

**CODIFIED ORDINANCES**  
**OF**  
**MINERVA PARK**  
**OHIO**

Local legislation current through December 31, 2002  
State legislation current through June 25, 2003  
(Includes State legislation effective January 1, 2004)

CHAPTER 648  
Peace Disturbances

648.01	Riot.	648.07	Inducing panic.
648.02	Failure to disperse.	648.08	Making false alarms.
648.03	Justifiable use of force to suppress riot.	648.09	Minors curfew.
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CROSS REFERENCES

See section histories for similar State law

Power to regulate peace disturbances - see Ohio R.C. 715.49

Cordoning off riot areas; prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16

Suspension of beer and liquor sales during emergency - see Ohio R.C. 4301.251

Riot and civil disorder assistance by State Highway Patrol - see Ohio R.C. 5503.02

"Peeling"; cracking exhaust noises - see TRAF. 432.37

Sirens, whistles and bells on motor vehicles - see TRAF. 438.20

Noisy mufflers - see TRAF. 438.21

Definitions generally - see GEN. OFF. 606.01

"Deadly force" defined - see GEN. OFF. 606.01

"Force" defined - see GEN. OFF. 606.01

Resisting arrest - see GEN. OFF. 608.08

Interfering with civil rights - see GEN. OFF. 608.13

Detention of disorderly persons - see GEN. OFF. 608.17

Liquor sale to intoxicated person - see GEN. OFF. 612.03

Barking or howling dogs - see GEN. OFF. 618.07

Assault - see GEN. OFF. 636.02, 636.03

Menacing - see GEN. OFF. 636.04 et seq.

Desecration - see GEN. OFF. 642.05

Arson - see GEN. OFF. 642.06

Trespass - see GEN. OFF. 642.10, 642.11

Pointing and discharging firearms and other weapons - see GEN. OFF. 678.09

Fireworks - see GEN. OFF. 678.10

**648.01 RIOT.**

(a) No person shall participate with four or more others in a course of disorderly conduct in violation of Ohio R.C. 2917.11 or a substantially similar municipal ordinance:

- (1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;
- (2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;
- (3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at the institution.

(b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though the act might otherwise be lawful.

(c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03)

**Statutory reference:**

*Aggravated riot, felony provisions, see Ohio R.C. 2917.02*

**648.02 FAILURE TO DISPERSE.**

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Ohio R.C. 2917.11 or a substantially similar municipal ordinance, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and the other persons to disperse. No person shall knowingly fail to obey the order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(c) Whoever violates this section is guilty of failure to disperse, a minor misdemeanor.

(ORC 2917.04)

**648.03 JUSTIFIABLE USE OF FORCE TO SUPPRESS RIOT.**

A law enforcement officer or firefighter engaged in suppressing a riot or in protecting persons or property during a riot:

- (a) Is justified in using force, other than deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters;

- (b) Is justified in using force, including deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters whose conduct is creating a substantial risk of serious physical harm to persons.  
(ORC 2917.05)

**648.04 DISORDERLY CONDUCT.**

- (a) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:
  - (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
  - (2) Making unreasonable noise or an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;
  - (3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;
  - (4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;
  - (5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.
- (b) No person while voluntarily intoxicated shall do either of the following:
  - (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he or she were not intoxicated, should know is likely to have such effect on others;
  - (2) Engage in conduct or create a condition that presents a risk of physical harm to himself, herself or another, or to the property of another.
- (c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse is not a violation of division (b) of this section.
- (d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that the person is voluntarily intoxicated for purposes of division (b) of this section.

- (e) Whoever violates this section is guilty of disorderly conduct.
- (1) Except as otherwise provided in division (e)(2) of this section, disorderly conduct is a minor misdemeanor.
  - (2) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
    - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
    - B. The offense is committed in the vicinity of a school or in a school safety zone.
    - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.
    - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.
- (f) As used in this section:
- (1) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01.
  - (2) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
  - (3) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
  - (4) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.  
(ORC 2917.11)

**648.05 DISTURBING A LAWFUL MEETING.**

- (a) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:
- (1) Do any act which obstructs or interferes with the due conduct of the meeting, procession, or gathering.
  - (2) Make any utterance, gesture, or display which outrages the sensibilities of the group.
- (b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.  
(ORC 2917.12)

**648.06 MISCONDUCT AT AN EMERGENCY.**

(a) No person shall knowingly do any of the following:

- (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;
- (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
- (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this division, misconduct at an emergency is a minor misdemeanor. If violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.  
(ORC 2917.13)

**648.07 INDUCING PANIC.**

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false.
- (2) Threatening to commit any offense of violence.
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

- (c)
  - (1) Whoever violates this section is guilty of inducing panic.
  - (2) Except as otherwise provided in division (c)(3), inducing panic is a misdemeanor of the first degree.
  - (3) If a violation of this section results in physical harm to any person, inducing panic is a felony to be prosecuted under appropriate State law. If a violation of this section results in economic harm of five hundred dollars(\$500.00) or more, inducing panic is a felony to be prosecuted under appropriate State law. If the public place involved in a violation of division (a)(1) is a school and if the violation results in economic harm, inducing panic is a felony to be prosecuted under appropriate State law. If a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony to be prosecuted under appropriate State law.
  
- (d)
  - (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.
  - (2) Any act that is a violation of this section and any other section of the Ohio Revised Code or these Codified Ordinances may be prosecuted under this section, the other section, or both sections.
  
- (e) As used in this section:
  - (1) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.
  - (2) "Economic harm" means any of the following:
    - A. All direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. "Economic harm" as described in this division includes but is not limited to all of the following:
      - 1. All wages, salaries or other compensation lost as a result of the criminal conduct;
      - 2. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
      - 3. The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;
      - 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

- B. All costs incurred by the State or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Ohio R.C. 2917.32, or any substantially similar municipal ordinance, including but not limited to all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the State or the political subdivision.
- (3) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21.
- (4) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
- (5) "Weapon of mass destruction" means any of the following:
- A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or other precursors;
  - B. Any weapon involving a disease organism or biological agent;
  - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
  - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
    - 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
    - 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division D.1. of this definition and from which an item or device described in that division may be readily assembled.
- (ORC 2917.31)

**648.08 MAKING FALSE ALARMS.**

- (a) No person shall do any of the following:
- (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm.
  - (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property.

- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that the offense did not occur.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms. Except as otherwise provided in this division, making false alarms is a misdemeanor of the first degree. If a violation of this section results in economic harm of five hundred dollars (\$500.00) or more, making false alarms is a felony to be prosecuted under appropriate State law. If a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony to be prosecuted under appropriate State law.

- (d)
  - (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.
  - (2) Any act that is a violation of this section and any other section of the Ohio Revised Code or these Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section, "economic harm" and "weapon of mass destruction" have the same meaning as in Ohio R.C. 2917.31.  
(ORC 2917.32)

#### **648.09 MINOR'S CURFEW.**

(a) No minor under the age of 18 years shall loiter, idle, wander or play in or upon any street, park, public building, place of amusement or entertainment, vacant lot or private property within the Village, without the consent of the owner thereof, between the hours of 11:00 p.m. and 7:00 a.m. of the following day for minors 16, but less than 18, years of age, and between the hours of 10:00 p.m. and 7:00 a.m. of the following day for minors under 16 years of age, provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

(b) No parent, guardian or other adult person having the care and custody of a minor under the age of 18 years shall knowingly permit such minor to loiter, idle, wander or play in or upon a public street, park, playground or other public ground, a public place, a public building, a place of amusement or entertainment, a vacant lot or private property within the Village, without the consent of the owner thereof, between the hours of 11:00 p.m. and 7:00 a.m. of the following day for minors 16, but less than 18, years of age, and between the hours of 10:00 p.m. and 7:00 a.m. of the following day for minors under 16 years of age, provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

(Ord. 160. Passed 3-13-72.)

