

RECORD OF ORDINANCES

Ordinance No. 2021- 18

Passed _____ 20_21

**AN ORDINANCE AMENDING SECTION 660 OF THE
GENERAL OFFENSES CODE (SAFETY, SANITATION AND HEALTH)
TO INCLUDE A NEW SECTION 660.035 (PLACING INJURIOUS MATERIAL
ON HIGHWAY OR DEPOSITING LITTER FROM MOTOR VEHICLE)**

WHEREAS, the Village has previously adopted Section 660 of the General Offenses Code (Safety, Sanitation and Health), and desires to amend the same to include a new provision titled "Placing Injurious Material on Highway or Depositing Litter from Motor Vehicle;" and,

WHEREAS, Safety Committee has reviewed the matter and recommends the adoption of the new provision;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY,
OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:**

SECTION 1: Section 660 of the General Offenses Code (Safety, Sanitation and Health), is hereby amended to include a new Section 660.035, titled "Placing Injurious Material on Highway or Depositing Litter from Motor Vehicle." A copy of the new Section 660.035 is attached hereto and incorporated herein in its entirety.

SECTION 2: This ordinance shall become effective at the earliest period authorized by law.


Brad Nicodemus, Mayor

DATE OF PASSAGE: _____

EFFECTIVE DATE: _____

ATTEST: _____
Brian Bibler, Fiscal Officer

SPONSOR:

APPROVED AS TO FORM:  _____
Jeffrey Feyko, Village Solicitor

660.035 PLACING INJURIOUS MATERIAL ON HIGHWAY OR DEPOSITING LITTER FROM MOTOR VEHICLE.

(A) (1) No person shall place, sweep or knowingly drop upon any part of a highway, lane, road, street, or alley any ashes, stone, brick, tacks, bottles, wire, glass, nails, grass, weeds, leaves, dirt, mud, 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 ashes, stone, brick, tacks, bottles, wire, glass, nails, grass, weeds, leaves, dirt, mud, 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.

(C) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(D) No operator of a motor vehicle in operation upon any street, road, or highway shall allow litter to be thrown, dropped, discarded, or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(E) As used in this section, LITTER means garbage, trash, waste, rubbish, ashes, stone, brick, tacks, bottles, wire, glass, nails, grass, weeds, leaves, dirt, mud, paper, cartons, boxes, automobile parts, furniture or anything of an unsightly or unsanitary nature.

(F) (1) Except as otherwise provided in this division, whoever violates division (A), (C) or (D) of this section is guilty of a misdemeanor of the third degree (M3). If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to such an offense, the offender is guilty of a misdemeanor of the second degree (M2). If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more such

offenses, the offender is guilty of a misdemeanor of the first degree (M1).

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree (M1).

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.
(ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 3701.99(B))

660.02 SPREADING CONTAGION.

(a) No person, knowing or having reasonable cause to believe that he or she is suffering from a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing himself or herself to other persons, except when seeking medical aid.

(b) No person, having charge or care of a person whom he or she knows or has reasonable cause to believe is suffering from a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(c) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion.
(ORC 3701.81)

(d) Whoever violates this section is guilty of a misdemeanor of the second degree.
(ORC 3701.99(C))

660.03 LITTERING.

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him or her, or in or on waters of the State, unless one of the following applies:

- (1) The person is directed to do so by a public official as part of a litter collection drive.
- (2) Except as provided in division (b) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.
- (3) The person is issued a permit or license covering the litter pursuant to Ohio R.C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him or her, unless one of the following applies:

- (1) The litter was generated or located on the property on which the litter receptacle is located.
- (2) The person is directed to do so by a public official as part of a litter collection drive.
- (3) The person is directed to do so by a person whom he or she reasonably believes to have the privilege to use the litter receptacle.

- (4) The litter consists of any of the following:
- A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.
 - B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.
 - C. Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.
 - D. Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

- (c) (1) As used in division (b)(1) of this section, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
- (2) As used in division (b)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as his or her primary reason for traveling to or by the property on which the litter receptacle is located.

(d) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Deposit" means to throw, drop, discard, or place.
- (2) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.
- (3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(e) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police constable or officer of a township, or township or joint police district, wildlife officer designated under R.C. § 1531.13, natural resources officer appointed under R.C. § 1501.24, forest-fire investigator appointed under R.C. § 1503.09, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within the law enforcement officer's jurisdiction.

(R.C. § 3767.32)

(f) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the State.

(R.C. § 3767.99(C))

660.04 NOXIOUS ODORS; FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES.

(a) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious