

RECORD OF RESOLUTIONS

1st Reading: 7-5-16
2nd Reading: 7-18-16
3rd Reading: 8-1-16

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 3632 Passed August 1, 2016

RESOLUTION AMENDING THE CITY OF BOWLING GREEN FINANCIAL AND DEBT POLICY

WHEREAS, the Council of the City of Bowling Green adopted the City's Financial and Debt Policy on August 20, 2007 and said policy has been amended from time to time; and

WHEREAS, the Council of the City of Bowling Green is now recommending that the policy be further amended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Council does hereby amend the City of Bowling Green Financial and Debt Policy in accordance with the document attached hereto and made a part hereof.

SECTION 2: This resolution shall take effect at the earliest time permitted by law.

Passed: August 1, 2016 [Signature]
Date President of Council
MICHAEL A. ASPACHER

Attest: [Signature]
Clerk of Council
KAY D. SCHERREIK

Approved: August 1, 2016 [Signature]
Date Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res. No. 3632 passed by the Council of the City of Bowling Green, Ohio. Aug 1, 2016
[Signature]
Clerk of City Council

The City will strive to set aside 1.5% of gross General Fund Receipts if needed to cover the projected liability for severance pay each year. The City will use these monies to cover non-utility payroll costs for accumulated sick leave, compensation time and vacation time for retiring or terminated employees. In addition, these monies will be used for those years in which there are 27 pay periods.

VI. Utility System Funds

A. Utility Funds' Purpose

Utility funds are commonly used to account for activities that are primarily financed through user charges. Also, they are used when it has been determined that it is beneficial to determine the full cost of operations, including the determination of depreciation and other such private sector accounting conventions. Accordingly, enterprise funds are subject to generally accepted accounting principles applicable to similar businesses in the private sector. The Electric Utility has utilized both General Obligation and Revenue Bond Debt.

Each utility has a revenue, capital reserve and depreciation fund. Operating costs are handled in the revenue fund and the revenue fund provides cash for the capital reserve and depreciation funds through transfers. The City shall strive to maintain at all times revenue fund balances of 90 to 180 days of average operating expenses, including required transfers and debt service payments, for the electric, water and sewer utilities.

In addition, income tax monies are transferred to the Sewer & Water Capital Improvement Fund. This fund is used for renewal and replacement projects as well as new projects for the water and sewer utilities.

B. City of Bowling Green Utility System Activities

The following activities and associated funds are classified as enterprise funds:

Electric System

Electric Fund (revenue/operating) - 90 to 180 days of average operating expenses, including transfers to other funds and debt service payments, but not including power supply costs as long as a Power Cost Adjustment (PCA) factor is included in the electric rate. Per Section 5727.82 of the Ohio Revised Code, all kilowatt hour tax collected from in-corporation customers will be disbursed to the General Fund.

Electric Capital Reserve Fund and Electric Depreciation Fund - annual transfers from the Electric Fund shall total not less than the depreciation accrued in the prior year on the electric system plant and equipment.

RECORD OF RESOLUTIONS

1st Reading: 8-1-16
2nd Reading: 8-1-16
3rd Reading: 8-1-16

BEAR GRAPHICS 800-325-6084 FORM NO. 30045

Resolution No. 3635 Passed August 1, 2016

RESOLUTION TRANSFERRING PREVIOUSLY APPROPRIATED FUNDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following transfers be made in the Finance Director's account:

Fund	Dept.	Account	Description	From	To
2016	710	74120	Park, Playground and Recreation, Recreation Department, Computer Material <15,000	\$ 4,000.00	
2016	720	74230	Park, Playground and Recreation, Aquatic Complex, Concessions		\$ 4,000.00

SECTION 2: This resolution shall take effect at the earliest time permitted by law.

Passed: August 1, 2016 M. A. Aspacher
Date President of Council

Attest: Kay D. Scherreik **MICHAEL A. ASPACHER**
Clerk of Council

Approved: August 1, 2016 Richard A. Edwards
Date Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Res. No. 3635 passed by the Council of the City of Bowling Green, Ohio.