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

(d) Whoever, being a minor, violates any of the provisions of this section shall be dealt with in accordance with Juvenile Court law and procedure.

#### **648.10 HOURS FOR LABOR AND TRANSPORTATION OF MACHINERY AND MATERIALS.**

(a) No materials, machinery or equipment for the construction, maintenance or repair of sidewalks, streets, houses, buildings and other structures shall be transported over the streets and public ways of the Village between the hours of sunset and 8:00 a.m. of the following day, through traffic excepted.

(b) No excavating, carpentry work, brick laying, cement work, stone work or any other form of labor shall be performed in connection with the construction, maintenance or repair of sidewalks, streets, houses, buildings or other structures in the Village between the hours of sunset and 8:00 a.m. of the following day.

(c) This section shall not apply to emergencies when it is necessary to transport materials, machinery or equipment or to perform labor for the immediate preservation of property or the safety of persons or to maintain the services of public utilities.

(Ord. 7-94. Passed 11-14-94.)

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

**648.11 INCITING TO VIOLENCE.**

(a) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence when either of the following apply:

- (1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed.
- (2) The conduct proximately results in the commission of any offense of violence.

(b) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. If the offense of violence that the other person is being urged or incited to commit is a felony, inciting to violence is a felony to be prosecuted under appropriate State law.

(ORC 2917.01)

CHAPTER 660  
Safety, Sanitation and Health

660.01	Venting of heaters and burners.	660.07	Storage of junk vehicles.
660.02	Spreading contagion.	660.08	Open burning.
660.03	Littering.	660.09	Barricades and warning lights.
660.04	Noxious odors; filthy accumulations; polluting and diverting watercourses.	660.10	Sidewalk obstructions; damage or injury.
660.045	Cleaning of premises.	660.11	Notice to fill lots, remove putrid substances.
660.05	Duty to keep sidewalks in repair and clean.	660.12	Fences.
660.06	Abandoned refrigerators and airtight containers.	660.13	Smoking in places of public assembly.
		660.14	Trees and weeds.

CROSS REFERENCES

See section histories for similar State law

Excavation liability - see Ohio R.C. 723.49 et seq.

Nuisances - see Ohio R.C. Ch. 3767

Placing injurious material or obstruction in street - see TRAF. 412.01

Littering from motor vehicles - see TRAF. 432.42

Safety and equipment for motor vehicles - see TRAF. Ch. 438

Loads dropping or leaking; tracking mud; removal required - see TRAF. 440.06

Willfully leaving vehicles on private or public property - see TRAF. 452.05

Rabies quarantine - see GEN. OFF. 618.11

Animal nuisances - see GEN. OFF. 618.13

Placing harmful substance or objects in food or confection - see GEN. OFF. 636.17

Riot - see GEN. OFF. 648.01 et seq.

Inducing panic - see GEN. OFF. 648.07

Weapons and explosives - see GEN. OFF. Ch. 678

**660.01 VENTING OF HEATERS AND BURNERS.**

(a) The use of a brazier, salamander, space heater, room heater, furnace, water heater, or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases must comply with the following provisions:

- (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed, and maintained as to vent the products of combustion outdoors; except in storage, factory, or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning.
- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed, or structure in which persons are temporarily present, shall be vented as provided in division (a)(1) or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Division (a) above does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shut-off system, and that has its fuel piped from a source outside the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas, or liquid petroleum gas heaters exempted from division (a) above when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100°F or 37.8°C shall be sold, offered for sale, or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas, or liquid petroleum gas space heater from operating shall be sold, offered for sale, or used in connection with any kerosene, natural gas, or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas, or liquid petroleum gas-fired heater that is not exempt from division (a) above, unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.  
(ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 3701.99(C))

#### **660.02 SPREADING CONTAGION.**

(a) No person, knowing or having reasonable cause to believe that he or she is suffering from a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing himself or herself to other persons, except when seeking medical aid.

