

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2014-54

By Richard T. Malott Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

### AMENDING BERA CODIFIED ORDINANCE SECTION 947.05, EXCEPTIONS, OF CHAPTER 947, WASTE MATERIALS AND JUNK, IN PART NINE, GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BERA, AND DECLARING AN EMERGENCY.

**WHEREAS**, the use and storage of garbage cans, trash containers and similar containers has heretofore been the subject of conflicting and unclear regulations in the City of Berea; and

**WHEREAS**, the transition to automated trash and recycling pickup in the city has resulted in the need to coordinate and conform various sections of the Codified Ordinances of the City of Berea; and

**WHEREAS**, the exterior maintenance of all properties within the City of Berea will increase the property value of all properties in the City and increase the aesthetic appeal of the City as a whole.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That Section 947.05, Exceptions, of Chapter 947, Waste Materials and Junk, of Part Nine, General Offenses Code of the Codified Ordinances of the City of Berea, which has heretofore read as follows:

#### 947.05 EXCEPTIONS.

This chapter does not prohibit:

(a) The collection and disposition of garbage and refuse by the City. However, no such disposition shall be so conducted as to constitute a nuisance in violation of Ohio R.C. 3707.39.

(b) The conduct of the business of junk dealer pursuant to a license granted in accordance with Chapter ~~535~~. However, notwithstanding the provisions of Chapter ~~535~~, no premises shall be used for the conduct of the business of junk dealer within the City except in a district thereof designated by the Zoning Ordinance and Zoning Map of the City as a General Industrial District.

(c) The keeping, by any person who is the owner, occupant or person in possession of any property, of such garbage and refuse as accumulates on such property from the last municipal garbage and rubbish collection available for such property, provided any such garbage is kept in receptacles meeting the requirements of Chapter ~~321~~. Such receptacles, except on the day scheduled for municipal garbage and rubbish collection for such property, shall be kept behind the setback building line established by the Zoning Ordinance and Zoning Map of the City for such property.

(d) The keeping of waste material entirely within a building or garage, provided no garbage, waste or putrid substances shall be so kept, and provided, further, such building or garage shall be reasonably weathertight, watertight and rodentproof, and, if subject to the provisions of the Housing Code of the City, is in conformity with the requirements of such Housing Code.

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(e) Building construction activities, including the construction, location and use of vehicles and other equipment on or in connection with any such temporary facilities, provided such building construction activities are in conformity with the provisions and requirements of the Zoning Ordinance and Zoning Map of the City, and in conformity with any rules and regulations issued by the Board of Zoning Appeals thereunder.

(Ord. 1966-29. Passed 4-18-66.)

shall be and is hereby amended to read in its entirety as follows:

## 947.05 EXCEPTIONS.

This chapter does not prohibit:

(a) The collection and disposition of garbage and refuse by the City or an authorized contractor hired by the city. However, no such disposition shall be so conducted as to constitute a nuisance in violation of Ohio R.C. 3707.39.

(b) The conduct of the business of junk dealer pursuant to a license granted in accordance with Chapter 535. However, notwithstanding the provisions of Chapter 535, no premises shall be used for the conduct of the business of junk dealer within the City except in a district thereof designated by the Zoning Ordinance and Zoning Map of the City as a General Industrial District.

(c) The keeping, by any person who is the owner, occupant or person in possession of any property, of such garbage and refuse as accumulates on such property from the last municipal garbage and rubbish collection available for such property, provided any such garbage is kept in receptacles meeting the requirements of Chapter 321. Such receptacles, except on the day scheduled for municipal garbage and rubbish collection for such property, shall be kept behind the setback building line established by the Zoning Ordinance and Zoning Map of the City for such property and shall be stored in such a manner as to be substantially screened from view from the street.

(d) The keeping of waste material entirely within a building or garage, provided no garbage, waste or putrid substances shall be so kept, and provided, further, such building or garage shall be reasonably weathertight, watertight and rodentproof, and, if subject to the provisions of the Housing Code of the City, is in conformity with the requirements of such Housing Code.

(e) Building construction activities, including the construction, location and use of vehicles and other equipment on or in connection with any such temporary facilities, provided such building construction activities are in conformity with the provisions and requirements of the Zoning Ordinance and Zoning Map of the City, and in conformity with any rules and regulations issued by the Board of Zoning Appeals thereunder.

**SECTION 2.** That the remaining existing Sections of Chapter 947 shall be and remain in full force and effect as previously written and codified.

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**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

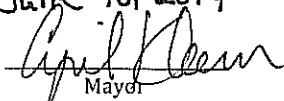
**SECTION 4.** That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare and for the further reason that it is immediately necessary to allow the enforcement of this section by the Housing Officer as it provides for the usual daily operation of the Housing Department. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage an approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: June 9, 2014

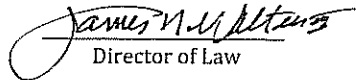
  
\_\_\_\_\_  
President of Council

ATTEST:   
Clerk of Council

APPROVED: June 10, 2014

  
\_\_\_\_\_  
Mayor

Approved as to Form:

  
Director of Law