

**AN ORDINANCE AMENDING CHAPTER 95 OF VILLAGE ZONING CODE
ORDINANCES WITH THE ADDITION OF 95.06 – UNLAWFUL DEPOSIT**

WHEREAS, the Council Village of Brewster has reviewed a proposed addition to the Village Code of Ordinances which addresses the unlawful deposit of unwanted, inappropriate, or hazardous materials, and

WHEREAS, after completing their review and deliberations, the Council Village of Brewster believes it is in the best interest of the citizens of the Village to adopt Chapter 95.06 – Unlawful Deposits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: Brewster Village Council shall amend the Village Code of Ordinances by adopting Chapter 95.06 – Unlawful Deposits as follows:

95.06 UNLAWFUL DEPOSIT.

(a) No person shall throw, place, deposit or allow to spill, blow or drain, or permit any person under his control or employment to throw, place, deposit or allow to spill, blow or drain or maintain any putrid substance, soil, filth of any kind, garbage, rubbish, refuse, leaves, twigs, and grass, debris, old lumber, unusable building materials, unusable, deteriorated or inoperable equipment or chattels of any kind or any unwholesome material on or about any vacant or occupied land, ditches, gutters, catch basins and streets, alley, sidewalk, street waterway, or upon any private lot or any private structure or upon any public grounds within the corporate limits, except when properly bagged or contained for the purposes of periodic collection in a suitable flyproof, close-topped private receptacle.

(b) Subsection (a) hereof shall have no application on duly declared and authorized cleanup days proclaimed by the Mayor, the exemption to continue for a reasonable time to allow for full collection and removal of the materials by authorized personnel.

(c) No person shall utilize waste receptacles of the City for the disposal of rubbish, garbage, used building, refuse or other waste materials. An exception would be for individuals utilizing waste receptacles in a public park for disposal of waste normally and reasonably accumulated and disposed of incidental to the use of the park. Where receptacles are not provided, each person shall be responsible for carrying away from the park premises all rubbish, garbage and other waste materials and properly disposing of the same.

(d) No person shall bury, deposit, spill, blow or drain, or permit any person under his control or employment to throw, place, deposit, spill, blow or drain or maintain any radioactive material or other hazardous substances, either solid, liquid or gaseous, within the corporate limits of the City. For purposes of this section, "radioactive material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials. Further, for purposes of this section, "dangerous or hazardous materials" shall be those systems which, when exposed to public contact by virtue of leakage, spillage or other escape from otherwise containerized casements, create the risk of damage to the musculatory system, respiratory system, nervous system, olfactory system, sight, or other major physiological systems by causing permanent, partial or complete injury thereto, or death.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 2: The above replaces any previous version of this mandate and supersedes any current mandate with which it may be in conflict.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk-Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on October 21, 2019

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King