Aug 1, 2016
Kay D. Scherreik
Clerk of City Council

Tabled until 8/1/16

Ordinance No. 8524

Passed August 1, 2016

ORDINANCE ESTABLISHING INTERIM ZONING OF R-1 SINGLE-FAMILY RESIDENTIAL FOR APPROXIMATELY 6.20 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF NAPOLEON ROAD BETWEEN 1502 AND 1518 NAPOLEON ROAD, RECENTLY ANNEXED TO THE CITY AS PETITIONED FOR BY STEVEN AND MARCIA SEUBERT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the approximately 6.20 acres of land located on the south side of Napoleon Road located between 1502 and 1518 Napoleon Road recently annexed from Center Township as petitioned for by Steven and Marcia Seubert, shall receive interim zoning of R-1 Single-Family Residential zoning.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: August 1, 2016 *MLAZ*
Date President of Council

MICHAEL A. ASPACHER

Attest *Kay D. Scherrek*
Clerk of Council

KAY D. SCHERREIK

Approved: August 1, 2016 *Richard A. Edwards*
Date Mayor

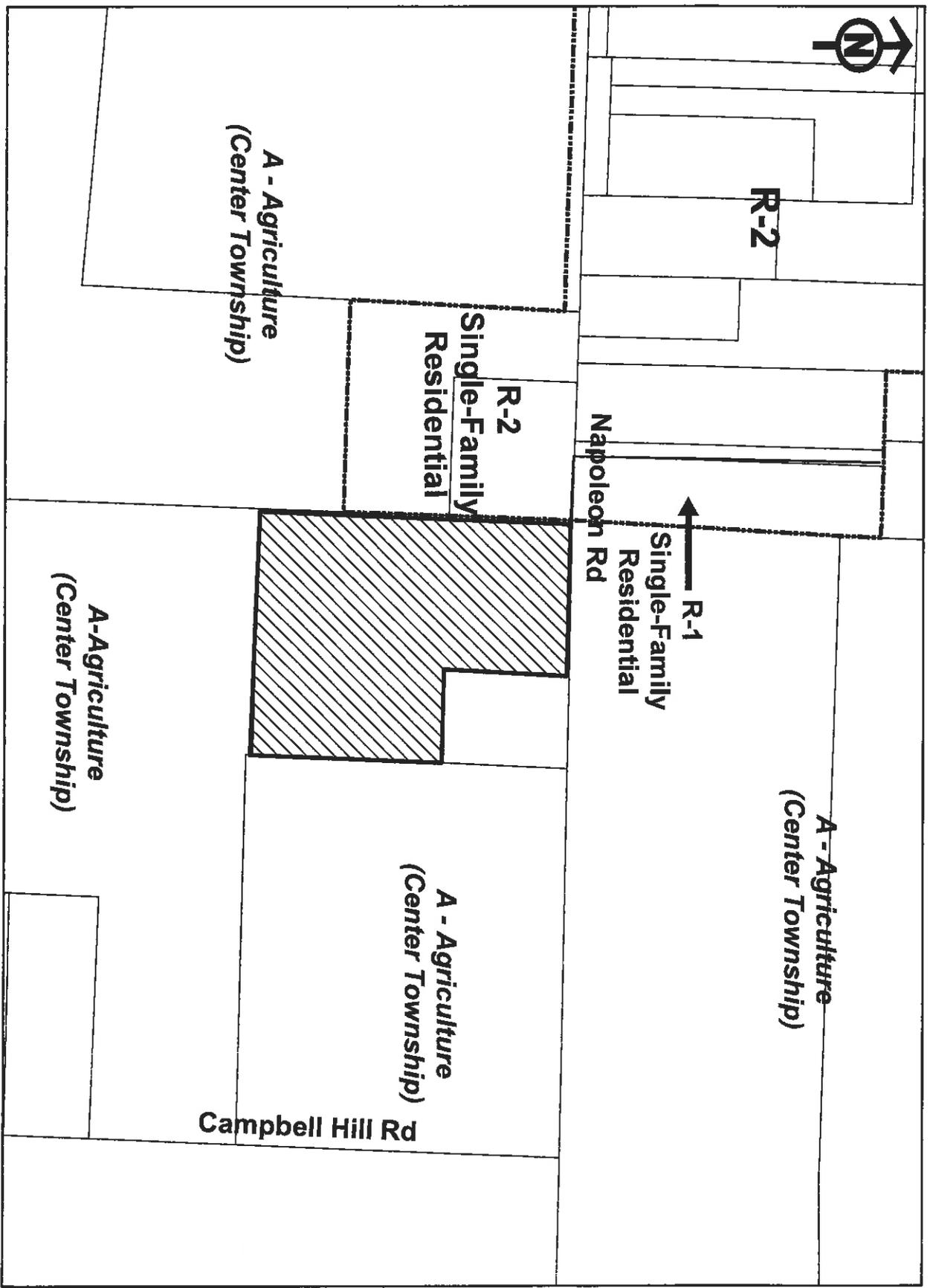
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8524 passed by the Council of the City of Bowling Green, Ohio.

