

ORDINANCE NO. OR18-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 1341.18 “ABATEMENT OF GARBAGE, TRASH AND OTHER DEBRIS” OF THE TROTWOOD CODES OF ORDINANCES, AND ENACTING NEW SECTION 1341.18 “ABATEMENT OF RUBBISH, GARBAGE, TRASH AND OTHER DEBRIS” TO UPDATE THE TERMS AND ALLOW FOR THE USE OF CONTRACTORS TO PERFORM NUISANCE ABATEMENTS.

WHEREAS, the Property Maintenance Code of the Trotwood Codes of Ordinances (the “Codified Ordinances”) does not currently authorize the use of contractors to perform nuisance abatement; and

WHEREAS, the City of Trotwood Public Works Director recommends revisions to Section 1341.18 of the Codified Ordinances in order to allow for the City to hire a contractor to perform nuisance abatement as the City does not have the staff necessary to perform all nuisance abatements with City employees; and

WHEREAS, City Council accepts the recommendation of the Public Works Director and will amend Section 1341.18 accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Section 1341.18 “Abatement of Garbage, Trash and Other Debris” of Trotwood Codes of Ordinances is hereby repealed in its entirety.

SECTION II: A new Section 1341.18 “Abatement of Rubbish, Garbage, Trash and Other Debris” is hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code

TROTWOOD, OHIO 45426
3035 OLIVE ROAD
CITY OF TROTWOOD

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

Passed this 1st day of May, 2023.

ATTEST:

APPROVED:


KARA B. LANDIS
CLERK OF COUNCIL


MARY A. MCDONALD
MAYOR


YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR18-23 adopted by the Trotwood City Council at a regular scheduled meeting held on the 1st day of May, 2023, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

EXHIBIT A

1341.18 ABATEMENT OF **RUBBISH**, GARBAGE, TRASH AND OTHER DEBRIS.

- (a) Failure to Comply With Notice. If the owner, occupant, or any person, firm or corporation having charge or care of any lot or land within the City fails to comply with the notice provided for in Section 1341.13, the City, **or a contractor hired by the City**, may remove all **rubbish**, garbage, trash and/or other debris. If the removal is done by the City **or its contractor** for the preceding reason or any other proper reason, all expenses and labor costs incurred shall be paid out of municipal funds not otherwise appropriated upon approval of Council. The removal shall be at the owner's expense and shall be assessed against the lot or land involved. Costs for removal shall be based on **staff hours, including the cost of labor** ~~person power~~ and specialized equipment used as set by the Director of Public Works, **or based on the invoices submitted by a contractor hired by the City to complete the abatement**. The costs **for work performed by City staff** shall be subject to an annual review and may be adjusted by the Director of Public Works.
- (b) Collection of Costs. If the City **or its contractor** cleans up the **rubbish**, garbage, trash and/or debris, as authorized in subsection (a) hereof, the City shall give five days' notice by regular U.S. mail, to the owner of that lot or parcel of land, at his last known address to pay the cost of the required removal; which notice shall be accompanied by a statement of the amount of the cost incurred, and if the same is not paid within thirty days after the mailing of the notice then, the amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected.