

2013-16
Ordinance No. _____

August 22 13
Passed _____, 20_____

An ordinance declaring and defining nuisances and for penalty for violation thereof repealing Ordinance No. 2008-4, and all other previous ordinances.

BE IT ORDAINED, by the council of the Village of Sabina, Ohio three-fourths of all of the members elected thereto concurring, that:

SECTION 1. Definitions.

- (a) "Refuse" embraces only such matter or materials as was, or is either in fact noxious or had been refused and abandoned by its owner as worthless, including loose trash, garbage, and food waste.
- (b) "Rubbish" means and includes wire, chips, shavings, bottles, broken glass, crockery, furniture, tin, cast or wooden ware, rags, dead weeds, paper, paper circular, hand bills, boots, shoes, ashes or any waste material other than garbage or offal.
- (c) "Used building materials" mean and include any material, such as wood, lumber, plaster, stone, brick, cement block, or any composition thereof, used or useful in the erection of any building structure, which have been used previously for such erection or construction or which remain because of destruction, incompleteness or deterioration, and have become unusable.
- (d) "Motor Vehicle in Inoperative Condition" means and includes any style or type of motor-driven vehicle useful for the conveyance of persons or property in an inoperative or unlicensed condition upon public or private property for more than ten (10) consecutive days without being obscured from public view.
- (e) "Automobile parts" mean and include any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.
- (f) "Used or abandoned bicycles or part thereof" means and includes used and discarded bicycles in an inoperative condition which have remained in such condition for a period of not less than ten (10) consecutive days.
- (g) "Scrap metal" means and includes pieces of or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other materials, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purposes.

SECTION 2. Storage, maintenance, or keeping of certain materials and property declared a nuisance.

It shall be unlawful and it is hereby declared a nuisance for any owner, lessee or occupant to openly store, keep or permit to be kept thereon, place or allow to remain, refuse, rubbish, used building materials, inoperative automobiles, motor vehicles unfit for further use, automobile parts, used bicycles or parts, abandoned or scrap metal, **within the corporate limits of the village. Further, all refuse containers shall be covered with appropriate covers and securely closed at all times, except while placing refuse in said containers, so the covers cannot be blown off, or allow refuse to be blown out during windy conditions. If the refuse container is too full to secure the cover, it must be emptied immediately or subject to penalties as stated in SECTION 5 below.**

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SECTION 3. Order for removal; violation.

In the event of a violation of Section 2, the mayor, or any law enforcement officer, or any officer designated by the police chief, as defined by O.R.C., 2901.01, 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 owner, occupant or person having charge of such premises, or by registered or certified mail addressed to such person's last known place of residence. If the person

served with the notice as provided in paragraph (a) fails to cause such violation to cease within (15) days of the date upon which the notice was issued, he shall be subject to the penalty provided in Section 5, and a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues beyond such ten day period.

SECTION 4. Exception, building materials for own use.

Notwithstanding the provision of Section 2, it shall not be unlawful for any person to purchase used building materials and place or store them on any lot, lots, parts of lots, or parcel of land, when such materials are to be used by the purchaser or owner 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, lots, parts of lots, or parcel of land, for a period of more than fifteen (15) days, unless the construction or erection planned for the use of said materials 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 (4) months from the time said materials are first placed on the lot, lots, parts of lots or parcel of land. It shall be unlawful for any person or persons to 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

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another lot, lots, parts of lots or parcel of land, when the same has been sold to a bona fide purchaser for value for such purchaser' own use.

SECTION 5. Penalty.

Any person, firm or corporation found guilty of the violation of any or all of the prohibitions referred to in Section 2 within the limits of the Village of Sabina shall be fined not more than \$100.00, and a violation thereof shall be deemed to have been committed.

SECTION 6.

This ordinance supersedes all other previous ordinances and/or resolutions, specifically Ordinance No. 2008-4.

SECTION 7.

This ordinance having been read in three separate regular Council meetings on July 25, 2013; August 8, 2013; August 22, 2013, is hereby ordained and shall become effective at the earliest time permitted by law.

Passed the 22nd day of August, 2013

David H. Michael

Dave Michael, Mayor

Attest:

Nancy Cornell

Nancy Cornell, Fiscal Officer

Dean Hawk

Dean Hawk, President of Council

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