(b) No person, having charge or care of a person whom he or she knows or has reasonable cause to believe is suffering from a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(c) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion.  
(ORC 3701.81)

(d) Whoever violates this section is guilty of a misdemeanor of the second degree.  
(ORC 3701.99(D))

**660.03 LITTERING.**

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him or her, or in or on waters of the State, unless one of the following applies:

- (1) The person is directed to do so by a public official as part of a litter collection drive.
- (2) Except as provided in division (b) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.
- (3) The person is issued a permit or license covering the litter pursuant to Ohio R.C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him or her, unless one of the following applies:

- (1) The litter was generated or located on the property on which the litter receptacle is located.
- (2) The person is directed to do so by a public official as part of a litter collection drive.
- (3) The person is directed to do so by a person whom he or she reasonably believes to have the privilege to use the litter receptacle.
- (4) The litter consists of any of the following:
  - A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.
  - B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.
  - C. Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.
  - D. Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

- (c) (1) As used in division (b)(1) of this section, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
- (2) As used in division (b)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as his or her primary reason for traveling to or by the property on which the litter receptacle is located.

(d) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Deposit" means to throw, drop, discard, or place.
- (2) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.
- (3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(e) This section may be enforced by any sheriff, deputy sheriff, police officer of the Municipality, police constable or officer of a township or township police district, wildlife officer, park officer, forest officer, preserve officer, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within his or her jurisdiction.

(ORC 3767.32)

(f) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the State.

(ORC 3767.99(C))

#### **660.04 NOXIOUS ODORS; FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES.**

(a) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public.

(b) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

(c) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure a watercourse, stream of water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(d) Persons who are engaged in agriculture-related activities, as "agriculture" is defined in Ohio R.C. 519.01, and who are conducting those activities outside the Municipality, in accordance with generally accepted agricultural practices, and in such a manner so as not to have a substantial, adverse effect on the public health, safety, or welfare, are exempt from divisions (a) and (b) above and from any ordinances, resolutions, rules, or other enactments of the Municipality that prohibit excessive noise.

(ORC 3767.13)

(e) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 3767.99(C))

**660.045 CLEANING OF PREMISES.**

(a) Definitions. As used in this section:

- (1) "Automobile parts" means parts of any motor-driven vehicle that are detached from the vehicle as a whole.
- (2) "Garbage" means all putrescible wastes, except wastes of the human body, other water-carried wastes and vegetable and animal wastes resulting from the handling, preparation, cooking or consumption of foods. Any containers that have contained food or liquids for consumption by humans or other beings shall be classified as garbage.
- (3) "Motor vehicle in an operative condition" means any kind of motor-driven vehicle used or useful for the conveyance of persons or property, which vehicle is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten days, or which has not been licensed for operation as required by the Ohio Revised Code.
- (4) "Motor vehicle unfit for further use" means any kind of motor-driven vehicle used for conveyance of persons or property, which is in a dangerous condition, has defective or missing parts, or is in such a condition generally as to be unfit for further use as a conveyance.
- (5) "Refuse" means only such matter as is either in fact noxious or has been refused by its owner as worthless.
- (6) "Rubbish" means wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, dead weeds, paper circulars, handbills, boots, shoes, ashes or any waste material other than garbage or offal.
- (7) "Scrap metal" means pieces of or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its original intended purpose.
- (8) "Used building materials" means any materials, such as wood, stone, brick, cement block, or any composition thereof, used or useful in the erection of any building or structure, which have been previously used for such erection or construction by the same persons or by any other person.

(b) Storage of Certain Materials Prohibited.

