



DEPARTMENT OF LAW

ORD-19-114
AN ORDINANCE

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COMMITTEE	_____
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AMENDING THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN

ENACTING SECTION 979.05, EXCESSIVE QUANTITY OF WASTE FOR COLLECTION, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN, WHICH IS MORE FULLY DEFINED HEREIN; AND

PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX OF THE MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

SECTION 1

That **Section 979.05, Excessive Quantity of Waste for Collection**, of the Codified Ordinances of the City of Youngstown, is hereby enacted to read as follows:

979.05 Excessive Quantity of Waste for Collection.

(a) No person, whether an owner, lessee, agent, tenant, or business entity, having charge of any lot of land within the City shall set out for collection on their property or other designated place for collection, in a manual collection zone, a quantity of garbage, rubbish, bulk items, soft yard waste, or hard yard waste, as described in Section 979.01 and herein collectively referred to as Waste, in an amount in excess of 20 cubic yards. Construction Debris is not to be considered as Waste under Section 979.01.

(b) The Sanitation Supervisor shall have authority to determine what constitutes an excessive amount of Waste, which exceeds the parameters, as set forth in section (a), through reasonable inspection and shall be responsible for documentation and recording of relevant information concerning such violations.

(c) Applicability - The offenses established in this section are applicable without regard to whether the offender:

- (1) Sets the Waste out due to an eviction, a home or garage cleanout, or for any other reason;
- (2) Uses or intends to use a public or private vendor or entity for its disposal;

- (3) Sets out the Waste for the purposes of staging it for eventual disposal.
- (d) Cost of Removal -
- (1) The costs of removal or abatement of a public nuisance described in Section 1749.01 shall become the personal obligation of the owner of the property from which such public nuisance has been removed or abated by the City or its contractors pursuant to Section 1749.03. Such cost shall be the total cost of removal or abatement, at a minimum service charge of five hundred dollars (\$500.00) per occurrence.
 - (2) The City of Youngstown may certify the total costs, together with a proper description of the lands, to the County Auditor who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City of Youngstown. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the City of Youngstown or its duly retained agent or attorney at law certifies the total costs within one year from the date the costs were incurred. Such certification shall not, however, preclude other methods of recovery of such cost as may be authorized generally by law and/or;
 - (3) The City of Youngstown or a duly retained agent or attorney at law may commence a civil action to recover the total costs from the owner.
- (e) Penalty - In addition to any applicable penalties set forth in Section 979.99, any violation of this Section will be deemed a nuisance per se pursuant to Section 1749.01, and as such the City may enter said lot of land to abate the nuisance without issuing or posting notice in order to protect the health, safety and welfare of the general public.

SECTION 2

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being the necessity **to enact Section 979.05, Excessive Quantity of Waste for Collection, of the Codified Ordinances of the City of Youngstown**, as further herein above described; and provided it receives the affirmative vote of six of the members elected to the legislative authority, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 10th DAY OF April, 2019.




PRESIDENT OF COUNCIL

ATTEST:



CITY CLERK

APPROVED: THIS 18th DAY OF April, 2019.



MAYOR