

VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 1272

AN ORDINANCE REGULATING THE STORAGE, PLACEMENT, OR ALLOWANCE OF USED BUILDING MATERIALS, INOPERATIVE MOTOR VEHICLES, MOTOR VEHICLE PARTS, SCRAP METALS, REFUSE, OR RUBBISH ON PROPERTY WITHIN THE VILLAGE OF GEORGETOWN AND REPEALING ORDINANCE NO. 1221

WHEREAS, the Council of the Village of Georgetown (“Village Council”) seeks to exercise its power to maintain a clean, healthy, and safe environment for properties located within the Village of Georgetown (the “Village”);

BE IT ORDAINED by the Council of the Village of Georgetown, Brown County, Ohio, a majority of all members thereof concurring as follows:

SECTION 1: For the purpose of this Ordinance, the term “inoperative motor vehicle” shall be deemed to mean motor-driven vehicles that cannot, both physically and lawfully, under their own power and without repair and replacement of parts, be operated on the public highways of the Village and have remained in such inoperative condition for thirty (30) or more consecutive days.

SECTION 2: For the purpose of this Ordinance, the term “refuse or rubbish” shall be deemed to include any garbage, waste, peelings or vegetables or fruits, ashes, cans, bottles, wire, cartons, boxes, glass, plastic, scrap of any unsightly nature, or anything else of an unsightly or unsanitary nature.

SECTION 3: No person, business, corporation, or other entity shall store or place any used building materials, inoperative motor vehicles, motor vehicle parts, used tires, inoperative machinery, machinery parts, scrap metals, refuse or rubbish on any property or allow any such materials, vehicles, machinery, machinery parts, used tires, or substances to remain on any property, except to the extent that such materials, vehicles, machinery, machinery parts, used tires, or substances so stored, placed or allowed, are not visible from any point on any other property (including any point on any structure on such other property), public or private.

SECTION 4: It shall not be unlawful, however, for any person, business, corporation, or other entity to store or place used building materials on any property when such material are to be used by the owner of such property in construction on such property or on any other property owned by them, provided that such materials shall not be allowed to remain unused on such property for more than thirty (30) days prior to the commencement of such construction and provided that such materials are either used in such construction or are removed from the property within six (6) months of the placement of such materials on such property.

SECTION 5: No person, business, corporation, or entity shall store or place any appliances (including, but not limited to refrigerators, cooking stoves, gas or electric ovens or ranges, and dishwashers), indoor plumbing fixtures or indoor type furniture on any property or allow any such appliances, indoor plumbing fixtures, or indoor type furniture to remain on any property except to

the extent that such appliances, indoor plumbing fixtures, or indoor type furniture so stored, placed or allowed, are not visible from any point on any other property (including any point on any structure on such other property), public or private.

SECTION 6: It shall not be unlawful, however, for any person, business, corporation, or other entity to store or place appliances, indoor plumbing fixtures, or indoor type furniture on any property when such appliances, indoor plumbing fixtures, or indoor type furniture is to be used by the owner of such property in construction on the property or on any other property owned by them, provided that such appliances, indoor plumbing fixtures, or indoor type furniture shall not be allowed to remain unused on such property for more than thirty (30) days prior to the commencement of such construction and provided that such appliances, indoor plumbing fixtures, or indoor type furniture are either used in such construction or are removed from the property within six (6) months of the placement of such appliances, indoor plumbing fixtures, or indoor type furniture on such property.

SECTION 7: Any business, corporation, or other entity which is not located in a "R-1" or "R-2" zoning district as defined by Ordinance 1175, and, by nature of its regular business operations, must store used building materials, inoperative motor vehicles, motor vehicle parts, used tires, inoperative machinery, machinery parts, scrap metals, refuse, rubbish, appliances, indoor plumbing fixtures, or indoor type furniture in such a way that is visible from another point on another property, may seek a waiver from the enforcement of this Ordinance. Request for a waiver shall be made to the Board of Zoning Appeals who may consider granting a waiver based on the location, surroundings and nature of the business, corporation or other entity. If a waiver is granted, the waiver may be subject to review by the Board of Zoning Appeals at the request of the Village Administrator.

SECTION 8: Whoever shall violate any of the provisions of this Ordinance shall be found guilty of a minor misdemeanor and fined not more than One Hundred Fifty Dollars (\$150.00), and a separate offense shall be deemed committed each day during, or on which, such violation occurs or continues. In the event of any such violation by a business, corporation, or other entity, the owner(s) of such business or the officers of such corporation, or the managing members/partners of such entity, shall be deemed personally amenable to the provisions of this Ordinance and subject to citation and fine hereunder for any such violation. In the event the property on which the violation occurs is occupied by a tenant subject to a rental agreement, the owner, occupier, or tenant may be deemed personally amenable to the provisions of this Ordinance subject to citation and fine hereunder for any such violation.

SECTION 9: Enforcement of this Ordinance shall be vested in the Village Administrator, the Code Enforcement Officer, or their designee. Any person, business, corporation, or other entity found to be violating this Ordinance shall be served a notice of such violation by certified mail return-receipt accepted and provided a period of time to bring the property into compliance. If that certified mail notice fails, such notice shall then be sent by ordinary U.S. mail. Violators that do not comply within the specified time provided in the notice sent under this section may be charged with a violation of this Ordinance in the Georgetown Mayor's Court, or any Brown County Court for any violation and shall be subject to the appeals process thereof. This is exclusive of the right of the Village to seek declaratory or injunctive relief to seek the enforcement of this Ordinance in any Brown County Court.


SECTION 10: If any person, business, corporation, or other entity is found guilty of a violation of this Ordinance, by Order of a Court of competent jurisdiction, or if injunctive or declaratory relief is awarded, any costs incurred by the Village to bring about compliance with this Ordinance, including, but not limited to, remediation costs, equipment rental, staff costs and attorney fees and costs, may be added to the tax duplicate of the property owner as a lien upon such lands from and after the date of entry and be collected as other taxes to the Village.

SECTION 11: This Ordinance shall repeal and replace Ordinance No. 1221 in its entirety.

SECTION 12: That the Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of the Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 13: This Ordinance shall be in full force and effect from and after the earliest date allowed by law.

Passed and adopted at a legally convened meeting of Council held on the 12th day of November, 2020.


Dale E. Cahall, Mayor

ATTEST:


Natalie K.R. Newberry, Fiscal Officer