

VILLAGE OF WINDHAM

OHIO

RESOLUTION R-2010-4

FINDING THAT LITTER HAS BEEN PLACED AT 9158 Maple Grove Road and 9561 Community Road WITHIN THE VILLAGE, HAS NOT BEEN REMOVED, AND CONSTITUTES A DETRIMENT TO PUBLIC HEALTH; NOTICE TO REMOVE TO BE SENT AND DECLARING AN EMERGENCY

Whereas, R.C. 731.51 *et seq.* provides that if Council finds that litter has been placed on lands within the Village and it constitutes a detriment to public health and causes written notice to be served on the owner or lessee to remove such litter; and if such owner or lessee does not remove the litter within 15 days, the Village may remove the litter and report the costs to the County auditor to be collected as other taxes in the manner provided by law.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Village of Windham, Portage County, Ohio, two thirds or more of the Members thereto concurring that:

Section 1: This Council finds that litter, as that term is defined in R.C. 731.51, has been placed on the following lands within the municipal corporation: 9158 Maple Grove Road and 9561 Community Road.

Section 2: This Council further finds that the litter has not been removed from the lands described in Section 1 and that it constitutes a detriment to public health.

Section 3: The Village Administrator shall cause a written notice to be served upon the owner, and if different, upon the lessee, agent, or tenant having charge of the lands described in Section 1, that the litter must be collected and removed within 15 days after service of the notice, which notice shall be served by certified mail. The notice shall be in the form as attached to this Resolution, which notice is marked for identification as Exhibit "A".

Section 4: Upon failure of the owner, lessee, agent, or tenant to remove the litter, the Village Administrator shall cause the litter to be removed and report all expenses incurred to this Council to be charged to the owner, lessee, agent, or tenant responsible.

Section 5: The expenses charged to any owner, lessee, agent, or tenant, as described in this Resolution and R.C. 731.54, if not paid within 30 days, shall be reported to the County auditor and collected as other taxes in the manner provided by law.

Section 6: This Resolution is declared to be an emergency measure, necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of

Windham, Ohio, and for the further reason that litter and garbage shall not be allowed to accumulate within the Village Municipal limits.

Section 7: It is hereby found and determined that all actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed in Council as an emergency this the 26th day of January, 2010.

Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None.

Adopted: _____

Approved: _____

Effective: _____

By: _____

Robert W. Donham, III – Mayor

Attest:

Fiscal Officer - Lloyd Billman

Approved as to form:

Village Solicitor – Thomas Reitz

Resolution 2010- Exhibit "A"

Notice to Remove Litter

To: _____

In accordance with Resolution 2010 _____ and Ohio R.C. 731.51, you are notified that you are required to remove litter on your land located at _____

If the litter is not removed by _____, 20__ [at least 15 days], the Village will cause the litter to be removed at an estimated cost of \$_____ and send you an invoice for such expense upon completion of the work.

If you fail to pay the invoice within _____ days, the expense will be assessed upon the land described above and made a lien thereon and be collected in the manner provided by law.

A copy of Resolution _____ is enclosed.

Village of Windham, Portage County, Ohio:

By _____

Date _____