) "Motor vehicle in an inoperative condition or unfit for further use" means any style or type of motor driven vehicle used for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, or is in a dangerous condition or is in a condition generally as to be unusable for further use as a conveyance and which has remained in such condition for a period of not less than thirty consecutive days. Automobile parts are parts or portion of any motor driven vehicle as detached from the vehicle as a whole. The storage of any motor vehicle which shall not have attached to it a current and valid license plate shall be held prima facie in violation of this section.

(3) "Junk" means any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

(Ord. 3256. Passed 6-23-69)

(4) "Rubbish" means and includes wire, chips, sawings, bottles, broken glass, crockery, cast or wooden ware, boxes, rags, clothing, dead weeds, stumps, tree trunks, brush, pipe, paper, circulars, hand bills, shoes, boots, ashes, scrap metal, scrap aluminum, tin cans, rope, rubber tires or any waste material other than garbage or offal.

(5) "Offensive materials" includes dead or decaying vegetable matters, whether formerly growing on the lot or premises or placed thereon, manure or fertilizer, which has remained on the premises for more than ten days, ashes, straw, or other annoying materials.

(6) "Household items" means any item that under normal circumstances are to be kept/stored indoors. By reason of such items being kept/stored outdoors, the items are deemed discarded household items. Discarded household items are not to be kept/stored in such a manner as to be exposed to the outdoor elements nor are they permitted to be stored or kept on a porch, carport or any other manner in view of the general public. Excluded items would be items or furniture that are sold specifically for outdoor use.

(7) "Trash" means worthless or discarded material or objects co-mingled with refuse or rubbish.

(b) It shall be unlawful and declared to be a nuisance per se, to deposit, store, maintain or collect used building materials, motor vehicles in an inoperative condition, or unfit for further use, automobile parts, junk, rubbish, discarded household items or offensive materials within the corporate limits of the City of New Philadelphia, Ohio, except as hereinafter provided.

(c) Whenever any of the materials or articles herein defined and set forth are deposited, stored, maintained or collected on any premises for a period of more than thirty days, it shall constitute a violation of this section and shall subject the owner, lessee or tenant in charge thereof, to the penalties herein set forth.

(d) Whenever any of the materials herein defined, excepting manure, dead or decaying vegetable matter, or offal are placed, stored, or allowed to remain on any premises within the corporate limits of City of New Philadelphia, Ohio, and the same are placed or stored in a building or secure structure

(e) Whenever a violation of this section is noted by the Service Director of the City of New Philadelphia Ohio or his agent, such agent shall issue a written order directing the owner, agent, lessee or tenant in charge of said premises, that a violation of this section exists and such violations must be corrected within ten days after date of issuance of the written order.

(f) Upon the expiration of the ten days set forth in subsection (e) hereof, and the failure to correct the violation noted on such written order, the owner, agent, lessee or tenant in charge of the premises shall be fined not less than one hundred dollars (\$100.00) for each offense. Each day's violation shall constitute a separate offense.

(g) It shall be unlawful and declared to be a nuisance per se, to deposit, store, or collect trash in any location within the corporate limits of the City of New Philadelphia without maintaining the trash within a reasonable tight and substantial containers that are easy to handle. Such containers can be plastic bags of adequate capacity and thickness, tied at the top and provided in sufficient number to hold all other refuse that accumulates between collections.

(1) Whenever a violation of this section is noted by or reported to an officer of the City of New Philadelphia Police Department, such officer shall issue an order to the owner, agent, lessee or tenant in charge of said premises, that a violation of this section exists and such violation must be corrected within twenty-four hours after issuance of the order.

(2) Upon expiration of the twenty-four hours after issuance of the order and the failure to correct the violation noted on such order, the owner, agent, lessee or tenant in charge of said premises shall be fined not less than one hundred dollars (\$100.00) for each offense. Each twenty-four hour period shall constitute a separate offense.

(3) If the owner, agent, lessee or tenant in charge of said premises does not comply within five days to the order, the Service Director or his agent may cause said trash to be removed to bring the said property in compliance. If said trash is an emergency to safety, or presents a health hazard, the Service Director or his agent shall act immediately to cause the trash to be

removed. The Service Director or his agent shall cause the cost thereof to be assessed against the land found in violation.

SECTION 2 This Ordinance is hereby declared 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 City of New Philadelphia, Ohio.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2017

ATTEST:

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SAM R. HITCHCOCK  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
JULIE COURTRIGHT  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR JOEL B. DAY

SPONSORED BY: ZONING AND ANNEXATION COMMITTEE