

**VILLAGE OF NEWCOMERSTOWN,
TUSCARAWAS COUNTY, OHIO**

ORDINANCE NO. 07-2020

**AN ORDINANCE OF THE VILLAGE OF NEWCOMERSTOWN
REQUIRING A PERMIT FOR ANY DUMPSTER
PLACED WITHIN THE VILLAGE**

BE IT ENACTED AND ORDAINED BY THE Village Council of the Village of Newcomerstown, Tuscarawas County, Ohio, in accordance with the specific powers permitted by The Ohio Revised Code.

SECTION 1. TITLE.

This Ordinance shall be known as the “Village Dumpster Ordinance”, Newcomerstown Village Ordinance § 94.101.

SECTION 2. PERMIT REQUIRED.

No person shall place or cause to be placed upon any street, sidewalk, alley or public right-of-way within the Village any trash or refuse containers commonly known and referred to as dumpsters, without first having obtained a permit from the mayor’s office. It shall be the responsibility of the user of the dumpster to obtain a permit and to provide a copy of such permit to the owner of the dumpster before placement of any dumpster.

SECTION 3. PERMIT APPLICATION.

A permit application shall be submitted to the Village on an application form provided by the mayor’s office for this purpose.

SECTION 4. PERMIT FEE AND DURATION.

Upon approval of the permit application by the Village, a permit for placement of the dumpster shall be issued by the Village upon payment of the permit fee. Permits shall be good for a period of thirty (30) days from the date of issuance. Provided that the permit holder has complied with the requirements of this article and the permit issued hereunder, the permit may be renewed for additional periods of thirty (30) days upon payment to the Village of a renewal permit fee for each thirty (30) day period. The permit fee and permit renewal fee shall be initially set at \$35.00 for each thirty (30) day period. Any change in the permit fee by the Village may be done so by resolution from time to time.

SECTION 5. PERMIT CONDITIONS.

Upon issuance of a permit as set forth in this ordinance, the permit holder agrees to comply with the following requirements:

- a. Any dumpster for which a permit is issued as set forth in this article shall bear reflectorized or illuminated marking in order to provide adequate warning of the placement of such dumpster to pedestrians and motorists.
- b. After any dumpster is filled to capacity, the same shall be emptied or caused to be emptied within three (3) calendar days thereof.

SECTION 6. PERMIT REVOCATION.

Any permit issued or renewed by the Village may be immediately revoked by the Village upon mailing of notice of revocation to the permit holder at the address stated in the permit application, for any of the following reasons:

- a. Failure to comply with any provision of this article or any requirement as set forth in the permit or permit application.
- b. The emission of any foul or noxious odor from material contained in the dumpster, regardless if whether the dumpster is filled to capacity or not.
- c. The presence of any vehicular, pedestrian, fire, health or safety hazard or potential hazard arising after issuance of a permit or renewal thereof.

SECTION 7. PENALTY.

Any person violating any provision of this article shall upon conviction thereof, be punished under OBC § 94.99 and § 10.99. Upon revocation of any permit granted or renewed by the Village, failure to remove any dumpster for which a permit has been revoked shall constitute a separate violation for each day after revocation. For each day that a dumpster is placed as provided without having obtained a permit therefore, a separate violation shall exist.

SECTION 8. ENFORCEMENT.

The responsibility for enforcement of this ordinance shall be by the Police Department of the Village of Newcomerstown.

SECTION 9. GENERAL PROVISIONS.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever such decision shall not affect the remaining provisions.

Passed in Council this 6th day of April, 2020.

Vote of Council
Roll Call Vote:

Ayes Nays

Heather M. Stein-Wells
Jim Friel
Randy Little
Allen Collins
Jay Lambes
David Shepherd

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Patric M. Cadle
Pat Cadle, Mayor

Attest:

Lisa M. Stiteler
Lisa Stiteler, Fiscal Officer