

**CHAPTER 660**  
**Safety, Sanitation and Health**

660.01	Venting of heaters and burners.	660.10	Sidewalk obstructions; damage or injury.
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**CROSS REFERENCES**

See section histories for similar State law

Excavation liability - see Ohio R.C. 723.49 et seq.

Nuisances - see Ohio R.C. Ch. 3767

Placing injurious material or obstruction in street - see TRAF. 412.01

Littering from motor vehicles - see TRAF. 432.42

Safety and equipment for motor vehicles - see TRAF. Ch. 438

Loads dropping or leaking; tracking mud; removal required - see TRAF. 440.06

Willfully leaving vehicles on private or public property - see TRAF. 452.05

Rabies quarantine - see GEN. OFF. 618.11

Animal nuisances - see GEN. OFF. 618.13

Placing harmful substance or objects in food or confection - see GEN. OFF. 636.17

Riot - see GEN. OFF. 648.01 et seq.

Inducing panic - see GEN. OFF. 648.07

Weapons and explosives - see GEN. OFF. Ch. 678

**660.01 VENTING OF HEATERS AND BURNERS.**

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases:

- (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors, except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;
- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in paragraph (1) hereof or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shut-off system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.

(e) No person shall negligently use or, being the owner, person in charge or occupant of premises, negligently permit the use of, a heater in violation of any rules adopted by the State Fire Marshal under Ohio R.C. 3701.82(E).

(f) No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted by the State Fire Marshal under Ohio R.C. 3701.82(F).

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100 degrees Fahrenheit or thirty-seven and eight-tenths degrees Centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "not approved for home use."

(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 any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02. (ORC 3701.99(C))

#### **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 any of the provisions of this section is guilty of a misdemeanor of the second degree and shall be subject to the penalty provided in Section 698.02. (ORC 3701.99(D))

**660.03 LITTERING.**

(a) Title. This section shall be known and may be cited as the Mt. Sterling Anti-Litter Ordinance.

(b) Definitions. For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given herein:

- (1) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. The word "aircraft" includes helicopters and lighter-than-air dirigibles and balloons.
- (2) "Authorized private receptacle" means a litter storage and collection receptacle as required and authorized in Chapter 1060 of the Streets, Utilities and Public Services Code.
- (3) "Commercial handbill" means any printed or written matter, any sample or device, or any dodger, circular, leaflet, pamphlet, paper, booklet or other printed or otherwise copied literature which:
  - A. Advertises for sale any merchandise, product, commodity or thing;
  - B. Directs attention to any business, mercantile or commercial establishment or other activity, for the purpose of directly or indirectly promoting sales;
  - C. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit, except that this restriction shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. However, nothing contained in this paragraph shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of the State or of the Municipality.
  - D. While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.
- (4) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

- (5) "Litter" means garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (6) "Newspaper" means any newspaper of general circulation, as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, any periodical or current magazine regularly published with not less than four issues per year and sold to the public.
- (7) "Noncommercial handbill" means any printed or written matter, any sample or device, and any dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or other printed or otherwise copied literature not included in the aforesaid definitions of a commercial handbill or newspaper.
- (8) "Park" means a park, reservation, playground, beach, recreation center or any other public area in the Municipality, owned or used by the Municipality and devoted to active or passive recreation.
- (9) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.
- (10) "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (11) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (12) "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.
- (13) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (14) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
- (15) "Village" means the Village of Mt. Sterling.

(c) Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Municipality except in public receptacles, in authorized private receptacles or in official Municipality dumps.

(d) Placement of Litter in Receptacles to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(e) Sweeping Litter Into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the Municipality the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(f) Owners' and Occupants' Duty to Keep Sidewalks, Parking Lots and Access Drives Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Municipality the accumulation of litter from any building or lot or from any public or private sidewalk, parking lot or driveway. Persons owning or occupying places of business within the Municipality shall keep the sidewalk in front of their business premises, together with parking areas and access drives, free of litter.

(g) Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Municipality or upon private property.

(h) Vehicle Loads Spreading Litter; Tracking Mud. No person shall drive or move any truck or other vehicle within the Municipality unless such vehicle is so constructed or loaded as to prevent any of its load, contents or litter from being blown or deposited upon any street, alley or other public place. No person shall drive or move any truck or other vehicle within the Municipality, the wheels or tires of which carry onto or deposit in any street, alley or other place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(i) Litter in Parks. No person shall throw or deposit litter in any park within the Municipality, except in public receptacles and in such a manner that the litter will not be carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(j) Litter in Rivers and Streams. No person shall throw or deposit litter in any fountain, pond, stream, river or any other body of water in a park or elsewhere within the Municipality.

(k) Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Municipality. No person shall hand out, distribute or sell any commercial handbill in any public place. However, it shall not be unlawful on any sidewalk, street or other public place within the Municipality for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(l) Placing Commercial and Noncommercial Handbills on Vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. However, it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(m) Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(n) Prohibiting Distribution of Handbills Where Properly Posted. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

(o) Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or other person then present in or upon such private premises. However, in the case of inhabited private premises which are not posted, as provided in this section, a person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or about sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

The provisions of this subsection do not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(p) Dropping Litter From Aircraft. No person in an aircraft shall throw out, drop or deposit within the Municipality any litter, handbill or other object.

(q) Posting Notices Prohibited. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(r) Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the Municipality, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place, or upon any private property.

(s) Owner to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. However, this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

(t) Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the Municipality whether such vacant lot is owned by such person or not.

(u) Clearing of Litter From Open Private Property by Municipality.

(1) Notice to remove. The Clerk-Treasurer is hereby authorized to notify the owner of any open or vacant private property within the Municipality, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by certified mail, return receipt requested, addressed to such owner at his or her last known address.

(2) Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent to properly dispose of litter dangerous to the public health, safety or welfare within five days after receipt of written notice, as provided for in paragraph (u)(1) hereof, or within ten days after the date of such notice in the event the same is returned to the Village Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Village Administrator is hereby authorized to pay for the disposal of such litter or to order its disposal by the Municipality.



purpose in writing other businesses," Eakins said.

# Enforcement of nuisance law stepped up

## Residents may file complaints at village offices

By Dianne Schultz  
Messenger Correspondent

A West Jefferson nuisance ordinance regarding private property is expected to be more strictly enforced. Letters are already in the mail to some residents in violation of the village's 1982 law.

Village Mayor Charlie Miller told council Nov. 16 that the village had contacted one property owner last week regarding compliance to the ordinance and warned that more letters may be sent if complaints are logged with city administrators.

Miller then asked for council member's input on the matter. Eugene Sidner, Mike Campbell and Ruth Stanley all voiced information on addresses they deemed worthy of investigation through the village's zoning enforcement of nuisance laws.

Sidner said he would like to see more enforcement of the nuisance laws within the village. Councilman Hank Teeters agreed, saying of proper-

ties considered eyesores in the community, "We've had situations here for years and it stays the same."

According to the nuisance law, which Miller cited for council, violations can come in the form of sight or smell and what is considered "appropriate."

Miller said any resident can make a complaint about a property within the village they think might be out of compliance with the nuisance ordinance. Once logged, the village will investigate the complaint. If the property owner or those persons causing the complaint do not rectify the situation immediately, those listed in the complaint violation have 14 days following the delivery of the complaint to appeal the complaint to village government.

If the situation is not rectified or appealed to the village in that two-week period, the village has the right to clear the property of the nuisance and put a lien against the real estate taxes on that property.

- (3) Charge included in tax bill. When the Municipality has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus six percent per annum from the date of the completion of the work, if not paid by the owner, or his or her agent, of the premises involved, within thirty days after the disposal of such litter, shall be certified by the Clerk-Treasurer to the County Auditor, who shall enter the same upon the tax duplicate for such premises, and the same shall constitute a lien upon such premises from the date of entry and shall be collected as other taxes are collected and returned to the General Fund of the Municipality. The certification shall include a statement of the expense incurred by the Municipality for the work done, the date the work was done and the location of the property upon which the work was done. The remedy provided for in this paragraph shall be in addition to the penalty provided in subsection (v) hereof.

(v) Penalty. Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02. (1974 Code §528.08)

**660.04 NOXIOUS ODORS; FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES; UNLAWFUL DISCHARGES UPON PUBLIC OR PRIVATE PROPERTY.**

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal, which dwelling, building, structure or place, or which activity, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others. (ORC 3767.13)

(b) No person shall discharge, or permit the discharge of, urine, fecal matter, the contents of chemical commodes, kitchen wastes, laundry wastes, slop sink drainage, sewage or septic tank wastes, or other putrescible or offensive wastes, onto the surface of the ground or other open area, or into any street, alley, road, privy, open excavation, storm water sewer, drainage ditch, watercourse or body of water in the Municipality.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

**660.05 DUTY TO KEEP SIDEWALKS IN REPAIR, CLEAN AND FREE OF SNOW AND ICE.**

(a) The owner, occupant or person having the care of any building or lot of land bordering on any street with a graded or paved sidewalk, shall keep such sidewalk and the curbs and gutters abutting such building or lot of land in good repair and free of any nuisance, and shall, within the first four hours of daylight following or during a fall of snow, cause such snow to be removed from such sidewalk. This provision shall include snow or ice falling from any building.

(b) Whenever such sidewalk or any part thereof shall become encumbered with ice, the owner, occupant or person in control thereof shall, within the first four hours after daylight following or during its formation, cause such sidewalk to be made safe by removing such ice or sprinkling the same with sand or other suitable substance.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

**660.06 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.**

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with a hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (ORC 3767.29)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

**660.07 STORAGE OF JUNK VEHICLES.**

(a) As used in this section "junk motor vehicle" means any motor vehicle which is three years old or older; extensively damaged, such damage including, but not limited to, any of the following: missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of four hundred dollars (\$400.00) or less, that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12, or regulated under the authority of

the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle, as defined in Ohio R.C. 4501.01(F).

(b) No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(c) The Chief of Police may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

(d) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense. (ORC 4513.65)

(e) Whoever violates this section is guilty of a minor misdemeanor for a first offense. For a second offense such person is guilty of a misdemeanor of the fourth degree. For each subsequent offense such person is guilty of a misdemeanor of the third degree. The penalty shall be as provided in Section 698.02. (ORC 4513.99(E))

#### **660.08 OPEN BURNING.**

(a) Definitions. As used in this section:

- (1) "Ohio Environmental Protection Agency" means the Ohio Environmental Protection Agency Director, agencies delegated authority by the Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency District Office.
- (2) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. "Open burning" includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Rule 3745-17-09 or 3745-17-10 of the Ohio Administrative Code.

(b) General Regulations.

- (1) No person shall cause or allow open burning in the Municipality except as provided in paragraphs (b)(2) to (4) hereof or in Ohio R.C. 3704.11.
- (2) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio Environmental Protection Agency or the Fire Department:
  - A. Cooking for human consumption; and
  - B. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

Fires allowed by this paragraph shall not be used for waste disposal purposes and shall be of a minimum size sufficient for their intended purpose. The fuel shall be chosen to minimize the generation and emission of air contaminants.

- (3) Open burning shall be allowed for ceremonial purposes with prior notification to the Ohio Environmental Protection Agency or the Fire Department if the following conditions are met:
  - A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours.
  - B. The ceremonial fires shall not be used for waste disposal purposes.
  - C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.
- (4) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio Environmental Protection Agency or the Fire Department, provided that conditions specified in the permission are followed:
  - A. Disposal of ignitable or explosive materials where the Ohio Environmental Protection Agency or the Fire Department determines that there is no practical alternative method of disposal;
  - B. Instruction in methods of fire fighting or for research in the control of fires;
  - C. In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio Environmental Protection Agency or the Fire Department;
  - D. Recognized horticultural, silvicultural, range or wildlife management practices; and
  - E. Prevention or control of disease or pests, with written verification from the local Health Department, the County Agricultural Extension Agency, the Ohio Department of Agriculture or the U.S. Department of Agriculture that open burning is the only appropriate disposal method.

(c) Other Prohibitions.

- (1) Notwithstanding any provision of this section, no open burning shall be conducted in an area where an air alert, warning or emergency under Chapter 3745-25 of the Ohio Administrative Code is in effect.
- (2) No provision of this section permitting open burning, and no permission to open burn granted by the Ohio Environmental Protection Agency or the Fire Department, shall exempt any person from compliance with any section of the Ohio Revised Code, any regulation of any State department or any local ordinance or regulation dealing with open burning.

(d) Permission to Burn.

- (1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio Environmental Protection Agency or the Fire Department.
- (2) Such application shall contain, as a minimum, information regarding:
  - A. The purpose of the proposed burning;
  - B. The nature and quantities of material to be burned;
  - C. The date or dates when such burning will take place;
  - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks; and
  - E. The methods or actions which will be taken to reduce the emission of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio Environmental Protection Agency or the Fire Department that open burning is necessary to the public interest; that it will be conducted in a time, place and manner as to minimize the emission of air contaminants; and that it will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio Environmental Protection Agency or the Fire Department may impose such conditions as may be necessary to accomplish the purpose of this section.
- (4) Permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by a delay while written permission is sought, the fire may be set with oral permission of the Ohio Environmental Protection Agency or the Fire Department.
- (5) Violations of any of the conditions set forth by the Ohio Environmental Protection Agency or the Fire Department in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(e) Notification.

- (1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio Environmental Protection Agency or the Fire Department.
- (2) Such notification shall inform the Ohio Environmental Protection Agency or the Fire Department regarding:
  - A. The purpose of the proposed burning;
  - B. The nature and quantities of materials to be burned;
  - C. The date or dates when such burning will take place; and
  - D. The location of the burning site.
- (3) The Ohio Environmental Protection Agency or the Fire Department, after receiving notification, may determine that the open burning is not allowed under this section, and the Ohio Environmental Protection Agency or the Fire Department shall notify the applicant to this effect.

(f) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02. In addition, the offender shall be required to pay the cost of proper disposal of the materials burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water and solid waste laws, ordinances and regulations of the Municipality and the State.

**660.09 BARRICADES AND WARNING LIGHTS.**

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

**660.10 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.**

(a) No person shall place or knowingly drop upon any part of a sidewalk or playground any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous conditions.

(f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

**660.11 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.**

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.



**660.12 FENCES.**

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.

Barbed wire partition fences may be erected and maintained as provided in Ohio R.C. 971.03.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

**660.13 SMOKING IN PLACES OF PUBLIC ASSEMBLY.**

(a) As used in this section, "place of public assembly" means:

- (1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including, but not limited to, a hospital room and a room in a rest home serving as the residence of a person living in such rest home;
- (2) All buildings and other enclosed structures owned by the State, its agencies, or political subdivisions, including, but not limited to, hospitals and State institutions for the mentally retarded and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency, or a political subdivision, and that is used primarily as a food service establishment, is not a place of public assembly.
- (3) Each portion of a building or enclosed structure that is not included in paragraph (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias, or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Ohio Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area, provided that not more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in paragraph (a)(1) hereof, the local fire authority having jurisdiction shall designate the no smoking area. In places included in paragraph (a)(2) hereof that are owned by the State or its agencies, the Ohio Director of Administrative Services shall designate the area, and if the place is owned by a political subdivision, its legislative authority shall designate an officer who shall designate the area. In places included in paragraph (a)(3) hereof, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in paragraph (a)(2) hereof which are also included in paragraph (a)(1) hereof, the officer who has authority to designate the area in places in paragraph (a)(2) hereof shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "no smoking." No person shall remove signs from areas designated as no smoking areas.

(c) This section does not affect or modify the prohibition contained in Ohio R.C. 3313.751(B).

(d) No person shall smoke in any area designated as a no smoking area in accordance with subsection (b) hereof.

