

**ORDINANCE NO. OR30-23**

**AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING CURRENT SECTION 927.99 “PENALTY” OF THE TROTWOOD CODES OF ORDINANCES AND ADOPTING NEW SECTION 927.99 “PENALTY” TO PROVIDE FOR CIVIL FINES FOR VIOLATIONS OF CHAPTER 927 “GARBAGE AND RUBBISH DISPOSAL” OF THE TROTWOOD CODES OF ORDINANCES.**

**WHEREAS**, the current Section 927.99 “Penalty” of Chapter 927 “Garbage and Rubbish Disposal” of the Trotwood Codes of Ordinances makes violations of Chapter 927 a minor misdemeanor; and

**WHEREAS**, a number of Trotwood residents routinely violate the ordinances set forth in Chapter 927, including but not limited to Section 927.05 “Removal of Empty Receptacles,” which ordinance requires citizens to return trash receptacles to their original storage place and away from the curb line within twenty-four hours after the trash has been picked up by the service provider; and

**WHEREAS**, the possibility of a conviction for a minor misdemeanor for failure to comply with the provisions of Chapter 927 has not sufficiently deterred a number of Trotwood residents from violating the provisions of Chapter 927; and

**WHEREAS**, the City Manager recommends that Council repeal the current Section 927.09 “Penalty” of the Trotwood Codes of Ordinances and adopt a new Section 927.09 “Penalty” to allow for the imposition of civil fines when residents fail to comply with the provisions of Chapter 927; and

**WHEREAS**, Council accepts the recommendation of City Manager and, therefore, will repeal and replace Section 927.99 “Penalty” of the Trotwood Codes of Ordinances as set forth herein.

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

**SECTION I:** Section 927.99 “Penalty” of the Trotwood Codes of Ordinances is hereby repealed in its entirety.

**SECTION II:** New Section 927.99 “Penalty” is hereby enacted as set forth in Exhibit “A”, which is 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.

**SECTION IV:**

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

Passed this **2nd** day of **October, 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. **OR30-23** adopted by the Trotwood City Council at a regular scheduled meeting held on the **2nd** day of **October, 2023,** and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

927.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor **and/or shall be subject to a civil fine, upon written notice of the violation by the Code Enforcement Officer, which written notice shall be posted on the property where the violation occurred. The civil fine imposed shall be \$100.00 for the first occurrence; \$250.00 for the second occurrence; and \$500.00 for the third occurrence and each occurrence thereafter in any twelve-month period.**

**All posted notices of civil fines imposed shall be documented by dated photographs, which photographs shall be maintained in the City's files. If the tax mailing address of the owner(s) of the property, as determined by the county auditor's records, is different than the address where the violation occurred, the property owner(s) shall be immediately notified of the violation and the civil fine imposed by regular mail at the tax mailing address, evidenced by a certificate of mailing from the U.S. Postal Service.**