Aug 1, 2016.
Kay D. Scherrek
Clerk of City Council

**Interim Zoning
6.20 +/- acres on Napoleon Road
Steve & Marcia Seubert**



Existing Corporation Limit



Area of Annexation / Interim Zoning

Tabled until 8/1/16

Ordinance No. 8525

Passed August 1, 2016

ORDINANCE AMENDING AND ADOPTING SECTION 150.03 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING ZONING CODE DEFINITIONS, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That Section 150.03 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read as follows:

Section 150.03 DEFINITIONS

INDOOR SPORTS TRAINING FACILITY. A wholly enclosed facility devoted exclusively to advanced and/or professional instruction and training relating to specific physical sports activities including, but not limited to, baseball, basketball, batting cages, boxing, cheerleading, dance and yoga classes, gymnastics, health and fitness clubs, martial arts, soccer, and volleyball courts. The term "sports training facility" does not include uses catering to the general public, including, ice and roller skating rinks, bowling alleys, racquet and tennis clubs, paintball arenas, billiard halls, archery, and shooting ranges.

SECTION 2: All other remaining portions of Section 150.03 remain unchanged.

SECTION 3: This ordinance shall take effect as an emergency measure, necessary for the development of property within the City to increase economic development, thereby protecting the health, safety and well-being of the citizens.

Passed: August 1, 2016 Date *MLAZ* President of Council
MICHAEL A. ASPACHER

Attest: *Kay D. Scherrek* Clerk of Council
KAY D. SCHERREIK

Approved: August 1, 2016 Date *Richard A. Edwards* Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8525 passed by the Council of the City of Bowling Green, Ohio.

Aug 1, 2016
Kay D. Scherrek
Clerk of City Council

Ordinance No. 8527 Passed August 1, 2016

**ORDINANCE ACCEPTING A UTILITY EASEMENT
FROM MAURER RENTALS, LLC**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the utility easement from Maurer Rentals, LLC is hereby accepted in accordance with the exhibit attached hereto and made a part hereof, and the property dedicated for right-of-way and municipal purposes.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: August 1, 2016 M. A. Aspacher
Date President of Council
MICHAEL A. ASPACHER

Attest: Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: August 1, 2016 Richard A. Edwards
Date Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 8527 passed by the Council of the City of Bowling Green, Ohio.

Aug 1, 2016
Kay D. Scherreik
Clerk of City Council

RECORD OF ORDINANCES

1st Reading: 7-5-16
2nd Reading: 7-18-16
3rd Reading: 8-1-16

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 8528

Passed August 1, 2016

ORDINANCE ACCEPTING UTILITY EASEMENTS FROM 115 E COURT STREET, LLC, AND 223 RENTALS LLC, AND SKY BG PROPERTIES, LLC

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the utility easements from 115 E. Court Street, LLC, and 223 Rentals, LLC, and Sky BG Properties, LLC, are hereby accepted in substantial accordance with the exhibits attached hereto and made a part hereof, the property dedicated for right-of-way and all municipal purposes.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: August 1, 2016 Date [Signature] President of Council

MICHAEL A. ASPACHER

Attest: [Signature] Clerk of Council KAY D. SCHERREIK

Approved: August 1, 2016 Date [Signature] Mayor

RICHARD A. EDWARDS

MICHAEL J. MARSH CITY ATTORNEY kds

CERTIFICATION This is to certify that the foregoing is a true copy of Ord No 8528 passed by the Council of the City of Bowling Green, Ohio. Aug 1, 2016 [Signature] Clerk of City Council