(e) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02. (ORC 3791.031)

#### **660.14 SPITTING.**

(a) No person shall expectorate saliva or sputum upon the streets or sidewalks of the Municipality, or upon the floors, steps or other interior parts of any public conveyance or public building.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.  
(1974 Code §521.10)

#### **660.15 SELLING REFROZEN FOODS PROHIBITED.**

(a) No person shall knowingly sell or expose for sale for human consumption any food or food product which has once been frozen if such product has been permitted to thaw, in whole or in part, and has been refrozen.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.  
(1974 Code §521.12)

#### **660.16 NOXIOUS WEEDS.**

(a) Prohibited. No person, whether as owner, lessee, agent, tenant or any other person, having charge or care of land in the Municipality, shall permit noxious weeds or other undesirable vegetation, grasses, etc., to grow thereon to a height in excess of twelve inches, or to mature their seeds thereon, or fail to cut and destroy such weeds and other undesirable vegetation when notified by the Chief of Police to do so.

(b) Notice to Cut; Service. When determined through investigation by the Chief of Police that weeds and/or other undesirable vegetation exceeding the height specified in subsection (a) hereof exist upon any land within the Municipality, the Chief shall issue a notice of violation to the owner of such land by certified mail, return receipt requested. The notice of violation shall contain an order to cut or destroy the weeds or undesirable vegetation within ten days.

(c) Failure to Comply; Correction by Municipality. In the event the owner does not comply with the order to cut or destroy undesirable vegetation within the time limit specified in subsection (b) hereof, after proper notice of violation has been issued by the Chief, the Chief shall cause such undesirable vegetation to be cut and destroyed, and may employ the necessary labor and equipment to perform such task, together with any clean-up work required, within appropriations previously made by Council. In addition, the owner shall be liable for the penalty provided in subsection (f) hereof.

(d) Mailing of Statement of Cost to Owner. When the Chief of Police causes undesirable vegetation to be cut and the land cleaned of debris, as provided in subsection (c) hereof, a statement of cost thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement of cost shall include the following costs to the Municipality:

- (1) Administration and supervision;
- (2) Transportation of equipment;
- (3) Equipment rental;
- (4) Equipment operator; and
- (5) Incidental labor.

The minimum fee to be charged shall be twenty-five dollars (\$25.00) for the first hour, or portion thereof, and fifteen dollars (\$15.00) for each additional hour, or portion thereof, subject to annual revision by the Village Administrator.

(e) Collection of Costs. The owner may pay such fees as are charged in accordance with subsection (d) hereof to the Clerk-Treasurer within thirty days after receipt of the statement of costs without further cost or penalty. Any payment so received shall be restored to the appropriation from which the cost was paid. If the fee is not paid when due, the Clerk-Treasurer shall certify to the County Auditor the proceedings taken under this section, together with a statement of the charges for services, as listed in subsection (d) hereof, and a legal description of the premises. Such amounts shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of entry, and shall be collected as other taxes are collected and returned to the General Fund of the Municipality.

(f) Penalty. Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day that undesirable vegetation is permitted to continue to grow after the time limit specified in subsection (b) hereof. The penalty shall be as provided in Section 698.02.

**660.17 OBSTRUCTION OF PUBLIC WAYS BY TREES, SHRUBS AND BUSHES; TRIMMING AND REMOVAL.**

(a) No person, whether as owner, lessee, agent, tenant or other person, having charge or care of real property in the Municipality, shall:

- (1) Permit any tree, shrub or bush to grow in a manner as to obstruct the free flow of vehicular traffic using any highway, street or alley;
- (2) Permit the lowest branches of a tree to be at a height lower than thirteen and one-half feet over the right of way of any State highway, or eight and one-half feet over any Municipal street, alley or sidewalk; or
- (3) Fail to trim or remove any dead, decayed or broken tree, or part thereof, which is located so as to be a potential hazard to any highway, street, alley or sidewalk.

(b) Whenever any tree, shrub or bush is interfering with or is otherwise dangerous to the public use of any highway, street, alley or sidewalk, the Chief of Police shall notify the owner, lessee, agent, tenant or other person having charge of the real property upon which such tree, shrub or bush is located, by certified mail. Such notice shall contain a description of the condition to be corrected and a time for compliance, not to exceed thirty days. If the condition is not corrected within the required time, the Chief of Police shall cause the trimming or removal of the tree, shrub or bush, the cost of which shall be borne by the owner of the real property. Such remedy shall be in addition to the penalty provided in subsection (c) hereof.

(c) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.  
(Ord. 1993-3. Passed 4-12-93.)