- (1) No person shall store or place used building materials, motor vehicles in an inoperable condition, motor vehicles unfit for further use, automobile parts, scrap metal, refuse, rubbish or garbage on any lot or parcel of land in the Village or allow the same to remain thereon. However, this section shall not apply with regard to a vehicle in an enclosed building, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village. A violation of this paragraph is hereby declared to be a nuisance.
- (2) The owner, occupant or person in control of any private property shall at all times maintain the premises free of refuse and garbage, except that which is contained in covered receptacles for collection.

(c) Order for Removal; Noncompliance.

- (1) In the event of a violation of division (b) of this section, the Chief of Police shall give notice to the owner, occupant or person having charge of the premises upon which the violation occurs to cease such violation. Such notice shall be in writing and shall be served upon the owner, occupant or person having charge of the premises either personally or at the usual place of residence of such person, or by registered or certified mail addressed to such person's last known place of residence.
- (2) If the person served with the notice as provided in division (c)(1) of this section fails to cause such violation to cease within ten days of the date on which the notice was issued, he or she shall be subject to the penalty provided in division (e) of this section, and a separate offense shall be deemed committed each day during or on which the violation occurs or continues beyond such ten-day period, and no additional notice of violation is required to be given.

(d) Exception; Building Materials for One's Own Use. Notwithstanding the provisions of division (b) of this section, it shall not be unlawful for any person to purchase used building materials and place or store them on any lot, part of a lot or parcel of land when such materials are used by the purchaser thereof or the owner of the premises in later construction on the same lot or any lot owned or controlled by such person provided that such materials shall not remain on said lot, part of a lot or parcel of land for a period of more than thirty days, unless the construction or erection in which such material is to be used has commenced, and provided, further, that such materials are used or consumed in the construction or removed from the premises within a period of four months from the time said materials are first placed on the lot, part of a lot or parcel of land. No person shall move any materials so stored or placed to another location within the Village for the purpose of avoiding the intent of this section, except that any such materials may be moved to another lot, part of a lot or parcel of land when the same have been sold to a bona fide purchaser for value for such purchaser's own use.

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

(Ord. 4-81. Passed 7-13-81.)

**660.05 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.**

(a) No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair and free from snow, ice or any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated.

(ORC 723.011)

(b) Whoever violates this section is guilty of a minor misdemeanor.

**660.06 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.**

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse official or repair technician.

(ORC 3767.29)

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

(ORC 3767.99(B))

**660.07 STORAGE OF JUNK VEHICLES.**

(a) For purposes of this section, "junk motor vehicle" means any motor vehicle which is three years old or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; apparently inoperable; and having a fair market value of one thousand five hundred dollars (\$1,500.00) or less, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of Ohio R.C. 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(b) The Municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the Municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(c) The Police Chief, the Council, or the zoning authority may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(d) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.

(ORC 4513.65)

(e) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

(ORC 4513.99(E))

#### **660.08 OPEN BURNING.**

(a) Definitions. As used in this section:

- (1) "Agricultural waste" means any matter generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.
- (2) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.
- (3) "Garbage" means any matter resulting from the handling, processing preparation, cooking and consumption of food or food products.
- (4) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

- (5) "Land clearing waste" means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development.
  - (6) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to Ohio R.C. 3704.03 or the chief of any Ohio Environmental Protection Agency district office.
  - (7) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. "Open burning" includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or 3745-17-10.
  - (8) "Residential waste" means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
  - (9) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Ohio R.C. Title 7, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.
  - (10) "Unrestricted area" means all areas outside the boundaries of a "restricted area" as defined in this section.  
(O.A.C. 3745-19-01)
- (b) Relation to Other Laws.
- (1) Notwithstanding any provision in O.A.C. Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under O.A.C. Chapter 3745-25 is in effect.
  - (2) No provisions of O.A.C. Chapter 3745-19 permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.  
(O.A.C. 3745-19-02)
- (c) Open Burning in Restricted Areas.
- (1) No person or property owner shall cause or allow open burning in a restricted area except as provided in divisions (c)(2) to (c)(4) of this section or in Ohio R.C. 3704.11.

- (2) A. Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:
  - 1. Cooking for human consumption;
  - 2. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.
- B. Fires allowed by divisions (c)(2)A.1. and (c)(2)A.2. of this section shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.
- (3) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with division (d)(2) of this section:
  - A. Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or United States Department of Agriculture, that open burning is the only appropriate disposal method.
  - B. Ceremonial fires provided the following conditions are met:
    - 1. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;
    - 2. The ceremonial fires shall not be used for waste disposal purposes; and
    - 3. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.
  - C. Disposal of agricultural waste generated on the premises if the following conditions are observed:
    - 1. The fire is set only when atmospheric conditions will readily dissipate contaminants;
    - 2. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
    - 3. The fire is located at a point on the premises no less than 1,000 feet from any inhabited building not located on said premises;
    - 4. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
    - 5. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.
- (4) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with division (d)(1) of this section, provided that any conditions specified in the permission are followed:

- A. Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;
  - B. Instruction in methods of fire fighting or for research in the control of fires;
  - C. In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and
  - D. Recognized horticultural, silvicultural, range, or wildlife management practices; and
  - E. Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
- (O.A.C. 3745-19-03)

(d) Permission to Individuals and Notification to the Ohio EPA.

(1) Permission.

- A. An application for permission to open burn shall be submitted in writing at least 10 days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.
- B. Except as provided in division (d)(1)F. of this section, such applications shall contain, as a minimum, information regarding:
  - 1. The purpose of the proposed burning;
  - 2. The nature of quantities of material to be burned;
  - 3. The date or dates when such burning will take place;
  - 4. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
  - 5. The methods or actions which will be taken to reduce the emissions of air contaminants.
- C. Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of O.A.C. Chapter 3745-19.
- D. Except as provided in division (d)(1)F. of this section, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

- E. Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.
  - F. The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio Fire Academy's mobile training laboratory at either the Academy or at other training sites in Ohio. The annual application required pursuant to division (d)(1)A. of this section shall contain information as required in division (d)(1)B. of this section, except the information required in divisions (d)(1)B.3. and (d)(1)B.4. of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA district office or local air agency at least five days before each training session of the date or dates when the training session will take place and its location.
- (2) Notification.
- A. Notification shall be submitted in writing at least 10 days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Ohio EPA.
  - B. Such notification shall inform the Ohio EPA regarding:
    - 1. The purpose of the proposed burning;
    - 2. The nature and quantities of materials to be burned;
    - 3. The date or dates when such burning will take place; and
    - 4. The location of the burning site.
  - C. The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.  
(O.A.C. 3745-19-05)

(e) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. In addition, the offender shall be required to pay the cost of proper disposal of the materials burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water and solid waste laws, ordinances and regulations of the Municipality and the State.

**660.09 BARRICADES AND WARNING LIGHTS.**

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

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

**660.10 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.**

(a) No person shall place or knowingly drop upon any part of a sidewalk or playground any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous conditions.

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

**660.11 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.**

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law: to fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**660.12 FENCES.**

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This division (b) does not prevent the placement and use of not more than two strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than 48 inches from the ground.

(c) Barbed wire partition fences may be erected and maintained as provided in Ohio R.C. 971.03.

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

**660.13 SMOKING IN PLACES OF PUBLIC ASSEMBLY.**

(a) As used in this section, "place of public assembly" means:

- (1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a residential care facility serving as the residence of a person living in such residential care facility.
- (2) All buildings and other enclosed structures owned by the State, its agencies, or political subdivisions, including but not limited to hospitals and State institutions for the mentally disabled and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the

residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency, or a political subdivision, and that is used primarily as a food service establishment, is not a place of public assembly.

- (3) Each portion of a building or enclosed structure that is not included in division (a)(1) or (a)(2) of this section is a place of public assembly if it has a seating capacity of 50 or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias, or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Ohio Division of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area, provided that not more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in division (a)(1) of this section, the local fire authority having jurisdiction shall designate the no smoking area. In places included in division (a)(2) of this section that are owned by the State or its agencies, the Ohio Director of Administrative Services shall designate the area, and if the place is owned by a political subdivision, its legislative authority shall designate an officer who shall designate the area. In places included in division (a)(3) of this section, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in division (a)(2) of this section which are also included in division (a)(1) of this section, the officer who has authority to designate the area in places in division (a)(2) of this section shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "no smoking." No person shall remove signs from areas designated as no smoking areas.

(c) This section does not affect or modify the prohibition contained in Ohio R.C. 3313.751(B).

(d) No person shall smoke in any area designated as a no smoking area in accordance with division (b) of this section.

(e) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 3791.031)

**660.14 TREES AND WEEDS.**

(a) Trimming and Removal of Trees and Branches. The owner or agent of the owner of any lot or parcel of land fronting or abutting on any street or public ground in the Village shall be responsible for the trimming and/or removal of all trees growing on or in the front or side of such premises, to include that portion of road right-of-ways abutting such premises. Trimming of trees shall include the trimming of branches of trees overhanging any portion of the street or public ground, or overhanging any portion of the sidewalk, so as not to obstruct the passage of light from any street lamp near such trees. All branches overhanging any sidewalk or roadway shall be trimmed so as to have a clear height of ten feet above the surface of the sidewalk or roadway, unobstructed by branches. All dead, decaying and broken limbs or branches that overhang a sidewalk or street, or that are liable to fall thereon, shall be removed from said trees. When any of said trees are dead, the owner of the premises or the agent of the owner shall take up or cause to be taken up said dead trees and remove the same from said lot or parcel of land.

(Ord. 8-87. Passed 4-13-87.)

(b) Mowing of Weeds. The owners of vacant lots or other unoccupied property situated within the Village are required to cut, mow, keep down or remove all tall, unsightly or noxious weeds, vines or grass exceeding twelve inches in height on said vacant lots or other unoccupied property.

(c) Notice to Remove. The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same is improved or unimproved, vacant or occupied, within five days after written notice to do so, shall cut or destroy or cause to be cut or destroyed any dead trees and any noxious or poisonous weeds or vines growing upon any such lot or parcel of land and prevent the same or any grasses from blooming or going to seed or exceeding a height of twelve inches.

Council shall cause a written notice to be served upon the owner of the land, or upon the lessee, agent or tenant having charge of such land, notifying him or her that dead trees or noxious or poisonous weeds or vines are growing on such lands, and that they must be cut and destroyed within five days after the service of such notice. If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his or her address by regular, certified or registered mail at the discretion of Council. If the address of such owner is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the County.

(d) Removal by Municipality. In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, or cut and remove tall grass or weeds, in accordance with the provisions of this section, Council shall cause to be trimmed or removed said tree, plant or shrubbery, or part thereof, and cut and remove all grass and weeds.

(e) Assessment of Costs by Municipality. Whenever any tree, plant or shrubbery, or part thereof, or weeds and grass, is growing in any street or public place, or upon private property contiguous to a street, sidewalk or public place, in violation of this section, and is trimmed or removed by the Village, the Village shall give five days notice, by regular mail, to the owner of such lot or parcel of land, at his or her last known address, to pay the cost of such trimming or removal of trees, plants, shrubbery, grass or weeds, or parts thereof, which notice shall be accompanied by a statement of the amount of cost incurred. In the event the same is not paid within thirty days after the mailing of said notice, such amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected. Such remedy shall be in addition to the penalty provided for in division (f) of this section.

(f) Penalty. Whoever violates division (a), (b) or (c) of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 115. Passed 4-11-66.)