RECORD OF ORDINANCES

1st Reading: 7-18-16
2nd Reading: 8-1-16
3rd Reading: 8-1-16

BEAR GRAPHICS 800-325-9284 FORM NO. 30043

Ordinance No. 8594 ^{as amended} 8/1/16 Passed August 1, 2016

ORDINANCE AMENDING AND ADOPTING CHAPTER 94 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING REFUSE AND RECYCLING COLLECTION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That Chapter 94 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read in accordance with the Exhibit attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: August 1, 2016 Date [Signature] President of Council
MICHAEL A. ASPACHER

Attest: [Signature] Clerk of Council
KAY D. SCHERREIK

Approved: August 1, 2016 Date [Signature] Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8594 passed by the Council of the City of Bowling Green, Ohio. Aug 1, 2016
[Signature]
Clerk of City Council

REFUSE and RECYCLING COLLECTION (rev 7-7-16)

~~GARBAGE AND WASTE COLLECTION~~

94.01 DEFINITIONS.

For the purposes of §§ [94.01](#) through [94.99](#), the following words and phrases shall have the following meanings ascribed to them respectively.

BRUSH. Natural waste which comes from clippings of natural elements such as trees or other items that contain a bark like covering which will not quickly decompose.

COMMERCIAL AND INDUSTRIAL WASTE. Garbage, refuse, rubbish and construction waste that is collected from dwellings or buildings having an excess of two families located therein, and from factories, industries, business and commercial establishments located within the city, including beds, springs, abandoned automobiles, mattresses, and overstuffed furniture and appliances, and other large items requiring special handling.

CONSTRUCTION WASTE. Waste from building construction alterations or repairs, and dirt from excavation, and unusual or manufacturing or business trade waste.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

LITTER. 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.

PARK. A park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city, and devoted to active or passive recreation.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings.

RECYCLING: The activity or process of extracting and reusing useful substances found in unwanted material or objects.

RECYCLED MATERIALS: Materials that have been set apart from refuse so that they can be re-used. Eligible recycled materials for curb side collection are determined by the Public Works Director as market and trends allow.

REFUSE. All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

RUBBISH: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cardboard, tin cans, wood, glass, bedding, crockery, and similar materials. (1980 Code, § 94.01) (Ord. 2751, passed 5-17-1971)

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (1980 Code, § 94.20) (Ord. 3071, passed 1-3-1974; Am. Ord. 7819, passed 10-6-2008)

YARD WASTE: leaves, grass clippings or any other natural element that readily decomposes. The material does not have a bark like covering.

94.02 COLLECTION BY CITY, LARGE ITEM COLLECTIONS.

(A) All garbage, rubbish, and refuse from one- and two-family dwellings on public streets only shall be collected, conveyed, and disposed of by the city. **Exceptions:** dead animals, rocks, or large stones, grass clippings, leaves and sod or hazardous waste **as defined by the Ohio Revised Code (3734.01)**. No person, without a valid city permit, shall collect, convey over any of the streets or alleys of the city, or dispose of any garbage, rubbish, or refuse accumulated in the city.

(B) This chapter shall not prohibit the actual producers of garbage, refuse, rubbish, construction waste and industrial waste, or the owners of premises upon which garbage, refuse, rubbish, construction waste, and commercial and industrial waste have accumulated, or their agents, from personally collecting, conveying, and disposing of the same, provided they comply with the provisions of §§ [94.11](#) and [94.13](#) pertaining to vehicle requirements.

(C) This chapter shall not prohibit collectors of garbage, refuse, rubbish, construction waste, and commercial and industrial waste from outside the city from hauling such garbage, refuse, rubbish, construction waste, and commercial and industrial waste over the city streets, provided such collectors comply with the provisions of §§ [94.11](#) and [94.13](#) pertaining to vehicle requirements and other governing law or ordinances.

(D) This chapter shall not prohibit reclamation drivers previously approved by the Public Works Director.

(E) For locations as described in 94.02(a) of this chapter, the City shall annually provide two large item collections for the purposes of collecting eligible items that do not fit into City provided refuse containers. See City policy for eligible items and rules.

- a. The City Public Works Department may offer *weekly* large item collection to eligible property locations as described in 94.02 (a) of this chapter, for a fee as determined by the Public Works Director. The purpose is for the collection of mattresses, furniture or similar items that do not fit into City provided refuse containers.**
- b. The City may also offer a small dumpster container to eligible property locations, for a fee, as determined and arranged by the Public Works Director.**

(1980 Code, § 94.02) (Ord. 2751, passed 5-17-1971; Am. Ord. 6635, passed 7-17-2000 ; Am. Ord. 7817, passed 8-18-2008) Penalty, see § [94.99](#)

94.03 REFUSE CONTAINER AND LID SALES BY CITY.

The city shall offer for sale an additional refuse container, recycling container and/or replacement lids to citizens who qualify for the city's curbside refuse pickup and may only be purchased from the Public Works Department. The containers and lids shall be sold at the city cost and be used with the city's refuse program.

(1980 Code, § 94.03) (Ord. 3098, passed 2-26-1974; Am. Ord. 6635, passed 7-17-2000; Am. Ord. 7850, passed 2-2-2009)

94.04 TYPE AND NUMBER OF CONTAINERS; PLACEMENT AT CURBSIDE.

- (A) Garbage, rubbish, refuse and recycling shall be placed in the containers provided by the city. The containers must be placed curbside for city collection. Any garbage, rubbish, refuse or recycling placed outside the container or placed in a non-City issued container will not be picked up by city crews.
 - a. All containers shall be set at the curb with the lid opening facing the street and the container handle facing the house.
 - b. Containers shall have the lid closed at all times. Containers with refuse above the rim may not be picked up.
- (B) The City may refuse to collect any refuse and/or recycling when containers are improperly used. Improper use includes, but is not limited to: use contrary to the requirements provided in this chapter or policies of the department, trash in the recycling container, yard waste or any other prohibited item in the refuse or recycling container, containers left in the right-of-way beyond time limit shown in this chapter, abuse and/or destruction of the containers outside of normal wear and tear, and uses deemed inappropriate by the City.
- (C) The City shall provide one regulation refuse container and one regulation recycling container to each qualifying residence at no charge. These containers remain the property of the City and shall remain at the property as assigned. Should there be a need for an additional container, the resident will be required to purchase a second container from the city at the city's cost according to guidelines set forth in § 94.03. For any lost or stolen container, a police report should be made and a replacement container may be purchased from the City at the property owner's expense.
- (D) All refuse and recycling containers must be placed curbside no sooner than 5:00 p.m. the evening before scheduled collection and no later than 7:00 a.m. the morning of the scheduled collection day.
- (E) All containers must be removed from the right-of-way by 7am the day following collection. Failure to remove in this time period may result in a citation.

94.05 CONTAINERS STORAGE LOCATION; CONTAINER CARRY SERVICE

- (A) On non-collection days all refuse containers, including dumpsters, whether City or privately owned, shall be stored within an enclosed area or in the side or rear yard as defined by the City zoning code of the premises adjacent to the structure with the lid closed.
- a. The City may allow temporary placement of a dumpster or container such as for building projects/renovations to the structure, in the front yards or on City Streets.
- (B) The City may offer eligible households carry out/carry back service of the containers when no household member can transport the containers to the curb.
- a. Service is for households with a *valid* doctor prescribed handicap placard and/or a Doctor issued letter requesting the temporary service.
 - i. The City shall be provided a copy of the valid handicap placard annually.
 - ii. The City will not provide this service without proper documentation.
 - b. City employees will not enter garages or fenced in areas to collect containers. Containers shall be readily accessible.
 - i. For the purposes of carry out/carry back collections, City Employees will not enter buildings nor transport containers any further than 75' from stored location to the collection vehicle. City collection vehicles will not traverse onto private property for refuse collection.
 - c. During winter months, access to the containers shall be kept clear of ice and snow. The City reserves the right to not retrieve containers if access is not clear of ice and snow.

(1980 Code, § 94.04) (Ord. 2751, passed 5-17-1971; Am. Ord. 2968, passed 3-5-1973; Am. Ord. 4306, passed 5-16-1983; Am. Ord. 6635, passed 7-17-2000; Am. Ord. 7850, passed 2-2-2009) Penalty, see § [94.99](#)

94.06 REQUIREMENTS FOR GARBAGE AND SHARP OBJECTS. **RESERVED**

~~No person shall place garbage in any container not provided for by the city.~~

~~(1980 Code, § 94.06) (Ord. 2751, passed 5-17-1971; Am. Ord. 4306, passed 5-16-1983; Am. Ord. 6635, passed 7-17-2000) Penalty, see § [94.99](#)~~

94.07 DUTY TO COLLECT REFUSE ONCE WEEKLY / TREE CLIPPINGS COLLECTED ONCE ANNUALLY.

- (A) It shall be the duty of the city to collect garbage, refuse, rubbish and recycling within the city as herein provided, once weekly **unless cancelled due to weather or unforeseen calamities.**
- (B) Tree clippings will be picked up by the city once annually at a date to be established by the Public Works Director.
- a. Tree Clippings will only be collected from eligible property locations as described in 94.02(A) of this chapter.

