

First Reading: April 22, 2008
Second Reading: dispensed
Third Reading: dispensed

ORDINANCE 9 -2008

AN ORDINANCE FINDING THAT LITTER HAS BEEN PLACED ON LANDS IN THE VILLAGE OF NEWTOWN, ORDERING THAT SUCH LITTER BE COLLECTED AND REMOVED, ORDERING NOTICE TO THE OWNER OF SUCH LANDS, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Newtown has received written information that litter has been placed on the real property located at 6834 East Plum Street, Newtown, Ohio 45244, which real property is located in the Village of Newtown; and

WHEREAS, the Council of the Village of Newtown finds that such litter constitutes a nuisance, is a detriment to public health, and is unsightly and unsanitary; and

WHEREAS, pursuant to Ohio Revised Code Section 731.51, the Council of the Village of Newtown wishes to give notice, in accordance with Ohio Revised Code Section 731.52, to the owner of the real property located at 6834 East Plum Street, Newtown, Ohio 45244 that such owner must collect and remove such litter within fifteen days of service of that notice; and

WHEREAS, the Council of the Village of Newtown wishes to direct the Village Property Maintenance Inspector and the Village Maintenance Department to collect and remove such litter pursuant to Ohio Revised Code Section 731.53, should such owner fail to collect and remove such litter within fifteen days of service of that notice; and

WHEREAS, in the event the Village is required to expend Village funds to effect the collection and removal of litter on the real property located at 6834 East Plum Street, Newtown, Ohio 45244, the Council of the Village of Newtown shall make a written return to the Hamilton County Auditor setting forth the costs to the Village of the collection and removal of such litter so that such costs will be entered upon the tax duplicate of the real property and be collected as other taxes;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Newtown, State of Ohio:

SECTION 1.

The Council of the Village of Newtown, after due consideration in an open meeting, notice of which was served upon the owner of the real property located at 6834 East Plum Street, Newtown, Ohio 45244 on April 9, 2008, finds that litter, as defined in Ohio Revised Code Section 731.51 has been placed on the real property located at 6834 East Plum Street, Newtown, Ohio 45244 and has not been removed.

SECTION 2.

The Council of the Village of Newtown further finds that such litter constitutes a nuisance and a detriment to public health, and finds that such litter is of an unsightly and unsanitary nature.

SECTION 3.

Written notice shall be served upon the owner of the real property located at 6834 East Plum Street pursuant to Ohio Revised Code Section 731.52, that litter is on the land, and that it must be collected and removed within fifteen (15) days after the service of the notice on such owner. Such notice shall further inform such owner that if the litter is not collected and removed from the real property within fifteen (15) days after service of such notice, the Village of Newtown will take the necessary action to remove the litter and that the cost of such removal shall be placed upon the tax duplicate of the real property for collection as other taxes.

SECTION 4.

In the event the Village of Newtown expends funds for the collection and removal of such litter due to the property owner's failure to cause such removal within the fifteen day period (15), the Fiscal Officer of the Village, on behalf of this Village Council, is authorized and directed to make a written return to the Hamilton County Auditor of this action of the Village Council under Ohio Revised Code Sections 731.51 to 731.53, inclusive, with a statement of the charges for the Village services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return, and a property description of the real property, in order that the Hamilton County Auditor shall place such amounts upon the tax duplicate of the real property for collection as other taxes.

SECTION 5.

The Council of the Village of Newtown, by at least three-fourths vote of all of its members, dispenses with the requirement that this Ordinance be read on three separate days and authorizes its passage upon one reading.

SECTION 5.

This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare, and safety of the Village of Newtown. The reason for the emergency is to provide timely and adequate notice of the Council's actions and to provide for safe and habitable properties in the Village of Newtown, and to provide for the immediate removal of litter that constitutes a detriment to the public health.

VOTE RECORD:

Mr. Burns YES

Mr. Evans YES

Ms. Hueber ABSENT

Mr. Kobasuk YES

Mr. Pulskamp YES

Mr. Zornes YES

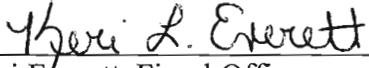
PASSED this 22nd day of April, 2008.



Curt Cosby, Mayor
Village of Newtown, Ohio

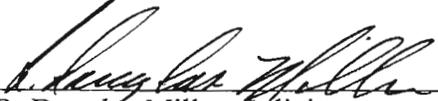
AUTHENTICATION

This is to certify that this ordinance was duly passed, and filed with the Village of Newtown Fiscal Officer, this 22nd day of April, 2008.



Keri Everett, Fiscal Officer
Village of Newtown, Ohio

APPROVED AS TO FORM



R. Douglas Miller, Solicitor
Village of Newtown, Ohio