

VILLAGE OF NEWCOMERSTOWN

ORDINANCE NO. 12-2021

PASSED:

“EXTERIOR PROPERTY MAINTENANCE REQUIREMENTS”

ORDINANCE REGARDING DISPOSAL OF TRASH, RUBBISH AND WASTE AND THE MANNER IN WHICH NOTICE SHALL BE PROVIDED IN THE VILLAGE OF NEWCOMERSTOWN, OHIO

WHEREAS, the Village of Newcomerstown is responsible for preserving the health, safety and welfare of all residents of the Village; and

WHEREAS, numerous properties are neglected throughout the Village, often as the result of the failure to maintain the exterior of property by either the owner or the lessees; and

WHEREAS, the Village has found that current ordinances are not sufficient to allow Village officials to respond to this growing problem;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWCOMERSTOWN, OHIO:

SECTION 1: That an ordinance titled “Exterior Property Maintenance Requirements” shall read:

1. All exterior areas and premises shall be maintained in a clean, sanitary and safe condition, free from the accumulation of rubbish or garbage. No owner or lessee of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates the value or the appearance and general character of the neighborhood, creates a fire, safety, or health hazard, or is a public nuisance, including, but not limited to:

- a. Broken or dilapidated fences, walls, or other temporary or permanent structures; in a state of disrepair or ruin as a result of neglect and no longer serving its original intent.
- b. Out of use or unusable appliances, automobiles or automobile parts, including but not limited to engines and tires;
- c. Broken, dilapidated or unusable furniture; mattresses; or paints, miscellaneous coverings and/or any other material placed at or near the premises that contributes to neighborhood blight;

SECTION 2: Refuse collection service contract required.

1. Single-family dwellings. The owner or lessee of each single-family dwelling unit within the Village of Newcomerstown shall be responsible for garbage removal or collection by keeping in full force and effect:

- a. A contract with a garbage collection service for the collection of garbage and refuse no less than once each week.

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- b. A contract with a garbage collection service may not be required if resident can show that a contract for garbage collection is not necessary and another means of having garbage and refuse collected from the residence is possible and will occur no less than once each week.
2. Multifamily dwellings. The owner or duly authorized agent of any multifamily dwelling within the Village of Newcomerstown shall be required to execute a contract with a garbage collection service for the collection and disposal of garbage and refuse at least once each week.
3. Commercial establishments. The owner or operator of all commercial establishments within the Village of Newcomerstown shall be required to execute a contract with a garbage collection service for the collection and disposal of garbage and refuse at least once each week.

SECTION 3: Container required.

1. The owner, lessee, or duly authorized agent of any single-family dwelling or multifamily building with the Village of Newcomerstown shall be required to provide a container such as a toter, trash can, dumpster, or other leak proof refuse approved container provided with close fitting covers of sufficient size to completely contain all garbage and refuse generated by the building or residents between normal collection.
2. The owner, lessee or operator of all commercial establishments within the Village of Newcomerstown shall provide a container or containers such as a dumpster, toter or other leak proof approved container provided with close fitting cover of sufficient size to completely contain all garbage and refuse generated by the operations of such establishment between normal collections.

SECTION 4: Garbage can placement and removal.

1. All garbage, wet or organic waste from kitchen and bathroom, etc... must be bagged and, in the trash can, or other approved receptacle. Such receptacles shall be stored on property served and not on the city street right-of-way or alley driving surface so as to obstruct traffic. Storage areas shall be in the side yard, to the rear of the premises or in a garage until the day for garbage collection in such area.
2. Storage areas in side yard of residential properties shall not be closer than ten feet from the property line and shall be guarded from view.
3. Residents are responsible for and should take steps to keep the inside of the totes or trash can free of messy waste.
4. Property owner or lessee is required to comply with contracted refuse company for location of trash cans. Do not block access to mailboxes.

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5. Trash cans or toter to be place on the curb should not be placed earlier than 5 p.m. the day before collection and removed from curb by 8 p.m. on collection day.

6. The storing of garbage out-of-doors awaiting placement for collection on the day of pick up in plastic or paper garbage bags outside of cans or toter receptacles is expressly prohibited.

7. If rules in section 4 are unreasonable for you, you may need to ask for a variance. (For example; work hours or a disability) Contact the mayor's office to set a time or special condition that would be possible for your needs and schedule.

SECTION 5: Notice Regarding Exterior Property Maintenance Requirements

1. Notice regarding said non-compliance shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the reason or reasons why it is being issued;
- d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

2. When the Village Mayor, Police Chief, or their designated agent determines that such violations described in this ordinance exist, he/she shall serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such property.

Fines and Penalties

Violations of any provision contained within ordinance titled "Exterior Property Maintenance Requirements" may result in the following enforcement actions:

Violation Garbage/Yard Waste First Violation

Fine/Penalty Initial Warning Letter

Violation. Garbage/Yard Waste Second Violation

Fine/Penalty \$100 Administration Fee

Violation Garbage/Yard Waste Third Violation in a 12 – Month Period

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Fine/Penalty \$100 Administration Fee

 \$250 Civil Penalty for each 24-hour period the Violation exists

Passed this _____ day of _____, 2021.

APPROVED BY:

Patrick M. Cadle, Mayor Village of
Newcomerstown

ATTEST TO:

APPROVED AS TO FORM:

Lisa Stiteler, Village Fiscal Officer

Robert R. Stephenson II, Village Solicitor