- b. Stumps will not be collected.
 - c. Limbs in excess of 12" diameter and 10' in length will not be collected.
 - d. Entire trees will not be collected. The City, at its discretion, will not collect entire tree(s) placed in the right of way as a result of work by a contractor OR are of such size and multitude it surpasses the intent of the Tree Clippings collected ordinance.
 - e. Brush is prohibited to be placed inside either the City provided refuse or recycling containers for curbside collection.
- (C) In addition, the Public Works Director has the authority to schedule special tree debris collections as seen fit by the Director, such as after windstorms. These may be held in small sections of the city affected by storms. ~~under emergency conditions determined by the Director or his or her representative such as after windstorms.~~
- (D) When the City is called to clear the City right of way of downed trees, if the trees are eventually determined to be private tree(s), the City may seek financial repayment from the owner of the tree(s) for labor, fuel and manpower costs. Thereupon, the expense of removing and clearing the right of way and all associated costs shall be billed to the property owner by regular mail with a cost breakdown. Upon failure to reimburse the city this amount within 30 days thereafter, the Council shall make written return to the County Auditor along with a request that such amount be entered upon the tax duplicate, to become a lien upon such lands from and after the date of entry, and to be collected as other taxes and returned to the city according to law.

(1980 Code, § 94.07) (Ord. 2751, passed 5-17-1971; Am. Ord. 4306, passed 5-16-1983; Am. Ord. 6635, passed 7-17-2000; Am. Ord. 7954. Passed 1-19-2010)

94.08 INCINERATORS; REQUIREMENTS.

No person shall dispose of, burn, or dump within the limits of the city any garbage, rubbish, or refuse; however, it is permissible to burn wastepaper, boxes, brush, dry grass, weeds, cuttings from trees, lawn, and garden, and other material capable of being completely consumed in an Ohio EPA approved incinerator during the daylight hours of any season ~~in an Ohio EPA approved incinerator~~ which is so constructed that sparks and burning embers ~~sufficient in size to ignite nearby buildings and combustible materials~~ are not emitted therefrom.

(1980 Code, § 94.08) (Ord. 2707, passed 3-29-1971; Am. Ord. 4306, passed 5-16-1983) Penalty, see § [94.99](#)

94.09 LICENSE REQUIRED; TERM AND REVOCATION.

- (A) No person shall engage in the collection and removal of construction waste and commercial and industrial waste without first obtaining a license for such purpose from the Public Works Director in the manner provided for in this chapter. Such license shall be issued for a term of one year commencing on March 1 and terminating on the last day of February of the following

year and shall be subject to revocation at the option of the Public Works Director upon the licensee's failure to comply with the terms of this chapter.

(B) Failure to obtain a City issued license herein defined shall be deemed a public nuisance and may be abated as such, by appropriate action in a court of competent jurisdiction.

(1980 Code, § 94.09) (Ord. 2707, passed 3-29-1971; Am. Ord. 4306, passed 5-16-1983) Penalty, see § [94.99](#)

94.10 LICENSE FEE; BOND.

The annual license fee for private refuse collection and hauling for locations of properties not covered in 94.02 (A) shall be \$100 a license to collect and remove construction waste and commercial and industrial waste shall be \$100 for the fiscal year terminating on the last day of February of each calendar year, and the licensee shall give bond in the amount of \$1,000 \$5,000 for the same fiscal period, conditioned on his or her carrying out the terms of this chapter. The Public Works Director shall not issue such license until the fee is paid and the bond is posted.

(1980 Code, § 94.10) (Ord. 2707, passed 3-29-1971; Am. Ord. 4306, passed 5-16-1983; Am. Ord. 7089, passed 3-17-2003)

94.11 VEHICLE REQUIREMENTS.

~~For licensed private refuse collection, vehicles shall meet industry standards in order to~~ ~~Any person licensed under this chapter to collect and remove commercial and industrial waste shall provide proper vehicles and sufficient workers for the collection~~ **collect** and remove commercial and industrial waste. Vehicles shall be of sanitary steel bed construction with steel covers, or metal-lined beds with either a sanitary steel cover or metal-lined cover, or in tightly covered metal tanks or cans **to prevent odors or other nuisances from being emitted.** ~~The tanks or beds shall be watertight and shall be of a design approved by the Wood County Health Department. All vehicles shall be cleaned both inside and out at sufficient frequency to prevent odors, nuisances, or insect breeding, and shall be maintained in good repair and appearance.~~

(1980 Code, § 94.11) (Ord. 2707, passed 3-29-1971) Penalty, see § [94.99](#)

94.12 Reserved

LICENSE DISPLAY ON VEHICLE REQUIRED.

~~Any person licensed to collect and remove construction waste and commercial and industrial waste shall provide and exhibit on the right side of the front bumper on each vehicle used in the collection and~~

~~removal of such waste a sign bearing the year, license number, and the name of the licensee. The form and design of the sign shall be approved by the Public Works Director.~~

~~{1980 Code, § 94.12} (Ord. 2707, passed 3-29-1971; Am. Ord. 4306, passed 5-16-1983) Penalty, see § [94.99](#)~~

94.13 STORAGE, PARKING, AND USE OF VEHICLES.

~~—No person shall use any vehicle designated for carrying commercial and industrial waste except when actually engaged in collecting such matter. No licensee shall permit such vehicle to stand before any residence, building, or place of business, or occupy a street or inhabited place for any unreasonable length of time, either while loading or unloading. No licensee shall permit such vehicle and implements used in connection therewith to be stored or kept in an unsuitable place, or in a place where the same shall cause an unnatural offense to the public.~~

~~{1980 Code, § 94.13} (Ord. 2707, passed 3-29-1971) Penalty, see § [94.99](#)~~

94.14 Reserved

~~ABATEMENT OF VIOLATIONS.—The collection, removal, and transportation of construction waste and commercial and industrial waste upon or along any street by any person not having a license therefor under this chapter or in any manner other than that provided for herein, shall be deemed a public nuisance and may be abated as such, by appropriate action in a court of competent jurisdiction, by the Public Works Director.~~

~~{1980 Code, § 94.14} (Ord. 2707, passed 3-29-1971)~~

LITTER

94.20 DEFINITIONS.

94.21 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles **or** in authorized private receptacles for collection. ~~, or in official city dumps.~~

{1980 Code, § 94.21} (Ord. 3071, passed 1-3-1974) Penalty, see § [94.99](#)

94.22 PLACEMENT OF LITTER IN RECEPTACLES.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.

(1980 Code, § 94.22) (Ord. 3071, passed 1-3-1974) Penalty, see § [94.99](#)

94.23 SWEEPING LITTER OR YARD WASTE INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or yard waste from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(1980 Code, § 94.23) (Ord. 3071, passed 1-3-1974) Penalty, see § [94.99](#)

94.24 MERCHANT'S DUTY TO KEEP SIDEWALKS FREE OF LITTER.

~~No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway including litter thrown there by persons in vehicles.~~ Persons owning or occupying places of business within the city shall keep the sidewalk and public place in front of their business premises free of litter and shall not deposit said litter into the gutter, street, or other public place within the city.

(1980 Code, § 94.24) (Ord. 3071, passed 1-3-1974) Penalty, see § [94.99](#)

94.25 TRUCK VEHICLE LOADS CAUSING LITTER.

~~No person shall drive or move any truck or other vehicle within the city in violation of 98.22, unless such vehicle is so constructed or loaded as~~ Vehicles shall be constructed to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. ~~Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.~~

(1980 Code, § 94.25) (Ord. 3071, passed 1-3-1974) Penalty, see § [94.99](#)

Cross-reference: Vehicle loads dropping, and the like, see § [74.38](#) and dropping or tracking substances on road, see 98.22

94.26 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any ~~occupied~~ private property within the city, whether owned by such person or not. ~~except that~~ The owner or person in control of private property may maintain ~~authorized private receptacles for collection~~ in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon any private property.

