

VILLAGE OF HAMERSVILLE, OHIO

ORDINANCE NO. 2026-08

AN ORDINANCE REGULATING TRASH, JUNK, AND REFUSE; DECLARING NUISANCES; ESTABLISHING ADMINISTRATIVE, CIVIL, AND CRIMINAL ENFORCEMENT MECHANISMS; AND REPEALING PRIOR INCONSISTENT ORDINANCES

WHEREAS, the accumulation of trash, junk, and refuse poses a threat to public health, safety, and welfare; and

WHEREAS, such conditions negatively impact property values, create hazards, attract pests, and diminish community standards; and

WHEREAS, the Village desires to establish uniform enforcement procedures and penalties relating to nuisance trash, junk, and refuse conditions;

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

SECTION 1 — DEFINITIONS

Trash / Refuse — Garbage, waste, rubbish, ashes, paper, plastics, food waste, discarded materials, or household debris.

Junk — Includes but is not limited to inoperable or unlicensed vehicles or vehicle parts; appliances not in working condition; furniture stored outdoors; scrap materials; construction debris; tires; abandoned materials; or miscellaneous discarded items.

Accumulation — The presence of trash, junk, refuse, debris, or discarded materials in quantities or conditions constituting a nuisance, visible from public view, or creating hazards.

SECTION 2 — PROHIBITED CONDITIONS

No person shall:

- (A) Allow accumulation of trash, junk, or refuse except in proper containers.
- (B) Store junk or discarded materials in open view from public rights-of-way or neighboring properties.
- (C) Maintain conditions that harbor pests, create fire hazards, produce odors, or endanger public safety.
- (D) Dump, deposit, or place refuse unlawfully.
- (E) Permit trash, junk, debris, furniture, appliances, construction materials, tires, or refuse to accumulate on porches, yards, sidewalks, easements, alleys, streets, or vacant property in a manner constituting a nuisance.
- (F) Permit trash, litter, or debris to blow, wash, or otherwise migrate onto neighboring properties, sidewalks, storm drains, or public rights-of-way.

SECTION 3 — PUBLIC NUISANCE

Any violation of this Ordinance is hereby declared a public nuisance subject to enforcement, abatement, administrative citation, civil penalties, and criminal prosecution.

SECTION 4 — NOTICE OF VIOLATION

Written notice shall be issued describing the violation.

Correction timeframe shall be ten (10) days unless immediate hazards exist.

Service may be made by posting, regular mail, certified mail, personal delivery, door hanger, or any combination thereof reasonably calculated to provide notice.

SECTION 5 — ADMINISTRATIVE CITATIONS

Administrative citations may be issued for violations of this Ordinance as follows:

First offense: \$75

Second offense: \$125

Third and subsequent offenses: \$175

Each day a violation continues after notice and expiration of the correction period may constitute a separate offense.

Payment of an administrative citation does not eliminate the underlying violation or prevent additional enforcement action.

If the violation is not corrected within the ten (10) day correction period provided in the Notice of Violation, enforcement may automatically proceed to criminal prosecution as provided in Section 8 of this Ordinance without further notice being required.

Failure to pay administrative fines may result in additional collection efforts, civil action, lien certification where authorized by law, or further enforcement action.

SECTION 6 — ENHANCED ENFORCEMENT PROVISIONS

(A) Repeat Offender Escalation — Two (2) or more citations within twelve (12) months may constitute repeat offender status and may result in enhanced enforcement, criminal prosecution, or abatement.

(B) Photographs, video, inspection reports, witness statements, and official reports may be used as evidence of a violation.

(C) Property Owner Responsibility — Property owners remain responsible for maintaining compliance regardless of tenant occupancy or private lease agreements.

(D) Immediate Hazard Authority — The Village may bypass standard notice procedures and immediately abate conditions posing immediate threats to health, safety, or welfare.

SECTION 7 — ABATEMENT AND COST RECOVERY

The Village may enter upon the property, remove trash, junk, refuse, or debris, and otherwise abate the nuisance.

All costs incurred by the Village may be billed to the property owner and, if unpaid, certified as a lien or special assessment in the manner permitted by law.

SECTION 8 — CIVIL AND CRIMINAL PENALTIES

In addition to administrative citations and abatement remedies, any person who fails to correct a violation within the notice period provided under Section 4 shall be guilty of an unclassified misdemeanor for a first offense.

Subsequent offenses may be prosecuted as a minor misdemeanor or other classification permitted by Ohio law.

Each day the violation continues after expiration of the correction period may constitute a separate criminal offense.

The Village may pursue administrative, civil, criminal, and abatement remedies simultaneously or separately.

SECTION 9 — REPEAL OF PRIOR ORDINANCES

Ordinance Numbers 1990-10 and 2001-09, and all inconsistent portions of prior ordinances or resolutions relating to trash, junk, refuse, litter, or nuisance accumulation, are hereby repealed and superseded by this Ordinance.

SECTION 10 — SEVERABILITY

If any section, subsection, sentence, clause, or provision of this Ordinance is declared invalid, the remaining portions shall remain in full force and effect.

SECTION 11 — EFFECTIVE DATE

This Ordinance shall take effect and be in force at the earliest period allowed by law.

First Reading: May 4, 2020

Second Reading: May 20, 2020

Passed: May 20, 2020

Mayor

Justin Jones
Melissa Zehn

Fiscal Officer