

CITY OF OBETZ  
RECORD OF ORDINANCES



ORDINANCE: 43 – 25

PASSED: September 8, 2025

**AN ORDINANCE TO AMEND SECTION 905.12 OF THE CODIFIED ORDINANCES OF THE CITY OF OBETZ TO PROHIBIT PLACING TRASH AND JUNK IN THE PUBLIC RIGHT-OF-WAY, TO REQUIRE OWNERS AND OCCUPANTS TO KEEP THE RIGHT-OF-WAY ADJACENT TO THEIR PROPERTY FREE OF TRASH AND JUNK, AND TO ESTABLISH A PROCEDURE BY WHICH THE CITY MAY REMOVE OR CAUSE REMOVAL OF TRASH, JUNK, OR OTHER ITEMS OBSTRUCTING THE RIGHT-OF-WAY**

**WHEREAS**, improperly discarded materials create unsanitary conditions, attract pests, degrade neighborhood appearance, and pose hazards to public health and safety; and

**WHEREAS**, Section 1361.18 of the Codified Ordinances of the City of Obetz requires all exterior property and premises, and the interior of every structure, to be free from any accumulation of rubbish or garbage, and further requires occupants to dispose of rubbish in a clean and sanitary manner by placing it in approved containers; and

**WHEREAS**, the placement of trash and junk in the public right-of-way is especially problematic because it could obstruct the free passage of, and pose a danger to, service crews, law enforcement, fire and EMS personnel, and the general public in traversing the right-of-way; and

**WHEREAS**, the City 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; and

**WHEREAS**, Section 905.12 of the Codified Ordinances of the City of Obetz provides for the immediate removal of “items” such as basketball, hockey, and sporting goals placed in the right-of-way and penalties for persons who place such items in the right-of-way; and

**WHEREAS**, the City Council desires to apply a similar enforcement mechanism and penalties, as a supplement to those prescribed by Section 1361.18 of the Codified Ordinances, to persons who place, and owners and occupants that allow placement of, trash or junk in the right-of-way;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO THAT:**

Section 1. Section 905.12 of the Codified Ordinances of the City of Obetz is hereby amended to read as follows:

**905.12 OBSTRUCTIONS IN RIGHTS-OF-WAY.****(a) For the purposes of this section:**

- (1) "Abatement activity" means the abatement of any nuisance in accordance with this section, including by removing and disposing of trash, junk, or other items from the right-of-way and making emergency corrections of hazardous conditions.
- (2) "Item" means an item of tangible person property including without limitation basketball hoops; hockey, soccer, or lacrosse goals; and other sports equipment.
- (3) "Junk" means furniture, appliances, construction debris, tires, scrap metal, household goods, or any other discarded material not accepted by the City's authorized trash hauler under normal residential collection guidelines.
- (4) "Owner or occupant" means the record owner of real property adjacent to the right-of-way, or the lessee, agent, tenant, or other such person having charge or care of such property.
- (5) "Right-of-way" means any public street, alley, sidewalk, tree lawn, including the publicly owned property between the private property line and the paved roadway, such as the shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the City.
- (6) "Total cost" means all costs incurred by the City in conducting abatement activities pursuant to this section, including all of the following:
  - A. Costs attributable to the use of employees, materials, or equipment of the City or its agent;
  - B. Costs arising out of contracts for labor, materials, or equipment;
  - C. Costs of service of notice or publication required under this section.
- (7) "Trash" means refuse, garbage, rubbish, or yard waste eligible for collection by the City's authorized trash hauler in compliance with the hauler's published rules and guidelines.

- (b) No person shall place **trash, junk, or** any **other** 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



Administrator or designee. ~~This prohibition includes, but is not limited to, placement of basketball, hockey, or other sporting goals in the right-of-way.~~

- (c) No owner or occupant shall permit trash, junk, or any other item to remain in the right-of-way, or any portion of the right-of-way, adjacent to the owner or occupant's property without prior written permission of the Administrator or designee.
- (d) The accumulation of trash, junk, or other items in the right-of-way in violation of this section poses a risk to the public health, safety and general welfare, and, is declared to be a public nuisance, subject to abatement as described in this section. Items placed in the right-of-way in violation of this section are considered abandoned property and may be disposed of by the Administrator or designee without prior notice or compensation.
- (e) ~~Subsection (a)~~ This section 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.
- (f) 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 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.
- (g) This section may be enforced by the 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.
- (h) Except as otherwise provided in subsection (i), upon discovery of trash, junk, or any other item in the right-of-way in violation of this section, the Administrator or designee shall issue notice of the existence of a public nuisance to the owner or occupant of the real property adjacent to the right-of-way and order the nuisance to be abated. Notice to the owner or occupant shall be effectuated by posting the notice in a conspicuous place on the premises and by mailing such notice to the owner of the property as listed in the County Auditor's tax list at the mailing address shown on such tax lists. If no mailing address is shown in the County Auditor's record, it shall be sufficient to provide such notice by only posting said notice in a conspicuous place on the premises. If the owner or occupant fails to abate the nuisance within forty-eight (48) hours after the notice is posted and mailed or, if no mailing address is shown in the County Auditor's record, after the notice is posted, the City shall abate the nuisance.



- (i) Upon the second or subsequent violation of subsection (c) by the same owner or occupant at the same real property within a twelve (12) month period, the Administrator or designee may abate the nuisance upon discovery of the trash, junk, or any other item in the right-of-way without posting or mailing notice to the owner or occupant.
- (j) When the City abates a nuisance under this section, the total cost to abate said nuisance, including an administrative fee of two hundred fifty dollars (\$250), shall be a lien on such real property from the date such expenses are incurred. Pursuant to and consistent with Section 715.261 of the Revised Code, the Clerk of City Council shall certify the cost to the County Auditor to be placed upon the tax list and collected as other taxes are collected and returned to the City. The cost of abatement, including the penalty imposed under subsection (l), may also be recovered by means of a judgment against the owner or occupant of the real property.
- (k) Notwithstanding any contrary provision of this section, the Administrator or designee may remove trash, junk, or other items from the right-of-way immediately, without prior notice, if the trash, junk, or items present an immediate threat to public health or safety, including, but not limited to, by blocking traffic, attracting vermin, creating foul odors, or posing fire or injury hazards.
- (l) ~~Violation of~~ Persons violating this section are subject to the following penalties:
  - (1) Except as provided in subsection (l)(1) and (2), each violation shall be a minor misdemeanor subject to a fine of up to one hundred fifty dollars (\$150.00) per violation.
  - (2) Except as provided in subsection (l)(2), 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, each violation shall be a ~~minor~~ misdemeanor of the fourth degree and the offender shall be subject to a ~~minimum~~ fine of ~~one up to four~~ hundred dollars (~~\$100.00~~ \$400.00), which shall not be suspended.

Section 2. 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 and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Passed this 8 day of September, 2025

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ATTESTS:

Stacey Boumis  
Stacey Boumis, Clerk of Council

Angela M. Kirk  
Angela M. Kirk, Mayor

Michael Flaherty  
Michael Flaherty, Council Pres. Pro-Tem

APPROVED AS TO FORM

Eugene L. Hollins  
Eugene L. Hollins, Esq, Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance 43-25 was duly posted at 2:30 PM(time) on the 11 day of September, 2025, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club as well as on the Obetz website.



Stacey Boumis  
Stacey Boumis, Clerk

9/11/25  
Date