

ORDINANCE: 39 – 17

PASSED: _____

AN ORDINANCE TO AMEND CHAPTER 905 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF OBETZ BY ENACTING SECTION 905.12, OBSTRUCTIONS IN RIGHTS-OF-WAY, AMENDING THE TITLE OF CHAPTER 905, AND DECLARING AN EMERGENCY

WHEREAS, the Village has fielded an increasing number of complaints from residents regarding obstructions of the rights-of-way by portable basketball goals and persons playing basketball in the rights-of-way at those portable basketball goals; and

WHEREAS, obstructions in the rights-of-way within the Village, and activities obstructing the free passage upon the rights-of-way in the Village, pose a danger to the traveling public as well as individuals participating in activities in the right-of-way due to increased risk of being struck by vehicles; and

WHEREAS, the Village has the right to regulate the use and occupation of its rights-of-way, and the responsibility to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ THAT;

Section 1. Chapter 905, “Trees, Weeds and Grass,” in Part Nine, “Streets, Utilities, and Public Services Code,” in the Codified Ordinances of the Village of Obetz, shall be amended by enacting Section 905.12, “Obstructions in Rights-of-Way,” to read as follows:

905.12 OBSTRUCTIONS IN RIGHTS-OF-WAY

(a) No person shall place any item in the right-of-way, or otherwise occupy the right-of-way or any portion of the right-of-way, without prior written permission of the Village Administrator or designee. This prohibition includes, but is not limited to, placement of basketball, hockey, or other sporting goals in the right-of-way. Items placed in the right-of-way in violation of this section are considered abandoned property and may be disposed of by the Village Administrator or designee without prior notice or compensation.

(b) Subsection (a) does not apply to placement of refuse, recycling, or yard waste containers in the tree lawn area of the right-of-way for curb-side pickup in the twenty-four-hour period prior to the adjacent parcel’s scheduled day for refuse, recycling, or yard waste collection.

(c) No person shall conduct activity in the right-of-way in a manner that obstructs passage upon the right-of-way, without prior written permission of the Village Administrator or designee. For purposes of this section, conduct of basketball, hockey, or other games within the right-of-way shall be prima facie evidence of violation of this subsection.

(d) This section may be enforced by the Village Administrator or any designee thereof, including but not limited to the Code Enforcement Officer, Zoning Inspector, Chief Building Official, the Chief of Police, any police officer, or any deputy zoning inspector.

(e) Violation of this section shall be a minor misdemeanor subject to a fine of up to \$150 per violation. If a person has a prior conviction under this section or Section 311.01 of the Codified Ordinances within the previous twelve (12)-month period, violation shall be a minor misdemeanor and the offender shall be subject to a minimum fine of \$100, which shall not be suspended.

Section 2. That Chapter 905’s Title shall be amended to read “Trees, Weeds, and Grass; Obstructions in Right-of-Way.”

Section 3. This Ordinance shall be declared an emergency necessary for the immediate preservation of the public health, safety and welfare of the citizens of the Village of Obetz, such emergency arising from the threat to the health, safety, and welfare of the public caused by unnecessary obstruction of the right-of-way; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

Passed this _____ day of _____, 2017.

ATTESTS:

Stacey Boumis, Clerk

D. Greg Scott, Mayor

Bonnie Wiley, Council Pres. Pro-Tem

APPROVED AS TO FORM

Stephen J. Smith, Esq., Law Director

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CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance _____ was duly posted at _____ (time) on the _____ day of _____, 2017, at the Obetz Government Center, as well as on the Obetz website.

Stacey Boumis, Clerk

Date