

VILLAGE OF WINDHAM
OHIO
ORDINANCE O-2012-47

**AN ORDINANCE AMENDING SECTION 521.08 OF THE WINDHAM
CODIFIED ORDINANCES TO ESTABLISH A PENALTY FOR VIOLATIONS
OF SECTION 521.08 LITTERING AND DEPOSIT OF
GARBAGE, RUBBISH, JUNK.**

WHEREAS, the Service Committee of the Village Council has determined that the current penalty for violating Section 521.08(e) is inadequate; and

WHEREAS, the Service Committee has recommend to the Village Council that the penalty incrementally increase for each subsequent violation within a year.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Windham, County of Portage, State of Ohio, a majority or more of the members thereto elected concurring that:

Section 1: That Section 521.08(e) is amended by the addition of the following sentence at the end of the current text: "Each day of violation shall constitute a separate offense."

Section 2: The current Section 521.08 sub-paragraph (g) is hereby repealed.

Section 3: That Section 521.08(g) is enacted as follows:

- (g) The penalties for violating sub-section (e) of this section are as follows:
- i. For a first violation of sub-section (e) hereof within one year the offense is a minor misdemeanor.
 - ii. For a second violation of sub-section (e) hereof within one year the offense is a fourth degree misdemeanor.
 - iii. For a third violation of sub-section (e) hereof within one year the offense is a third degree misdemeanor.
 - iv. For a fourth violation of sub-section (e) hereof within one year the offense is a second degree misdemeanor.
 - v. For a fifth violation of sub-section (e) hereof within one year the offense is a first degree misdemeanor.

Section 4: 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.

First Reading: November 27, 2012

Second Reading: December 12, 2012

Third Reading: December 18, 2012

Passed in Council this 18th day of December, 2012

Vote of Council: Ayes: Ms. Blewitt, Mr. Snyder, Mrs. Miranda, Mrs. Barrett, Mr. Garrett, Mrs. Prem Nays: None.

ATTEST:

APPROVED:

Fiscal Officer, Lloyd Billman

Robert W. Donham, II, Mayor

APPROVED AS TO FORM:

Village Solicitor, Thomas Reitz