

ORDINANCE 2021-11
BY
MAYOR RAYMOND ARRIOLA

AN ORDINANCE AMENDING §71.01 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.

WHEREAS, §71.01 of the Code of Ordinances of the Municipality of New Lebanon which reads as follows:

§ 71.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

(A) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(2) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.

(3) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall place any obstruction in or upon a highway without proper authority.

(B) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(R.C. § 4511.74(A), (B))

(C) (1) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (A) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 4511.74(C)) ('80 Code, § 71.01) (Am. Ord. 86-05, passed 2-4-86) Penalty, see § 70.99

Cross-reference:

Littering generally, see § 93.04

Prohibition against depositing litter from motor vehicle, see § 72.40

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of New Lebanon, Ohio, that **§71.01 IS HEREBY AMENDED TO READ**

§ 71.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

(A) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(2) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.

(3) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall place any obstruction in or upon a highway without proper authority.

(B) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(C) No person shall cause any grass clippings, leaves, or other yard debris to be discharged onto any part of a street or alley. This section shall not apply to any person who places proper yard debris within 24 inches of the curb for leaf pick up approved by the municipality.

(D) No person shall shovel, plow, push, or allow the discharge of a snow blower, or other snow removal device, into any part of a street or alley.

(E) (1) Except as otherwise provided in this division, whoever violates division (A),(C), or (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (A) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 4511.74(C)) (Am. Ord. 86-05, passed 2-4-86)

Cross-reference:

Littering generally, see § 93.04

Prohibition against depositing litter from motor vehicle, see § 72.40

SECTION 1: This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 7th day of December, 2021.

First Reading: November 2, 2021

Second Reading: November 16, 2021

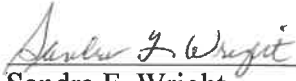
Third Reading: December 7, 2021

Effective Date: December 27, 2021

APPROVED:


Raymond Arriola
Mayor

ATTEST:


Sandra F. Wright
Clerk of Council

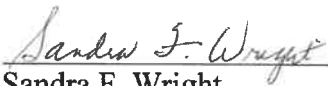
APPROVED:


Glenna A. Madden
Municipal Manager

Dated: December 7, 2021

CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2021-11 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.


Sandra F. Wright
Clerk of Council