(1980 Code, § 94.26) (Ord. 3071, passed 1-3-1974) Penalty, see § [94.99](#)

94.27 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

The owner, tenant, lessee, occupant or person in control of any private property shall at all times maintain the premises free of litter. However, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(1980 Code, § 94.27) (Ord. 3071, passed 1-3-1974; Am. Ord. 7819, passed 10-6-2008) Penalty, see § [94.99](#)

94.28 LITTER; NOTICE TO REMOVE; FAILURE TO COMPLY.

- (A) The Municipal Administrator or his or her designee, is authorized to give notice as provided in this section to the owner, lessee, agent, tenant, or occupant having charge of land to remove litter.
- (B) If such person receiving notice does not remove the litter within five days from date of **notice either by mailing after notice is sent by regular U.S. mail, or two days once posted upon the property by the City, or within two days if such person is contacted by electronic mail** then the Public Works Director shall cause such litter to be removed at a rate twice that as described in 94.04 (H).
 - a. Upon removal of any litter by the Public Works Department, the Public Works Director shall have a billing statement sent **by the City Finance Department** to the owner or other person having charge or responsibility of the parcel requesting reimbursement at a rate to be set by the Public Works Director. The amount of reimbursement shall be based upon actual costs to the city for such services, including but not limited to **staff time to process notices and invoicing for collection, labor, vehicle wear and tear, disposal or dump fees** and fuel costs. If reimbursement is not made by the owner, then the **Finance** ~~Public Works~~ Director shall certify the billing for such services and labor for each parcel to the **City Council** ~~annually~~ so that such charges can be certified to the county auditor to be entered upon the tax duplicate to become a lien upon such lands from and after the date of entry and to be collected as other taxes and returned to the city according to law.

(1980 Code, § 94.28) (Ord. 3071, passed 1-3-1974; Am. Ord. 3590, passed 5-2-1977; Am. Ord. 4306, passed 5-16-1983; Am. Ord. 7535, passed 3-6-2006; Am. Ord. 7600, passed 9-18-2006; Am. Ord. 7819, passed 10-6-2008)

94.29 WAIVERS.

(A) The Municipal Administrator shall have the right to grant temporary or permanent waivers concerning the requirements of this chapter as he or she deems necessary.

94.99 PENALTY.

(A) Whoever violates any of the provisions of §§ [94.01](#) through [94.14](#), excluding 94.04 and 94.05, shall be fined not less than \$50 nor more than \$200. Each day's continued violation shall constitute a separate offense.

~~(B) Whoever violates 94.04 or 94.05 shall be subject to the following:~~

~~i. First violation within any twelve (12) month period: Written warning affixed or mailed to the premises.~~

~~ii. Second violation within any twelve (12) month period: Removal of the containers by the City. Upon payment of a \$50 Administration fee per container to the City, the City will return the containers.~~

~~iii. Third violation within any twelve (12) month period: Removal of the containers by the City. Upon payment of a \$100 Administration fee per container to the City, the City will return the containers.~~

~~iv. Fourth and subsequent violation within any twelve (12) month period: property owner issued a civil citation along with a fine of \$200.~~

~~b. Any law enforcement officer, the Municipal Administrator, or the Municipal Administrator's designee shall be authorized to issue citations for any violation of this section.~~

~~c. For premises with privately collected refuse/recycling containers, any violation shall result in a civil violation.~~

(C) Whoever violates any of the provisions of §§ [94.20](#) through [94.29](#) for which a penalty is not otherwise provided is guilty of a minor misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense.

(D) Whoever violates any provision of § [94.25](#) is guilty of a misdemeanor of the third degree.

(1980 Code, § 94.99)

* See attached for amended language

* (B) Whoever violates any of the provisions of §94.04 or §94.05 shall be subject to the following:

- i. First violation within any twelve (12) month period: Written warning affixed or mailed to the premises.
 - ii. Second violation within any twelve (12) month period: A civil citation to the occupants and a fine of \$25.00.
 - iii. Third violation within any twelve (12) month period: A civil citation to the occupants and fine of \$50.00.
 - iv. Fourth and subsequent violation within any twelve (12) month period: A civil citation to the occupants, and a fine of \$100.00 for each violation.
- (a) Any law enforcement officer, the Municipal Administrator, or the Municipal Administrator's designee shall be authorized to issue citations for any violation of this section.
 - (b) For premises with privately collected refuse/recycling containers, any violation shall result in a civil violation.