

Dane

TITLE XVII: MUNICIPAL REGULATIONS

This title contains ordinances passed by your municipality

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LOCAL MUNICIPAL REGULATIONS

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PUBLIC WORKS

GARBAGE AND REFUSE COLLECTION

§50.01 DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

“GARBAGE” All refuse and animal and vegetable matter which has been used for food for man, all refuse and animal and vegetable matter that was intended to be so used, and includes condemned foods. This meaning shall include excess fruit from trees on residential property, but not from trees on farms or orchards.

“HOUSEHOLD RUBBISH” Includes the pickup from the curb line only of residential property household goods, household refuse, tin cans, bottles, crockery, broken glass, rags, grass clippings and other similar debris, hedge cuttings and shrubbery trimmings bundled, boxed, or otherwise contained, furnace pipe, incinerator refuse and ashes of all kinds and descriptions, wood not over 36 inches in length, all rubbish, trash, debris, waste, litter, scrap, packing, excelsior, straw, metal, cooking utensils, toys, porcelain, carpeting, leather, rubber, shoes, clothing, cardboard, and trimmings. Excluded from “HOUSEHOLD RUBBISH” will be garbage, broken concrete and other refuse from repairs, alterations, and new construction of buildings and sidewalks, tree limbs and trunks over 36 inches in length and debris from commercial or industrial establishments.

“RUBBISH” All rags, broken glass, crockery, bottles, tin cans, waste basket debris, grass cuttings, small household refuse placed in approved containers, generally including incinerator ashes and refuse from paper burners, ashes from heating plants and coal stoves. (Ord. 0-22-83, passed 8/16/83)

§50.02 CONTAINER AND PLACEMENT REQUIREMENTS

A. Each dwelling, commercial, and institutional occupant shall place his garbage and refuse at the curb line or alley line and shall provide for itself and at its own expense, one or more of the following containers:

1. Refuse containers may be metal, rubber, or plastic, not to exceed 30 gallons of capacity. Disposable polyethylene bags designed to be used as containers may be used and are to be sealed or closed at the top. Metal tubs or disposable boxes may be used as containers for ashes, yard clippings, or paper. Containers shall be maintained in good condition and kept in as sanitary condition as is compatible with their intended use.

2. Garbage containers may be metal, rubber, plastic, watertight containers not to exceed 30 gallons of capacity. Garbage placed in these containers shall be drained and wrapped

tightly in newspaper, plastic bags, or treated waterproof bags.

3. Garbage and rubbish may be mixed in any of the above named containers.

B. Additional items not fitting within the containers named above shall be collected by the garbage and refuse service as follows: Bundles of brush, hedge and tree trimmings, cardboard, paper, wood, and the like may be placed as designated herein for collection. Bundles shall be securely tied and shall not exceed four feet in length, to feet in diameter, nor weigh more than 50 pounds.

C. Each container placed at the curb or alley as designated above and each other item set out for collection shall be placed at such location no earlier than 24 hours prior to the regular date for collection in the locality as established by the Mayor. The containers shall be removed from the required location within 24 hours after the collection has taken place.

D. No person shall deposit garbage or refuse in violation of this section or otherwise fail to comply with the requirements set forth herein.

§50.03 FREQUENCY; RATES EXCEPTIONS

A. All individual residential units and dwellings shall receive garbage and refuse service at a frequency of once a week, and a maximum of two 30-gallon containers will be permitted for any one unit. A residential unit is considered to be made up of one family, and each apartment in a multiple-family dwelling or complex shall be considered and billed as a separate unit. Neighbors shall not use any other containers except their own. Containers will not weigh more than 75 pounds each.

B. Each commercial or business operation, or institutional establishment shall receive garbage and refuse service at a frequency of two times per week for the same number of containers, and under the same restrictions, as provided in Division "A" above.

C. Each individual residential unit or dwelling, as well as each commercial or business operation or institutional establishment shall be charged a monthly rate of \$6.00 per month for the garbage and refuse service.

D. Industrial wastes shall not be collected pursuant to this chapter and any such waste must be removed either by the making of special arrangements with the village contract hauler or by private contract arranged with a private licensed hauler by the owner of the dwelling, commercial enterprise or institution.

E. All dwelling, commercial, and institutional accounts shall be permitted to contract with a commercial licensed refuse collector in lieu of using the service provided by the village, provided such dwelling, commercial, or institutional occupant complies with §50.05 hereof.

F. The occupancy of any residence, apartment unit, commercial building, or institution shall be prima facie evidence that garbage or rubbish is being produced and accumulated on such premises, and that the applicable service charges for the collection and disposal thereof, are due the village.

G. All dwellings, commercial enterprises, or institutions shall use the collection service provided by the village unless exempted pursuant to the provisions set forth in §50.05 hereof. Penalty, see §50.99.

§50.04 BILLING; ADDITIONAL RULES

A. The above stated charges for garbage and refuse service shall be billed together with the charges for water and sewer charges by the Village Council of the village to each dwelling, commercial, and institutional establishment receiving such service. The moneys received from such collection shall be deposited in the General Fund and appropriated therefrom for the purposes of garbage and refuse collection service. Any surplus thereafter may be used for other village services.

B. The collection of such rates shall be made by the Village Council at the Strasburg Municipal Building or by agents heretofore designated by the council, and shall be subject to the rules and regulations promulgated by the council for the collection of water and sewer charges as the same are set forth in Ordinance 0-31-80 as enacted January 5, 1981, or as the same may be amended from time to time by said Board.

C. The Village Council may promulgate such additional rules and regulations regarding the collection and payment of such accounts as may be necessary for the adequate supervision of the collections. Penalty, see §50.99.

§50.05 EXEMPTIONS

A. Any person, firm, partnership, or corporation may refuse receipt of the collection service provided they have made alternate provision for the adequate disposal of garbage and refuse. Any person, firm, partnership, or corporation desiring not to receive collection service from the village shall file with the Mayor a sworn affidavit on a form to be provided by the Mayor. Such affidavit shall be notarized and shall include the following information:

1. The location at which service is not desired.
2. The alternate method to be used for the disposal of garbage and refuse.
3. The name of any commercial hauler with whom the affiant has contracted for service.

B. Failure to file the aforementioned affidavit and the failure to make alternate

provisions for the adequate disposal of garbage and refuse, shall result in a charge for trash collection to be assessed against such person, firm, partnership, or corporation without regard to whether the service of the village is used.

§50.06 LICENSING OF COMMERCIAL HAULERS

A. No person shall engage in the business of hauling rubbish, refuse, or garbage within the corporation limits without first obtaining an annual license therefore from the Mayor.

B. The Mayor shall investigate each application to determine the suitability of such applicant to render the services of a hauler. Applicants shall annually furnish and file with the Mayor the following:

1. The name of each person in the employ of the hauler.
2. The age and type of equipment to be used in the collection process.
3. A statement of the amount of liability insurance coverage on the vehicles, equipment, and business, and the name of the carrier of such policies.
4. The proposed place at which the refuse will be disposed.
5. A copy of the Solid Waste Hauler's Permit issued by the Tuscarawas County Department of Health.

C. If the Mayor denies a license to any applicant, such applicant may appeal the denial to Council by filing with the office of the Mayor a notice of appeal within 30 days of the denial by the Mayor. The Mayor shall within five days thereafter refer such appeal to the Clerk of Council and Council shall hear and rule on such appeal at its next regular session after receipt thereof.

D. An annual fee of \$25.00 shall be charged by the Mayor for the issuance of such license. Penalty, see §50.99.

§50.07 REDUCTION IN RATES: RESIDENTIAL

A. The occupant of any residence in need of receiving the garbage and rubbish collection service of the village, but, who because of limited or fixed income, is unable to pay the regular monthly charge set forth in this chapter, may once annually apply to the Village Council for a reduction, but not an elimination of such rate.

B. All applications shall be considered on an annual basis and must be filed or renewed annually. Penalty, see §50.99.

§50.08 PROHIBITIONS

A. No person, firm, or corporation shall, with intent to avoid the payment of the garbage disposal fees set out in this chapter, place garbage or trash in a receptacle for garbage or trash intended for the use of another.

B. No person, firm, or corporation shall, with intent to assist a nonsubscriber in avoiding payment of a garbage disposal fee set forth in this chapter, set out or permit such nonsubscriber from setting out for collection, garbage or rubbish that originated from such nonsubscriber's premises.

C. No person shall, with intent to avoid payment of the garbage disposal fees set out in this chapter, materially misrepresent any matter to the Mayor, Clerk, or Village Council. Penalty, see §50.99.

§50.99 PENALTY

A. Whoever violates §50.08 A, B, or C is guilty of a misdemeanor of the fourth degree.

B. Whoever violates any other provision of this chapter is guilty of a minor misdemeanor.

WATER AND SEWER

§60.01 DEFINITIONS

The following terms shall have the following meanings, as used in this chapter:

- (e) "Act": the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, and any amendments thereto; together with any guidelines, limitations, and standards promulgated by the EPA pursuant to the Act.
- (f) "Administrator": the Strasburg Village Administrator or the authorized representative of the Strasburg Village Administrator.
- (g) "Building drain": that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning 3 feet outside the exterior face of the building wall. This definition includes pipes and drains which carry polluted wastewater and specifically excludes footer and foundation drains.
- (h) "Building sewer": the extension from the building drain to the public sewer or other place of disposal.

- (i) "By-pass": the intentional diversion of wastestreams from any portion of the Village's wastewater treatment plant.
- (j) "CBOD" (carbonaceous biochemical oxygen demand): a measure of dissolved oxygen required during the stabilization of the carbonaceous portion of organic matter through biochemical action, which shall be measured according to "40 CFR 136". CBOD shall be measured as milligrams per liter 5 days at 20°C.
- (k) "Combined sewer": a sewer intended to receive both wastewater and surface runoff or ground water.
- (l) "Council": Strasburg Village Council.
- (m) "Debt service charge": a charge levied on all users of the wastewater treatment works to provide funds necessary to meet the principal and interest payments of the debt incurred to pay for the cost of the wastewater treatment works improvements, based upon the volume of wastewater flow from each user.
- (n) "Domestic": a residential user of the wastewater treatment works.
- (o) "Domestic wastes": wastes originating from a residential user of the wastewater treatment works or from sanitary conveniences that are operated by an industrial user, commercial user, or an institutional/governmental user. Domestic wastes do not include industrial wastes.
- (p) "EPA": Ohio Environmental Protection Agency or the United States Environmental Protection Agency, or any person authorized to act for either agency.
- (q) "Extra strength surcharge": a charge levied on some users of the wastewater treatment works (in addition to a user charge) for wastes discharged which exceed normal concentrations, based upon the volume of wastewater flow from each user. The extra strength surcharge shall be based upon average concentrations of wastes weighted in proportion to volume of flow, determined each billing period by the method most practical to the Village, in the Administrator's opinion.
- (r) "Garbage": solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (s) "Grease": a constituent in wastewater as identified in "40 CFR 136".
- (t) "Incompatible pollutant": a constituent in wastewater which interferes with the operation and performance of the wastewater treatment works.
- (u) "Industrial wastes": any liquid, gaseous, or solid waste resulting from any process, industry,

trade, or business, or from the development, processing or recovery of any natural resource, together with such sewage as is present.

- (v) "Intercepting sewer": a sewer intended to receive flows from both combined sewers and sanitary sewers, or a sewer whose primary purpose is to transport wastewater from collector (local) sewers to the wastewater treatment plant.
- (w) "Interference": a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, use or disposal; and therefore, is a cause of a violation of Strasburg's NPDES permit or the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Reserve Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research and Sanctuaries Act.
- (x) "May": is permissive; "shall" is mandatory.
- (y) "Natural outlet": any outlet, including storm sewers and combined sewer overflows, into a watercourse or into the waters of the state.
- (z) "Normal concentrations": wastewater which does not exceed the following concentrations shall be considered to be of normal concentrations:
 - 1. CBOD: 200 milligrams per liter (mg/l); and
 - 2. Suspended solids: 300 mg/l.
- C. "Notice": notice of a fact or event to be given to a user pursuant to this ordinance shall be in writing and sent by first class mail to the user at the address to which the user's water and sewer bill is to be sent at the time said notice is given.
- D. "NPDES permit": the National Pollutant Discharge Elimination System Permit No. 3PC00100*DD or an equivalent document or requirements issued by the Ohio EPA to the Village to regulate the discharge of pollutants.
- E. "Pass Through": a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the Strasburg NPDES permit, including an increase in the magnitude or duration of a violation.
- F. "Person": any individual, firm, company, industry, association, society, corporation, or

group.

- G. "pH": the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of the hydrogen ions, in grams, per liter of solution.
- H. "Pollutant": shall mean any noxious chemical or other refuse material that impairs the purity of water.
- I. "Pretreatment": the treatment of wastewater from sources before introduction into the building drain. Septic tanks shall not be considered pretreatment.
- J. "Private sewer": a sewer constructed and serving individual owners or persons under private ownership.
- K. "Properly shredded garbage": the solid waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions that normally prevail in public sewers, with no particles greater than $\frac{1}{2}$ inch in any dimension.
- L. "Public sewer": a common sanitary sewer in which all owners of abutting properties have equal rights, controlled by the Village.
- M. "Sanitary sewer": a sewer, including conventional gravity sanitary sewers and small diameter sanitary sewers, that carries liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- N. "Sanitary sewer charges": the aggregate of rates established by 3 separate charges: user charges, extra strength surcharges, and debt service charges.
- O. "Septage": the materials, both liquid and solid, removed from a septic tank.
- P. "Septic tank": a watertight covered receptacle designed and constructed to receive the discharge of wastewater from a building sewer and to discharge the effluent from the settled and floating solids.
- Q. "Sewage": any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals, which if discharged would cause pollution to the waters of the state.
- R. "Sewer": a pipe or conduit that carries wastewater or drainage water.
- S. "Slug": any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes

more than 5 times the average 24 hour concentration of said constituent or quantity of said flows during normal operation, and which concentration or quantity of said flows during normal operation, and which concentration or quantity of flow shall adversely affect the performance of the wastewater treatment works.

- T. "Standard Methods": the latest edition of the publication, "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", as published by the American Public Health Association.
- U. "Storm sewer": a sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
- V. "Suspended solids": total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "40 CFR 136".
- W. "Unpolluted water": water of quality equal to or better than the effluent criteria in effect under the NPDES permit or water that would not cause violation of the receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and treatment at the wastewater treatment plant.
- X. "Upset": means an exceptional incident in which there is an unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the Village.
- Y. "User": a person who discharges wastewater to the wastewater treatment works.
- Z. "User charge": a charge levied on all users of the wastewater treatment works with normal concentrations of waste for the cost of operation, maintenance, and replacement of such works, based upon the volume of wastewater flow from each user.
 - 1. "Operation and Maintenance": the administration, monitoring, inspection, reviewing applications, maintenance of equipment, collection, pumping, treatment, and disposing of wastewater, necessary to assure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.
 - 2. "Replacement": the acquisition and installation of equipment, accessories, and appurtenances necessary during the service life of the wastewater treatment works to maintain the capacity and performance for which said works were designed and constructed.
- (uu) "User class": any class of users of the wastewater treatment works, defined as follows:

1. "Residential user": any person that discharges waste to the sanitary sewer system from a dwelling unit. A dwelling unit can mean, but is not necessarily limited to, houses, apartments, manufactured homes, and mobile homes, used primarily for residential occupancy.
 2. "Industrial user": any non-governmental user discharging an industrial waste to a publicly owned treatment works as identified as a "Division A, B, D, E, or I" industry in the Standard Classification Manual, 1972, Office of Management and Budget, as amended and supplemented. A user in the Division A, B, D, E, or I may be excluded if it is determined that the industry will introduce primarily segregated domestic wastes.
 3. "Commercial user": any non-residential or non-industrial user that discharges waste to the sanitary sewer system from a commercial establishment. A commercial establishment can mean, but is not necessarily limited to, retail establishments, service enterprises, and other business or community activities.
 4. "Institutional/governmental user": any non-residential, non-industrial, and non-commercial user that discharges waste to the sanitary sewer from an institutional/governmental establishment. An institutional/governmental establishment can mean, but is not necessarily limited to, education facilities, churches and synagogues, and federal, state, and local governmental administration and service facilities.
- (vv) "Village": Village of Strasburg, Tuscarawas County, Ohio, and any area under its jurisdiction.
- (ww) "Village specifications": the most recent version of the Village of Strasburg Standard Specifications for Sanitary Sewers adopted by Council.
- (xx) "Wastewater" or "Wastes": the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried sewage from residences, commercial buildings, industries, and institutions, together with any ground water, surface water, and storm water that may be present.
- (yy) "Wastewater treatment plant": that portion of the wastewater treatment works required to treat wastewater and septage and dispose of the effluent.
- (zz) "Wastewater treatment works": the structures, equipment, parcels of land, easements, and processes required to collect, carry away, and treat wastewater and dispose of the effluent of the Village. Wastewater treatment works shall include septic tanks, sanitary sewers, and intercepting sewers, but shall not include storm sewers. Also known as the Publicly Owned Treatment Works (POTW).

- (aaa) "Watercourse": a channel in which a flow of water occurs, either continuously or intermittently.
- (bbb) "Waters of the state": all streams, lakes, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, which are situated wholly or partly within, or border upon, the State of Ohio, or are within its jurisdiction, except those private waters which do not combine or effect a function with natural surface or underground waters.

§60.02 REGULATIONS

- (a) It shall be unlawful for any person to place or deposit, or permit to be placed or deposited, in an unsanitary manner upon public or private property within the Village any human excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the Village any wastewater, septage, industrial wastes, or other pollutants, except where suitable treatment has been provided in accordance with this chapter. Nothing in this chapter shall be deemed to control wastes which are discharged pursuant to any NPDES permit, other than the NPDES Permit issued to the Village.
- (c) It shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for ultimate disposal of wastewater. In areas where sanitary sewers are not available for connection, or if the structure is not within 200 feet of an existing sanitary sewer, septic tank and leach field installations may be installed with prior written approval from the Administrator. Septic tank and leach field installations shall be installed per Tuscarawas County Health Department requirements.
- (d) In making tap connections to the sanitary sewer lines of the Village, all existing septic tanks shall be bypassed. No sewage passing through a septic tank shall be discharged into the sanitary sewer lines of the Village.
- (e) Every person who owns any real property which has a structure located on it which contains sanitary conveniences shall connect to the sanitary sewer if the structure is within 200 feet of the sanitary sewer, within 60 days of the effective date of this ordinance, the erection of said structure, or the installation of said sanitary conveniences, whichever occurs last. If the person fails to connect within said period, the Village shall give the owner notice of this connection requirement. If no connection is made within 30 days of the receipt of said notice, the Village shall then proceed to make such connection at the expense of the owner and assess it against the real property so served. Sanitary sewers and all connections shall be constructed in accordance with the Village specifications.
- (f) No down spouts, surface water drains, or other devices for collecting storm or surface water

drainage from any structure or surface area shall be permitted to connect or drain into the Village sanitary sewer system.

- (g) No broken pipes, tiles or other drainage devices shall be permitted in the sanitary sewer system of the Village, whether on public or private property; nor shall subsurface water be permitted to enter the system through improper fitting connections.
- (h) The Village, through its authorized agents, shall be permitted to enter onto the property of any Village residence, commercial, industrial or other property within the Village, or upon the property of any such user of the Village sanitary sewer system, and upon any lands through which the Village sanitary sewer system traverses, for the purpose of checking for leaks, smoke testing, and for any other lawful purpose to ascertain that all surface and underground waters are not directed or permitted to flow into the sanitary sewer system.
- (i) As soon as the Village has determined that surface, subsurface or other waters not permitted in the sanitary sewer system are entering such system, it shall, by certified mail, or any other method deemed advisable by the Village, cause notice of the infiltration or improper connection to be served upon the property owner. Following receipt of such notice, the property owner shall have 60 days in which to repair, replace or disconnect any drain, tile or other device causing improper waters to enter the sanitary sewer system.
- (j) The Village may use smoke, dye or any other device or devices in checking the sanitary sewer system for leaks, broken tiles and improper connections, and the Village shall not be held responsible or liable in damages from any damages resulting from the use thereof where improper connections or conditions are found.
- (k) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Administrator and by other regulatory agencies with appropriate jurisdiction. Unpolluted industrial cooling water or process waters may be discharged on approval by the Administrator to a storm sewer or natural outlet.
- (l) It shall be unlawful to deposit septage wastes into a public sewer, storm sewer, or natural outlet.
- (m) Private sewers that are tributary or potentially tributary to the public sewer shall comply with the Village specifications. The Village shall be granted sufficient access or right-of-way to private sewers for inspection, supervision, testing, and enforcement of all health, sanitation, safety, and sewer regulations.
- (n) Each user shall protect from accidental discharge of prohibited or limited substances regulated by this ordinance. Facilities to prevent accidental discharge of said substances shall be provided when required by the Administrator and maintained at the user's own cost

and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Administrator for review, and shall be approved by council before construction of the facility may begin. Review and approval of such plans and operating procedures shall not relieve the user of the responsibility to modify the facility as necessary to meet the requirements of this chapter.

- (o) In the case of an accidental discharge of prohibited or limited substances regulated by this chapter, the user shall immediately notify the Administrator of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions taken by the user to prevent future discharges. Within 5 days following an accidental discharge, the user shall submit to the Administrator a detailed written report describing the cause of the discharge and measures to be taken to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater treatment works, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.
- (p) Instructions advising the user's employees of the proper notification procedures in the event of an accidental discharge of prohibited or limited substances regulated by this chapter shall be permanently posted by the user in an prominent place. Employers shall advise all employees who may cause such a discharge to occur of said notification procedures.
- (q) No authorized person shall maliciously, willfully, or negligently break, damage, destroy, alter, remove, uncover, deface, interfere with, or tamper with, or cause another to do the same, any sewer, structure, appurtenance, or equipment which is part of the wastewater treatment works.

§60.03 PROHIBITED SUBSTANCES

No person shall discharge or cause to be discharged any of the following described waters or wastes to the public sewer:

- (a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- (b) Gasoline, benzene, naphtha, fuel oil, thinner, or other flammable, highly volatile, or explosive liquid, solid, or gas.
- (c) Any waters or wastes having a pH lower than 5.0 or higher than 10.5, or having any other

corrosive property capable of causing damage or hazard to the wastewater treatment works, its personnel, or to the public health and welfare.

- (d) Solid, viscous, or other substances in quantities or of such size as to be capable of obstructing the flow in the public sewer or otherwise interfering with the proper operation of the wastewater treatment works including, but not necessarily limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage that has not been properly shredded, whole animal blood, manure, animal hair and fleshing, animal entrails, paper dishes, cups, paper, cardboard, or plastic containers.
- (e) Pollutants, including oxygen-demanding pollutants (CBOD, etc.) released in a discharge at a flow rate and/or pollutant concentrations which, either singly or by interaction with other pollutants, which cause interference to the POTW.

§60.04 LIMITED SUBSTANCES

The following described substances, materials, waters, or waste shall be discharged to the public sewer only in concentrations or quantities which will not harm either the wastewater treatment works or its personnel, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives or public property or constitute a nuisance. The Administrator may set limitations more restrictive than the limitations established below if said limitations are necessary to meet the objections of this chapter, in the Administrator's opinion. Deliberate dilution with unpolluted water to meet the concentrations established below shall not be acceptable. In forming an opinion as to acceptability, the Administrator shall give consideration to such facts as the quantity of subject waste in relation to flows and velocities in the public sewer, materials of construction of the public sewer, the wastewater treatment process employed, the capacity of the wastewater treatment plant, the degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors:

- (a) Wastewater with a CBOD concentration greater than 600 parts per million or with a suspended solids concentration greater than 900 parts per million.
- (b) Wastewater having a temperature higher than 150° F.
- (c) Wastewater containing more than 50 mg per liter of petroleum oil, non-biodegradable cutting oils, any product of mineral oil origin, or floatable oils, fat, wax or grease.
- (d) Wastewater containing toxic, hazardous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (e) In accordance with Section 307(a) of the Clean Water Act (33 U.S.C. 1317(a)), the following concentrations shall be considered toxic and/or hazardous and shall not be exceeded in

wastes discharged to the public sewers:

(1)	Arsenic:	0.2 mg/l.
(2)	Barium:	1.0 mg/l.
(3)	Boron:	5.0 mg/l.
(4)	Cadmium:	0.1 mg/l.
(5)	Chromium +3:	0.5 mg/l.
(6)	Chromium +6:	0.5 mg/l.
(7)	Cobalt:	1.0 mg/l.
(8)	Copper:	0.5 mg/l.
(9)	Cyanide (CN):	None permitted.
(10)	Fluoride:	5.0 mg/l.
(11)	Iron:	5.0 mg/l.
(12)	Lead:	0.5 mg/l.
(13)	Mercury:	0.02 mg/l.
(14)	Molybdenum:	5.0 mg/l.
(15)	Nickel:	2.0 mg/l.
(16)	Phenols:	5.0 mg/l.
(17)	Radioactive substances: Gross Beta Activity (in the known absence of strontium and Alpha emitters)	1000/micro curies per liter.
(18)	Selenium:	0.10 mg/l.
(19)	Silver:	0.03 mg/l.
(20)	Sulfides:	50.0 mg/l.
(21)	Total dissolved solids:	1500 mg/l.
(22)	Tungsten:	5.0 mg/l.
(23)	Zinc:	2.0 mg/l.

These maximum concentrations may be changed as necessary by the Administrator or by federal or state regulatory agencies based on new information concerning inhibitory substances or to protect the treatment plant process. Industrial discharges covered by federal pretreatment requirements shall meet those limitations specified in the effluent regulations published pursuant to Section 307(b) of the Clean Water Act (33 U.S.C. Section 1317(b)), or the above concentrations, whichever limitations are more stringent.

- (f) Wastewater containing odor-producing substances exceeding limits which may be established by the Administrator or any local or state regulatory agencies.
- (g) Quantities of flow, concentrations, or both which constitute a "slug".
- (h) Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment but not to such a degree that the wastewater treatment plant effluent can meet the requirements of other agencies having jurisdiction over discharges to the waters of the state.

- (i) Wastewater which by interaction with other water or wastes in the public sewer, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition deleterious to the wastewater treatment works.
- (j) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
- (k) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment.
- (l) Trucked or hauled pollutants, except at discharge points designated and approved by the Administrator.
- (m) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Strasburg's NPDES permit.
- (n) Wastewater containing radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- (o) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless authorized by the Administrator.
- (p) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (q) Medical wastes, except as specifically authorized by the Administrator in a wastewater discharge permit.
- (r) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (s) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

§60.05 CONTROL OF WASTEWATER DISCHARGES

- (a) If any wastewater is discharged or proposed to be discharged to the public sewer which exceeds the normal concentrations of wastes, or which contains the substances or possesses the characteristics enumerated in Section 60.04 and which in the opinion of the Administrator may have a deleterious effect upon the wastewater treatment works or receiving waters, including a violation of applicable water quality standards, or which may otherwise create a hazard to life or constitute a public nuisance, the Administrator may take

any or all of the following actions:

- (1) Reject the waste and/or prohibit the further discharge of the waste.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewer.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment by the user causing said discharge to cover the added cost of handling and treatment of the wastewater so discharged.
- (b) All industrial wastes discharged to the public sewer by major contributing industries shall at a minimum meet the national pretreatment standards or best practical control technology currently available for incompatible pollutants as promulgated pursuant to Section 307(b) of the Clean Water Act (33 U.S.C. Section 1317(b)), unless the Village is committed by its NPDES permit to remove a specified percentage of the incompatible pollutant. In those instances the applicable pretreatment standards may be correspondingly reduced to levels determined by the Administrator or by the EPA.
- (c) If the Administrator requires pretreatment or equalization of waste flow, the design and installation of the pretreatment equipment shall be subject to the review and approval of the Administrator and the EPA, and subject to the requirements of all applicable codes, ordinances, and laws.
- (d) Where pretreatment or flow-equalizing facilities are provided or required for all wastes, they shall be maintained continuously in satisfactory and effective operation by the user at the user's expense.
- (e) Grease, oil and sand interceptors shall be provided by the user when, in the opinion of the Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Administrator.
- (f) Within 90 days after passage of this chapter, each person whose operation entails the discharge of industrial wastes or other wastewaters deemed to be significant by the Administrator to the public sewer shall prepare and file with the Administrator a written statement setting forth the nature of the operation contemplated or presently carried on, the amount and source of water required for use, the proposed point of discharge of said wastes into the wastewater collection system of the Village, the estimated amount to be so discharged, and a statement setting forth expected bacterial, physical, chemical, and other known characteristics of said wastes. After the passage of this chapter, every new commercial and industrial user or other wastewaters deemed to be significant by the

Administrator that applies to the Village for sewer service shall provide said information with said application. Within a reasonable time of receipt of such statement, the Administrator shall make an order stating such minimum restrictions as in the Administrator's opinion may be necessary to adequately guard against unlawful uses of the Village's treatment works by each of said persons.

- (g) When circumstances exist which would place an unreasonable burden on the person to comply with the time schedule imposed by subsection (f) hereof, a written request for an extension of time stating the reasons for such a request may be presented for the consideration of the Administrator. No extension of time shall exceed 90 days.
- (h) Nothing in this chapter shall prevent any special agreement or arrangement between the Village and any user whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to possible payment therefor by the user.

§60.06 ADDITIONAL REGULATIONS

- (a) The Administrator is hereby authorized to make and enforce such regulations as may be necessary or proper to provide for:
 - (1) The safe, economical, and efficient management and protection of the wastewater treatment works.
 - (2) The treatment, pumping, and disposal of wastewater, wastes, and storm waters and any pumping, transmission, or facilities therefor.
 - (3) The construction, repair, maintenance, and use of the wastewater treatment works, including the materials used in and methods employed in the performance of work pertaining thereto.
 - (4) Such applications, permits, and other forms or documents as may be necessary or convenient to the discharge of the Administrator's duties and responsibilities regarding the enforcement of the provisions of this chapter.
- (b) Said regulations must be approved by Council. When so approved, said regulations shall be enforced to the same extent as the provisions of this chapter or other legislation enacted by Council, and violations thereof shall be punished as provided in Section 60.99.

§60.07 SEPTAGE RECEIVING FACILITY USE REGULATIONS

- (a) Preamble. These regulations are promulgated pursuant to the authority found in Section 60.06 of the Strasburg Municipal Regulations, which authorizes the Administrator to make and enforce regulations as may be necessary or proper regarding the operation of the

Strasburg Wastewater Treatment Plant. Upon approval by Council these regulations shall have the same force and effect as a Strasburg Ordinance and shall be punishable as provided in Section 60.99.

(b) Definitions.

- (1) "Domestic wastes" shall have the same meaning as found in Section 60.01(k).
- (2) "Extra-strength surcharge" shall have the same meaning as found in Section 60.01(m).
- (3) "Commercial/Industrial waste" shall have the same meaning as "industrial waste" found in Section 60.01(q).
- (4) "Interference" shall have the same definition as found in Section 60.01(s).
- (5) "Septage" shall have the same definition as found in Section 60.01(ii).
- (6) "Septic tank" shall have the same meaning as found in Section 60.01(jj).
- (7) "Plant" shall mean the Strasburg Wastewater Treatment Plant.
- (8) "Facility" shall mean the part of the plant where domestic waste, septage and commercial/industrial waste is accepted hereinafter sometimes referred to as the Septage Receiving Facility.
- (9) "Waste" shall mean domestic waste, septage or commercial/industrial waste.
- (10) "Person" means any person, organization, corporation for profit or not for profit, partnership, joint venture, unincorporated association, estate, trust or other commercial entity.
- (11) "User" means any person who enters the facility to discharge waste, or who discharges or causes the discharge of waste into the facility or plant.
- (12) "Sewer Use Ordinance" means Chapter 60 of the Village Municipal Regulations as amended from time to time.

(c) General Requirements for Use Regulations and Use.

- (1) All users of the facility are required to submit, on an annual basis, a registration for septage handlers / pumpers (or similar document) issued by the Tuscarawas County Health Department or other appropriate health department (i.e. Wayne County, Stark

County, Coshocton County, Holmes County, Ashland County, Carroll County, Guernsey County). Failure to produce the required registration by July 30th each year will result in immediate termination of disposal service at the facility.

- (2) Each user must submit an application according to a form provided by the Village and pay a non-refundable application fee of one hundred dollars (\$100.00) per year.
- (3) Each user vehicle shall have the proper fittings to be compatible with the influent line for the facility.
- (4) Each user shall maintain the facility in a clean and orderly manner during and after use.
- (5) Each user must properly complete a waste manifest form and deposit at the designated receptacle at the facility.
- (6) Hours of operation shall be determined by the Strasburg Village Administrator. Plant personnel shall have the right to refuse any load, in their absolute discretion.
- (7) All persons using the facility are expected to be familiar with the provisions of Chapter 60 of the Strasburg Municipal Regulations. All of the provisions of Chapter 60 are incorporated herein by reference.
- (8) All persons are charged with liability under these regulations for the acts and omissions of any person acting as their agent, assign, employee or subcontractor whether or not that agent, assign, employee or subcontractor is acting within the scope of their authority.
- (9) Haulers shall be billed according to the capacity of their tank as being full, regardless of the actual volume to be deposited.

(d) Restrictions On Waste That Will Be Accepted By the Facility.

- (1) Only domestic waste or septage will be accepted at the facility except as specified in subsection (e) below.
- (2) For purposes of this regulation, each person shall be bound by the prohibited substances found in Section 60.03 and the limited substances found in Section 60.04.
- (3) The Village maintains the right to refuse waste at any time if, in the opinion of the Village, the waste will cause an upset or interference with the plant operations, will cause a violation of the plant's discharge permit, or is otherwise in violation of the rules and regulations of the facility or plant.

- (4) Village personnel have the right to sample each load of waste.
 - (5) The Village shall control the acceptance of any waste that any person desires to discharge to the facility pursuant to the criteria found in Section 60.05 including but not limited to requiring payment by the user causing said discharge to cover the added cost of handling and treatment of waste.
 - (6) Rates and lab fees will be charged to the user/person. All fees are listed on the Schedule of Fees for Discharge of Domestic Waste, Septage and Commercial/Industrial Waste set forth below.
- (e) Special Procedure Regarding Commercial/Industrial Waste.
- (1) All regulations in this document are applicable to commercial/industrial waste.
 - (2) Commercial/industrial waste will be accepted under limited circumstances as follows:
 - A. Only industrial or commercial waste preapproved by the Village will be accepted.
 - B. Only non-hazardous waste will be accepted.
 - C. All materials brought into the facility shall comply with all federal and state regulations for trucked waste.
 - (3) All commercial/industrial loads coming to the facility are required to pass a toxicity test prior to approval for discharge.
 - (4) Times for sampling and discharge must be arranged prior to bringing the load to the plant site. The sample taken at this time must pass the toxicity test in order to be accepted for discharge.
 - (5) The Village may require the user/person to submit all MSDS sheets for chemicals used at the commercial/industrial site of origin.
- (f) Insurance Requirements. Each person using the facility shall provide a Certificate of Insurance for coverage as specified below naming the Village of Strasburg an additional insured. Such insurance shall contain a provision for fifteen (15) days notice to the Village before certification of coverage cancellation.
- (1) Workmen's Compensation Insurance Proof of Insurance

(2) Commercial General Liability Insurance

A. General Aggregate Limit \$1,000,000.00

B. Products - Completed Operations

Aggregate Limit \$1,000,000.00

C. Each Occurrence Limit \$1,000,000.00

(3) Comprehensive Automobile Liability Insurance

Bodily Injury and Property Damage Liability Limit

Aggregate Limit \$1,000,000.00

Each Occurrence Limit \$1,000,000.00

(4) User agrees to keep and hold the Village of Strasburg harmless from and against all costs, damages, claims or expenses it may sustain in its operation as a waste hauler.

(g) Billing.

(1) The person using the facility will be invoiced as a customer to the Village of Strasburg sewer system. The payment and billing procedures of Chapter 60 shall apply.

(2) Payments for invoices will be due upon receipt of the invoice.

(3) The charge to the person using the facility will be determined either according to the general categories listed below; however, at the discretion of the Village, the user may be charged according to the strength of the waste received per the Sewer Use Ordinance of the Village (Chapter 60).

A. Sludge: \$.045/gallon

B. Septic Tanks: \$.045/gallon

(4) For all other waste not specifically listed above that is not subject to an extra strength surcharge, the basic rate is \$.045 per gallon. Any extra strength surcharge due will be added to the basic rate.

(h) Schedule of Fees for Discharge of Domestic Waste, Septage, and Commercial/Industrial Waste.

(1) Basic Rate for Sludge and Septic Tanks

Sludge: \$.045/gallon
Septic Tanks: \$.045/gallon

(2) Basic Rate for Other Domestic Waste and Septage

Per each gallon = \$.045*

(3) Commercial/Industrial Rate

Per each gallon = \$.045*

(4) Sample Analysis Charges

pH	\$ Market Price
COD	\$ Market Price
TSS	\$ Market Price
Metals (CD, CR, CU, Pb, NI, ZN)	\$ Market Price
Mercury	\$ Market Price
Ammonia	\$ Market Price
Nitrate / Nitrite	\$ Market Price
Toxicity	\$ Market Price
O&G	\$ Market Price
Organics	\$ Market Price

* Plus applicable extra strength per Chapter 60 of the Strasburg Municipal Regulations.

Notes:

Other tests may be required as determined by the Village and will be charged at the market rate.

§60.99 PENALTY

- (a) Whoever violates any provision of this ordinance, including the deposition of non-acceptable industrial waste into the sanitary sewer system, or any rule or regulation adopted pursuant to this ordinance, shall be guilty of a minor misdemeanor and fined not more than two hundred dollars (\$200.00). Each day a violation continues or occurs shall constitute a separate offense.
- (b) In addition to the monetary penalties stipulated in subsection (a) hereof, the Village reserves the right to shut off all water to the building until such time that the violator complies with

this chapter.

- (c) The user shall be responsible for all penalties and costs associated with infractions specified in Section 60.02.

TRAFFIC CODE

TRAFFIC RULES

§72.021 FAILURE TO CONTROL; WEAVING COURSE

- A. No person shall operate a motor vehicle on any street or highway without exercising reasonable and ordinary control over such vehicle.
- B. No person shall operate a motor vehicle on any street or highway in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.
- C. Whoever violates this section shall be guilty of a minor misdemeanor. Penalty, see §70.99.

§72.071 PROHIBITION AGAINST DRIVING UPON LEFT SIDE OF ROADWAY

- A. No vehicle shall be driven upon the left side of the roadway when a double yellow line prohibits passing for traffic traveling in either direction, or when a single solid yellow line prohibits passing for vehicles traveling in the same direction of travel as the vehicle being operated.
- B. This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in §72.01 (A)(2). (R.C. §4511.30). Penalty, see §70.99.

§72.171 UNNECESSARY NOISES

- A. It shall be unlawful to sound any signaling device except when reasonably necessary for the prevention of an accident.
- B. It shall be unlawful to screech tires or in any manner to create noise by unnecessary braking, acceleration, deceleration, banking or turning of a vehicle. Penalty, see §70.99.

§72.381 PEDESTRIAN UNDER INFLUENCE

A pedestrian who is under the influence of alcohol or any drug of abuse, or any combination thereof, to a degree which renders himself a hazard, shall not walk or be upon a highway. (R.C. §4511.481). Penalty, see §70.99.

§72.631 LITTERING ROADWAYS

A. No person shall place or dispose of in any manner any garbage, waste, weeds, leaves, grass clippings, or peelings of vegetables or fruits, rubbish, ashes, can, bottles, wire, paper cartons, boxes, parts of automobiles, wagons, furniture, glass, oil, or anything else of any unsightly or unsanitary nature along or near or on any public road, street, parkway, park drive, highway, sidewalk, ditch or land adjoining any public road or highway or ditch, except on land provided by council.

B. No person shall transport junk, refuse or garbage in any manner over and upon any street, alley, road, parkway, park drive or public highway in such a manner that it is strewn upon and along such street, alley, road or public highway. Penalty, see §70.99.

§72.661 OPERATION OF RADIOS OR OTHER SOUND MAKING DEVICES OR INSTRUMENTS IN VEHICLES

A. It is unlawful for any person operating or occupying a motor vehicle within the Village to operate or amplify the sound produced by a radio, tape player or other sound making device or instrument from within the motor vehicle so that the sound is: Plainly audible at a distance of 100 feet or more from the motor vehicle.

B. The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

C. The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by state law.

D. 'Plainly audible' means any sound produced by a radio, tape player or other mechanical or electronic sound making device, or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable sound making device, that can be clearly heard outside the vehicle by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.

E. Any law enforcement personnel who hears a sound that is plainly audible as defined herein, shall be entitled to measure the sound according to the following standards:

1. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.

2. The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he can readily identify the offending motor vehicle producing the sound

so that he can readily identify the offending motor vehicle and the distance involved.

3. The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

F. The motor vehicle from which the sound is produced must be located (stopped, standing or moving) within the Village. Parking lots and driveways are included.

G. The penalty for a violation of this section shall be a minor misdemeanor. Penalty, see §70.99.

§72.662 OPERATION OF TRUCKS ON BODMER AVENUE REGULATED

A. No person shall operate a truck, trailer, or semi-trailer, as defined by Ohio Revised Code Section 4511.01, excepting trucks and trailers weighing 10,000 pounds or less when empty, upon Bodmer Avenue in the Village of Strasburg, Ohio, except as otherwise set forth hereinafter.

B. This Ordinance shall not apply to any truck, trailer, or semi-trailer that is making a delivery or pickup from a residence or business located on Bodmer Avenue in the Village of Strasburg, Ohio.

C. This Ordinance shall not apply to emergency vehicles, Village owned vehicles, sanitation vehicles, and utility vehicles engaged in the repair of public utility services, or vehicles which are lawfully stored or kept on premises.

D. This Ordinance shall not apply during such times of emergency or otherwise as designated by the Mayor, the Chief of Police, or the Fire Chief of the Village of Strasburg, Ohio, which shall include but not limited to vehicles being re-routed onto Bodmer Avenue during the Ox Roast Parade and during such other times of emergency as it is necessary to close Wooster Avenue in the Village of Strasburg, Ohio.

E. The Village shall cause traffic control signs to be erected prohibiting the use of Bodmer Avenue by truck traffic as proscribed by this Ordinance at the following locations: the intersection of Ninth Street, SW and Bodmer Avenue; the intersection of Fifth Street, SW and Bodmer Avenue; and the intersection of Fifth Street, NW and Bodmer Avenue; and the intersection of First Street and Bodmer Avenue.

F. A violation of this Ordinance shall be a minor misdemeanor punishable by a fine of not more than \$100.00, for the first offense. For each subsequent offense within any twelve (12) month period, such violation shall be a misdemeanor of the fourth degree, punishable by a fine of not more than \$250.00, imprisonment for not more than thirty (30) days, or both. For purposes of this Ordinance, the terms "person" and "operator" include the actual driver of the vehicle and the

person, partnership, firm, or corporation owning or leasing the vehicle and using the vehicle in a business operation. (Ord O-10-01, passed 06-05-01)

MOTOR VEHICLE CRIMES

§73.101 SPEED LIMITS WITHIN VILLAGE PARK

A. No person shall operate a motor vehicle at a speed in excess of ten miles per hour (10 MPH) upon any streets, traveled portions, or other properties located within the confines of the Strasburg-Franklin Village Park.

B. Whoever violates this Section is guilty of a minor misdemeanor. Penalty, see Section 70.99.

EQUIPMENT AND LOADS

§74.431 LOAD; SIFTING OR LEAKING

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, or leaking or otherwise escaping therefrom except that sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintain such roadway. Penalty, see §70.99.

BICYCLES AND MOTORCYCLES

§75.20 SNOWMOBILES AND ALL-PURPOSE VEHICLES

The applicable provisions of R.C. Chapters 4511 and 4549 and Chapters 70, 71, 72, 73, 74, 75, and 76 of the Strasburg Village Basic Code of Ordinances shall be applied to the operation of snowmobiles and all-purpose vehicles, except that no snowmobile or all-purpose vehicle shall be operated as follows:

A. On any limited access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the director of highway safety or the appropriate local authority having jurisdiction over such street or highway shall designate;

B. On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

C. On any land or waters controlled by the state, except at those locations where a sign has been posted permitting such operation;

- D. On the tracks or right-of-way of any operating railroad;
- E. While transporting any firearms, bow, or other implement for hunting, that is not loaded and securely encased;
- F. For the purpose of chasing, pursuing, capturing, or killing any animal or wildfowl;
- G. During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by R.C. §4519.20. (R.C. §4519.20). Penalty, see §70.99.

PARKING REGULATIONS

§76.071 COMMERCIAL TRUCK PARKING PROHIBITED

- A. Not more than one (1) commercial truck may be parked on the premises of any dwelling unit in any "R" zoning district, provided that the gross vehicle weight of said commercial truck shall not exceed 22,000 pounds, and further provided that the ownership and use of this commercial truck is necessarily related to the occupation of the resident of such dwelling unit.
- B. No commercial truck or other truck with a gross vehicle weight in excess of 22,000 pounds, no commercial tractor, and no semitrailer shall be permitted to park on the premises of any dwelling unit in any "R" zoning district, nor shall any of the above be permitted to park on any street, alley, or public right-of-way in any "R" zoning district, nor shall any of the above be permitted to park on any public property or other public right-of-way within the Village of Strasburg, Ohio.
- C. Commercial tractor, semitrailer and truck shall be defined as set forth at Section 70.01 of the Strasburg Village Code of Ordinances.
- D. Any person who violates this Section is guilty of a minor misdemeanor, and shall be fined a sum not to exceed \$100.00 for each such violation.

§76.072 COMMERCIAL TRUCK LIMITATIONS ON BODMER AVENUE

- A. No person shall operate a truck, trailer or semi-trailer as defined by Revised Code Section 4511.01, excepting trucks and trailers weighing 10,000 pounds or less when empty, upon Bodmer Avenue, in the Village of Strasburg, except as otherwise set forth in this Ordinance
- B. This Ordinance shall not apply to any truck, trailer, or semi-trailer as defined by Revised Code Section 4511.01, that is making a delivery or pickup from a residence or business located on Bodmer Avenue in the Village of Strasburg.
- C. This Ordinance shall not apply to emergency vehicles, village owned vehicles, sanitation vehicles, and utility vehicles engaging in repair of public utility services, or vehicles which

are lawfully stored or kept on premises.

D. This Ordinance shall not apply during such times of emergency or otherwise as designated by the Mayor, the Chief of Police, or the Fire Chief of the Village of Strasburg, Ohio, which shall include but not be limited to vehicles being re-routed onto Bodmer Avenue during the Ox Roast Parade and during such other times of emergency as it is necessary to close Wooster Avenue in the Village of Strasburg, Ohio.

E. The Village shall cause traffic control signs to be erected prohibiting use of Bodmer Avenue as prescribed by this Ordinance at the intersection of Ninth Street and Bodmer, the intersection of Fifth Street and Bodmer, and the intersection of Third Street and Bodmer.

F. A violation of this Ordinance shall be a minor misdemeanor punishable by a fine of not more than \$100.00 for the first offense. For each subsequent offense within any twelve (12) month period, such violation shall be a misdemeanor of the fourth degree, punishable by a fine of no more than \$250.00, imprisonment for not more than thirty (30) days, or both. For purposes of this Ordinance, the terms "person" and "operator" include the actual driver of the vehicle and the person, partnership, firm, or corporation owning or leasing the vehicle and using the vehicle in a business operation.

§76.081 BOAT AND TRAILER PARKING PROHIBITED

A. No boat, or other water craft, either by itself or when situated on a trailer for towing purposes, which boat, water craft or trailer is incapable of motor-driven propulsion, shall be permitted to park on any street, alley, or other public property or public right-of-way within the Village of Strasburg, Ohio.

B. No boat trailer, utility trailer, travel trailer, camping trailer, or other trailer incapable of being self-propelled and designed to be towed or pulled behind a motor vehicle, shall be permitted to park on any street, alley, or other public property or public right-of-way within the Village of Strasburg, Ohio.

C. Unless otherwise authorized by Strasburg Village Council, any such boat, or other water craft, boat trailer, utility trailer, travel trailer, camping trailer or other trailer incapable of being self-propelled and designed to be towed or pulled behind a motor vehicle shall only be permitted to be parked in the rear yard of any residence in any residential district as defined by the Strasburg Village Zoning Code, provided that such rear yard parking shall not violate any side yard setback limitations established for said residential zoning district by the Strasburg Village Zoning Ordinance.

D. Upon prior written authorization by the Strasburg Police Department, a boat, water craft, travel trailer, utility trailer, camper trailer or other similar trailer which is incapable of self-propulsion, and which is designed to be towed or pulled behind a motor vehicle, may be parked or stored in a residential district in violation of the conditions established above for a period of time not

to exceed forty-eight (48) hours, provided that the same is attached to a motor vehicle capable of propelling the same at all times during that forty-eight (48) hour period.

E. Any person who violates this Section is guilty of a minor misdemeanor, and shall be fined a sum not to exceed \$100.00 for each such violation.

§76.20 PARKING SCHEDULE: PROHIBITED PARKING

A. Parking is prohibited on one (1) side of all streets in the Village of Strasburg which run in an east-west direction as follows:

1. There shall be no parking on the north side of all such east-west streets which lie on the east side of Wooster Avenue;

2. There shall be no parking on the south side of all such east-west streets which lie on the west side of Wooster Avenue;

3. There shall be no parking on either side of East First Street in the Village of Strasburg for a length of eighty-one (81) feet from the intersection of East First Street and Wooster Avenue in the Village of Strasburg, Ohio.

B. Except as set forth above, the provisions of this Section do not apply to First Street East or First Street West in the Village of Strasburg, Ohio.

C. Whoever violates this section shall be guilty of a minor misdemeanor. Penalty, see §70.99.

§76.21 BOARDING OR LEAVING STOPPED VEHICLE

It shall be unlawful to leave or enter a motor vehicle or to open a door thereof on the side next to moving traffic unless such movement can be made without danger or interference with such traffic. Penalty, see §70.99.

§76.22 PARKING ON WOOSTER AVENUE

A. Parking prohibited in specified areas. No person shall stop, stand or park a motor vehicle of any kind except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control device in any of the following places on Wooster Avenue in the village:

1. On both sides of South Wooster Avenue from Seventh Street SW to the South corporation line.

2. On both sides of North Wooster Avenue from Ninth Street NE to the North corporation line.

B. Three hour parking.

1. No person who is the owner, agent, operator or other person in charge of any motor vehicle shall permit any vehicle to remain parked, standing or abandoned upon the following areas of Wooster Avenue in the village for a continuous period longer than 72 hours:

On both sides of Wooster Avenue between Seventh Street SW and Ninth Street NE, inclusive, and shall include all areas north of Seventh Street SW and south of Ninth Street NE not otherwise regulated by the terms of this section.

2. The purpose of this section is to prohibit continuous long-time parking in the village of vehicles on the streets of the city.

C. Parking for post office purposes. The above parking regulations with respect to 72-hour parking shall not apply to the area immediately in front of and serving the United States Post Office in the village and parking in front of said Post Office shall be as follows:

No persons shall park any vehicle in front of said Post Office for a continuous period not to exceed 15 minutes, during regular Post Office hours.

D. The Street Superintendent of the village is authorized to place the necessary signs to regulate parking as set forth herein.

E. Whoever violates any of the terms of this section shall be guilty of a minor misdemeanor, and shall be punished as provided in §70.99.

§76.23 PARKING ON ZELTMAN AVENUE

A. No person shall stop, stand or park a motor vehicle of any kind, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer of a traffic control device, on Zeltman Avenue in the Village of Strasburg, beginning at its intersection with North Wooster Avenue and extending north and east therefrom to the corporation line.

B. Whoever violates this section shall be guilty of a minor misdemeanor. (Ord O-15-01, passed 08-07.01) Penalty, see §70.99.

A. In order to facilitate the cleaning of all streets and expedite the free flow of traffic, motor vehicles shall not be parked on village streets in the Village of Strasburg, Ohio, at such times as the United States Weather Bureau records indicate that two (2) inches of snow has fallen and there is a prospect of further snowfall. All cars parked prior to the time weather conditions prohibit parking must be removed by the owner or operators. Any motor vehicle parked in violation of this prohibition shall be removed at the order of the Chief of Police and/or the Mayor of the Village of Strasburg, Ohio, and shall subject the owner or operator to the fines provided herein.

B. It is the responsibility of the owners or operators of motor vehicles to ascertain weather conditions requiring the removal of their motor vehicles from the streets within the Village of Strasburg, and to remove all cars parked in violation of this Ordinance.

C. When the United States Weather Bureau records indicate that two (2) inches of snow has fallen and there is a prospect of further snowfall, the Chief of Police and/or the Mayor of the Village of Strasburg, Ohio, shall order the removal of all vehicles parked on the streets of the Village which have not been removed by the owners or operators. Such vehicles shall be removed to a motor vehicle impound as designated, and records shall be kept by the Police Department of all vehicles removed.

D. Whoever violates this Ordinance is subject to the penalties provided by law for illegal parking on normally regulated streets. In addition, where a car is towed to a motor vehicle impound, the car can be recovered only upon the payment of the towing charges.

E. The Police Department shall use all available means to disseminate information as to the existence of weather conditions requiring removal of parked motor vehicles from the areas designated, including radio, television, newspapers, and other available media to the extent feasible. The dissemination of this information does not relieve owners or operators of motor vehicles from the responsibility of ascertaining the existence of weather conditions requiring the removal of parked motor vehicles from the areas designated.

F. The streets where parking is prohibited after two (2) inches of snow has fallen and there is a prospect of further snowfall include all of the streets within the Village of Strasburg, Ohio.

GENERAL REGULATIONS

ANIMALS

§90.09 REGULATING DOGS IN VILLAGE PARK

A. No person, who is the owner or has charge of any dog or other animal, shall permit

said dog or other animal to be brought into and remain on property comprising Strasburg-Franklin Park, unless kept on a leash or otherwise restrained.

B. As used in Section A of this Ordinance, "OTHERWISE RESTRAINED", means keeping said dog or other animal physically restricted by a leash, tether or other secure enclosure, or otherwise physically confined so as to prevent the escape and running loose of said dog or other animal.

C. No person, who is the owner or has charge of any dog or other animal, shall permit said animal to defecate in Strasburg-Franklin Park, unless said person immediately removes such defecation, and disposes of the same in a proper manner.

D. Any person who is the owner or has charge of any dog or other animal, who permits said dog or other animal to run at large in Strasburg-Franklin Park, in violation of Section A of this Ordinance, is liable for all damages or injuries caused by such dog or other animal upon the premises of Strasburg-Franklin Park.

E. The prohibition contained in Sections A and C of this Ordinance shall not apply when a blind, deaf or mobility impaired person is accompanied by a dog or other animal that serves as or is in training to become a guide or leader, listener or support dog for him or her, and he or she can show proof by certificate or other means that the dog or other animal leading him or her, listening for him or her, or providing support or assistance for him or her has been or is being trained for that purpose by a non-profit special agency engaged in such work. The prohibitions contained in Sections A and C shall also not apply to police dogs or other animals specially trained and utilized for law enforcement purposes while said dog or other animal is being used for law enforcement purposes.

F. Whoever violates the prohibitions contained in Sections A, C, or D of this Ordinance is guilty of a misdemeanor of the fourth degree, and shall be punished appropriately. (O-19-97)

§90.091 REGULATING DOGS AND OTHER ANIMALS; NUISANCE AND CONDITIONS PROHIBITED

A. It is hereby declared to be a nuisance for the owner or any person in charge of or control of any dog or animal within the Village of Strasburg, Ohio, to permit said animal to defecate on any school grounds, city property, or other public property, or upon the private property other than that of the owner or person in charge of or in control of such dog or other animal without the permission of the owner of said property.

B. No person, being the owner or in charge of or control of any dog or other animal, shall permit said dog or other animal to defecate on any school ground, city property, other public property, or upon any private property other than that of the owner or person in charge of or in control of such dog or animal without the permission of the owner of said property.

C. In the case of such defecation, if the owner or person in charge of or in control of such dog or other animal removes all feces deposited by such dog or other animal and disposes of the same in a sanitary manner, such nuisance created by (A) shall be considered abated. Failure of the owner or person in charge of or control of such dog or other animal to abate this nuisance shall subject that person to the penalty established for violation of this Ordinance.

D. Whoever violates any of the provisions of this Section shall be deemed guilty of a minor misdemeanor, and shall be subject to a fine not to exceed one hundred dollars (\$100).

NUISANCES

§93.40 KEEPING DOWN WEEDS

A. It is hereby determined that noxious weeds growing on any property within the Village after May 1 or each year are a public nuisance, and any person owning or having charge of land within the municipality shall keep said property free and clear from all such noxious weeds and shall be required to cut all such weeds on the lots owned or controlled by him within 5 days of the receipt of the notice provided by §93.41.

B. Noxious weeds shall include but not be limited to:

1. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind;

2. Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

3. Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding 12 inches. Penalty, see §93.99.

§93.99 PENALTY

A. Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be guilty of a minor misdemeanor.

B. Whoever violates any provision of §93.27 shall be guilty of a misdemeanor of the third degree. The sentencing court may in addition to or in lieu of the penalty provided in this division, require a person who violates §93.27 to remove litter from any public or private property or in or on waters of the state. (R.C. §3767.99).

C. Whoever fails to cut weeds under their control as required by §93.40, after receipt of the notice set forth in §93.41, shall be guilty of a minor misdemeanor, and each day's violation shall constitute a separate offense.

STREETS AND SIDEWALKS

§95.07 DEFINITIONS

A. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

B. "Property" means discarded articles of all kinds which reasonably appear to be discarded or of no intrinsic value.

C. "Abandoned junk motor vehicle" means any motor vehicle meeting all of the following requirements:

1. Left on private property for more than seventy-two (72) hours without the permission of the person having the right to possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for forty-eight (48) hours or long;

2. Three (3) years old, or older;

3. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;

4. Apparently inoperable;

5. Having a fair market value of \$1,500 dollars or less.

D. "Junk car" means any used vehicle propelled or intended to be propelled by power other than human power and which is in an inoperative or a partially dismantled condition. Portions of junk cars, such as hoods, fenders, radiators, rims, motors, etc., not being used for the repair of a motor vehicle, shall be considered as junk.

E. In an "inoperative condition" means a vehicle propelled or intended to be propelled under its own power.

F. In a "partially dismantled condition" means a vehicle having some part missing which is ordinarily an essential component.

G. "Junk" means any machinery, equipment, apparatus, appliance, article, or item which, by reason of its condition or replacement:

1. Endangers human health, life or limb or is likely to cause the spread of disease or otherwise cause injury to the health of persons, or to surrounding neighborhood structures;

2. Is especially liable to occurrence of fire and constitutes or creates a fire hazard;

3. Causes a deteriorating and blighting influence on nearby properties and causes depreciation in the use, enjoyment, and value of properties in the immediately surrounding area; or

4. Is ready for destruction or has been collected or stored for salvage or conversion to some other use.

§95.08 ABANDONMENT OF VEHICLES

No person shall abandon any vehicle and no person shall leave any vehicle at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

§95.09 STORAGE DECLARED A NUISANCE

Except as otherwise provided in Section 95.10, the deposit, storage, maintenance or collection of junk or junk cars outside of a building is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the inhabitants of this Municipality.

§95.10 STORAGE PROHIBITED; EXCEPTION; NOTICE

A. No person in charge or control of any premises, whether as owner, tenant, lessee, occupant or otherwise shall allow any junk or junk motor vehicle to remain upon such premises longer than ten (10) days after receipt of written notice to remove the junk or junk cars from the premises, unless they are housed in a garage or other suitable structure.

B. The written notice shall be served upon the person in charge or control of the premises either personally or at the usual place of residence or by registered or certified mail addressed to the person's last known place of residence.

C. The provisions of this section, however, shall not apply to the deposit, storage, maintenance or collection of junk or junk cars in an enclosed building or in a container in a regularly established junk yard.

§95.11 IMPOUNDING

The Chief of Police or any member of the Police Department designated by him is hereby authorized to remove or cause to be removed any junk car remaining at any place in violation of any provision of this chapter. Such junk car shall be impounded until lawfully claimed or disposed of in accordance with the provisions of Ohio R.C. 737.32 and 737.33.

§95.12 PENALTY

Whoever violates any of the provisions of Sections 95.01 through 95.11 of the Strasburg Village Code of Ordinances shall be guilty of a misdemeanor of the first degree.

§95.131 REPAIR OF SIDEWALKS

A. The owner, occupant, or person having the care of any building or lot of land bordering on any street with graded or paved sidewalk, curb, or gutter shall keep the abutting sidewalks, curbs, and gutters in repair and free from snow or any nuisance.

B. Whoever violates this section shall be guilty of a minor misdemeanor.

§95.20 SHADE TREE COMMISSION

A. There is hereby created and established a Shade Tree Commission for the Village, which Commission shall consist of the following members: the Mayor of the Village of Strasburg; the Chairman of the Park Committee of Village Council; the Chairman of the Street Committee of Village Council; the Street Superintendent of the Village of Strasburg; and the Village Administrator of the Village of Strasburg.

B. Term of office. The term of the three persons appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first commission shall be only one and two years respectively. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of such term.

C. Compensation. Members of the Shade Tree Commission shall serve without compensation.

D. Powers and duties. The Shade Tree Commission shall have the power to study, investigate, plan, advise, report and recommend to Village Council or the Mayor any action, program, plan or legislation which the Commission shall find or determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, curb strips, streets and alleys.

1. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and shall designate by name those members of the Commission approving or concurring therein, and members who do not so approve or concur therein shall have the right, as a part of such report, to state their reasons for refusing to approve or concur.

2. The commission, when requested by Village Council or the Mayor, shall consider, investigate, make findings, report and recommend upon any special matter of question

coming within the scope of its work.

§95.21 PLANTING; MAINTENANCE

A. No person shall hereafter plant any tree or shrub upon any public way, curb strip, street or alley, unless he shall have first obtained a permit in writing from the Mayor specifying the size, type, species and location on the public way, curb strip, street or alley of the tree or shrub so to be planted.

B. The Mayor shall have the authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, curb strip, street or alley of a size, type or species found to be undesirable by the Commission or so found to be undesirable for the location proposed; or he may deny a permit to any person who proposes to plant any tree or shrub upon a public way, curb strip, street or alley, if at a location found by the Commission to be of a size or type unsuitable for planting of trees or shrubs.

C. The owner, occupant, or person having the care of any building or lot of land bordering on any street, alley, or public ground, including, but not limited to curb strip, in which there are shade trees shall be responsible for the care, maintenance, trimming, and removal of said trees, and shall be the person responsible for any correction or removal required when any of said trees violates the provisions of this Ordinance..

D. Any tree or shrub or parts thereof growing within the curb strip in front of any residence located within the Village of Strasburg, and interfering with the use of any street, alley, gas pipe, water or sewer pipe, or that endangers the lives, health, safety or property of the public, shall be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected or removed within the time allotted, the Village Council shall cause the nuisance to be corrected or removed, and the costs shall be assessed to the owner, as provided by law.

§95.22 NOTICE TO REMOVE TREES

No person shall maintain any tree, heretofore planted or set out, upon any street, sidewalk or alley in the Village after ten days from receipt of notice from the Mayor to remove the tree for the reason that the roots thereof have grown into the sanitary or storm sewers of the Village and constitute an obstruction therein.

§95.23 BILLPOSTING ON TREES

No person shall nail, tie or in any other manner fasten any card, sign or poster to any tree or shrub that is now or may hereafter be growing upon a public street, park or other public place within the Village or under control of the Village, except with the permission of the Mayor.

§95.24 STREET TREES

Street trees, when planted, shall be located outside the street right-of-way of any sewer or water easements that may be adjacent to the street right-of-way and planted in such manner as not to impair visibility at any corner or corners. Subdividers or developers shall retain existing trees wherever possible.

§95.99 PENALTY

A. Any person who violates any of the provisions of this Ordinance is guilty of a minor misdemeanor. At least \$25.00 fine is mandatory upon conviction or findings of guilty for violation of each and every offense.

B.. Any person found guilty of maintaining such nuisances as described in Sections 7 & 8 on the premises owned or controlled by him, and/or abutting the premises, shall be fined not more than \$10.00. Each day's subsequent maintenance of such nuisance after conviction hereunder shall be deemed a separate offense.

BUSINESS REGULATIONS

§113.011 BOWLING; BILLIARDS; PINBALL MACHINES; OTHER GAME MACHINES

A. Each owner of a billiard table, pool table, bowling alley, pinball machine, technical amusement devise, or juke box shall pay an annual license fee of \$10.00 for one such table, alley, pinball machine, mechanical amusement devise, or juke box; \$5.00 for each additional table, alley, pinball machine, devise, or juke box.

B. For purposes of this section the following definitions shall apply unless the context clearly indicates or requires different meaning.

“JUKE BOX” Any music vending machine, contrivance or devise which, upon insertion of a coin, slug, token, plate, disc, or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

“MECHANICAL AMUSEMENT DEVICE” A machine which, upon insertion of a coin or slug, operates or may be operated for use as a game, contest or amusement of any discretion, or which may be used for any such games, contests, or amusements, and which contains no automatic pay-off devise for the return of money, coins, merchandise or tokens or checks redeemable in money or anything of value.

C. No person shall have, possess or operate in any public place, any such table, alley, pinball machine, mechanical amusement devise, or juke box, without first obtaining a license

therefore from the Mayor or Clerk of the village, by filling out an appropriate application blank as the same may be obtained from the Mayor, Clerk or Police of the village and returning the same with the license fee provided in division (A) above, to the village Clerk.

D. It shall be unlawful to operate any such table, alley, machine, mechanical amusement devise, or juke box between the hours of 2:30 a.m. and 6:00 a.m..

E. It shall be unlawful to permit betting or gambling in connection with the use of such table, alley, pinball machine mechanical amusement devise, or juke box. Penalty, see §110.99.

§113.021 CIRCUSES, MENAGERIES, CARNIVALS

A. Each person desiring to conduct, stage or give a circus, menagerie, carnival, sideshow, musical or minstrel entertainment, or exhibition of monsters or freaks of nature, for which money or reward is demanded or received, shall first obtain a license and pay the license fee or fees provided herein.

B. In addition to the requirements of §110.02, the applicant for a license to conduct, stage, or give such exhibition shall give at least one week's notice in writing to the Mayor, stating the dates of the performances, and the location at which they are to be presented. The Mayor or other chief administrative officer shall give his consent to the issuance of such license if he deems that the location is suitable for the purpose; that it will properly accommodate the patrons; that the nature of the performance or exhibition is morally proper; and that the use of said location will not throw too great a burden upon the police and fire departments.

C. No circus, menagerie, or carnival shall be given for more than 2 consecutive days, except in cases where council by special resolution shall allow a longer period, or where such exhibition is to be conducted on municipal property and the use thereof for a longer period shall have been approved by council. Penalty, see §110.99.

§113.20 MUSICAL OR MINSTREL ENTERTAINMENT

A. Each person desiring to conduct, stage or give musical or minstrel entertainment shall first obtain a license and pay the license fee provided herein.

B. Each such applicant for a license to conduct, stage or give such entertainment shall furnish at least 72 hours notice in writing to the Mayor, stating the dates of the performances, and the location at which they are to be presented. The Mayor or other chief administrative officer shall give his consent to the issuance of such license if he deems that the location is suitable for that purpose; that it will properly accommodate the patrons; that the nature of the performance is morally proper; and that the use of said location will not throw too great a burden upon the police and fire departments.

C. The fee for such license, which is non-refundable, shall be \$10.00 for the first day of each performance in any given week and \$5.00 for each day thereafter in any given week, a week to consist of the period from Sunday through Saturday. Penalty, see §110.99.

§113.21 GARAGE SALES: REGULATIONS

A. DEFINITIONS:

1. "Garage Sale" shall mean and include all sales within the Village of Strasburg entitled or labeled "Garage Sale", "Yard Sale", "Lawn Sale", "Attic Sale", "Rummage Sale", "Flea Market Sale", "Basement Sale", "Porch Sale", or any similar title; and shall be defined as any non-commercial public sale of tangible personal property in the Village which is advertised by any means whereby the public at large is or can be made aware of such sale.

2. "Tangible Personal Property" means any goods, household goods, or used items of furniture or other property accumulated for personal use, which are owned or under the control of the person or persons residing at the address from which the garage sale is to be held, or by those persons conducting the garage sale.

3. "Person" shall mean and include individuals, families or all people living or residing upon the premises where such garage sale is conducted.

B. GARAGE SALES REGULATIONS:

1. It shall be unlawful for any person or persons to conduct more than two (2) Garage Sales during any calendar year, except as set forth hereinafter.

2. No single Garage Sale may continue for more than four (4) consecutive calendar days.

3. Any single Garage Sale may be conducted only by the occupant residing at the address at which the sale is to be held, or in conjunction with no more than two (2) other families not residing at that address.

4. Any person conducting a Garage Sale may sell only property accumulated for personal use by the occupants residing at that address at which the sale is to be held or by those persons with whom such sale is to be conducted. On items shall be offered for sale at such Garage Sale which have been purchased specifically for resale.

5. Garage Sales may only be conducted between the hours of 7:00 A.M. and 7:00 P.M. on any day.

6. No person, firm, group, corporation, association or organization shall sell or

offer to sell any personal property at a Garage Sale to be advertised or held out by any means without first registering such Garage Sale with the Village Clerk. There shall be no fee charged to register such sale. To register a sale, the applicant must provide the following information to the Village Clerk:

- a. The name, firm, group, corporation, association or organization conducting the sale.
- b. The location or locations at which the sale is to be conducted.
- c. The number of days which the sale is to be conducted within the limit set forth above.
- d. The dates of any past sale or sales held within the current calendar year.

7. Signs advertising a garage sale may be placed only on the premises where said sale is being conducted, or any other private property with the permission of the owner thereof. No signs shall be placed on utility poles, sign posts, or curb lawns. Any signs so placed are subject to being immediately removed by the police department of the Village of Strasburg. All signs advertising said garage sale shall be removed at the end of the last day of said sale.

8. Items offered for sale during the garage sale shall be removed from plain or open view at the end of each day of said garage sale, either by covering the same in an acceptable manner, or removing the same from the location of the sale until the next sale day.

9. In addition to the two (2) Garage Sales permitted during each calendar year, Garage Sales shall be permitted within the Village of Strasburg during "Garage Sale Weekend", defined as the second weekend in August, beginning Thursday at 7:00 A.M. through the following Monday at 7:00 P.M.. In the event of rain, the "Garage Sale Weekend" shall be the third weekend in August.

10. No permit or registration of a Garage Sale conducted during the "Garage Sale Weekend" shall be required to conduct a Garage Sale during that time period.

11. All the rules and regulations set forth above with respect to individual Garage Sales shall also apply to Garage Sales conducted during the Strasburg "Garage Sale Weekend".

C. PERSON AND SALES EXCEPTED. The provisions of this Ordinance shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an Order or a process of a Court of competent jurisdiction.

2. Persons acting in accordance with their powers, duties and authority as public officials.

3. Any persons selling or advertising for sale an item or items of personal property which are specifically named or described in an advertisement within the classified section of a local newspaper and not otherwise advertised as a garage sale.

4. Sales by a religious, charitable, or service organization, the proceeds of which are used for religious, charitable or community service purposes.

5. Sales conducted by an auctioneer duly licensed under the laws of the State of Ohio.

6. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the Zoning Ordinances or under the protection of a presently non-conforming section thereof, or any other sale conducted by a manufacturer, dealer, or vendor, which sale would be conducted from properly zoned premises and is not otherwise prohibited, provided however that any such business sale shall be subject to the following rules and regulations:

a. No such sales shall be conducted from any public street or sidewalk, nor shall any public street or sidewalk be permitted to be encumbered with barrels, boxes, cans, articles, or substances of any kind so as to interfere with the free and unobstructive use thereof.

b. No such sales shall be conducted from motor vehicles or any other non-permanent business establishments, located either on the public streets, rights-of-way or sidewalks within the Village of Strasburg.

c. Any items offered at such sale, or at a "sidewalk sale" shall be removed into the adjoining business establishment every evening of the sale.

D. PENALTY Whoever violates any of the provisions of this Section is guilty of a minor misdemeanor. Each day of said violation shall be considered a separate offense.

GENERAL OFFENSES

§130.98 REIMBURSEMENT OF CONFINEMENT COSTS

A. Any person convicted of a criminal offense under the Code and ordinances of the village, other than a minor misdemeanor, and who as a consequence thereof, is confined in the Tuscarawas County Jail or any other workhouse or detention facility, shall reimburse the village for its expenses incurred by reason of his or her confinement therein, including, but not limited to, the expenses relating to the providing of food, clothing, medical care, and shelter. The amount of such

reimbursement shall be determined by a court of competent jurisdiction at a hearing held pursuant to R.C. §2929.15.

B. The Village Solicitor is authorized to pursue the recovery of expenses in any pending criminal action involving a violation of the Village Code of Ordinances, and is further authorized to institute any appropriate civil suit in the New Philadelphia Municipal Court, or in the Tuscarawas County Court of Common Pleas for the recovery of the expenses determined by a court of competent jurisdiction pursuant to R.C. §2929.15.

§137.101 PROHIBITED POSSESSION OF DEADLY WEAPONS OR DANGEROUS
ORDINANCES ON VILLAGE PROPERTY

A. That the possession, control, or conveyance of deadly weapons or dangerous ordinances into, onto or over all village owned property in and upon which employees of the Village of Strasburg and/or members of the general public have occasion to enter, to the extent allowed by law.

B. That the Village Administrator is hereby authorized and directed to prepare and post conspicuous notices at the points of ingress to such premises clearly setting forth said prohibition.

C. That the prohibition established herein shall not apply to employees of the Village of Strasburg and other municipal, state or federal employees or agents who, pursuant to their job duties, are required to carry deadly weapons or dangerous ordinances. The exemption contained in this Section shall only apply when such individuals are performing the official duties of their respective offices or employment.

D. PENALTY Whoever violates any of the provisions of this Section is guilty of a minor misdemeanor. Each day of said violation shall be considered a separate offense.

§139.20 CURFEW

A. Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“MINOR” Any person under the age of 18 or, in equivalent phrasing often herein employed, any person 17 or less years of age.

“PARENT” Any person having legal custody of a minor:

1. As a natural or adoptive parent;
2. As a legal guardian;

3. As a person who stands in loco parentis;
4. As a person to whom legal custody has been given by order of the court.

“REMAIN” To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups, or of interacting minors, totaling 4 or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

“STREET” A way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof, for pedestrian travel. “STREET” includes the legal right-of-way, including but not limited to the traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. “STREET” applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise.

“TIME OF NIGHT” Based in the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the municipality, prima facie the time then observed in the municipal administrative offices and police station.

“YEAR OF AGE” Continues from one birthday, such as the seventeenth to, but not including the day of, the next, such as the eighteenth birthday, making it clear that seventeen or less years of age is herein treated as equivalent to the phrase “under eighteen years of age.” Similarly, for example, eleven or less years of age means “under twelve years of age.”

B. Curfew hours. No person 17 or less years of age shall be or remain in or upon the streets within the municipality at night during the period ending at 6:00 a.m. and beginning at 9:00 p.m..

C. Exceptions. In the following exceptional cases, a minor on a street during the nocturnal hours for which (B) above is intended to provide the maximum limits of regulation shall not be considered in violation of this chapter:

1. When accompanied by a parent of such minor.
2. When accompanied by an adult authorized by a parent of such minor to take the parent’s place in accompanying the minor for a designated period of time and purpose within a specified area.
3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such

minor shall evidence the bona fide of such exercise by delivering the communications center personnel, at the municipal building, where and by whom high priority messages to the Mayor are regularly received, written communication signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Mayor specifying when, where and in what matter the minor will be on the streets at night, during the hours when this section is otherwise applicable to the minor, in the exercise of a First Amendment right specified in such communication.

4. In case of reasonable necessity, but only after such minor's parent has communicated to the police station personnel the facts establishing such reasonable such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notification of the time it was received and of the names and addresses of such parent and minor, shall be admissible evidence.

5. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.

6. When returning home by a direct route from and within 30 minutes of the termination of, a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the police station.

7. When authorized by special permit from the Mayor carried on the person of the minor thus authorized, when necessary nighttime activities of a minor may be inadequately provided for by other provisions of this section, then recourse may be had to the Mayor either for a regulation as provided in (8) below or for a special permit a the circumstances warrant. Upon the Mayor's finding of necessity for the use of the streets to the extent warranted by a written application, signed by a minor and by a parent of such minor, if feasible, stating:

- a. The name, age and address of such minor;
- b. The name, address and telephone number of a parent thereof;
- c. The height, weight, sex, color of eyes and hair and other physical characteristics of such minor.
- d. The necessity which requires such, minor to remain upon the streets during the curfew hours otherwise applicable; and
- e. The street or route and the beginning and ending of the period of time involved by date and hour;

The Mayor may grant a permit in writing for the use by the minor of those streets at such hours as in the Mayor's opinion may reasonably be necessary. In an emergency, this may be handled by telephone, or other effective communication, with a corresponding recording made contemporaneously, either to the Mayor, or if unavailable, to the police officer authorized by the Mayor to act on his behalf in an emergency, at the police station.

8. When authorized by regulation issued by the Mayor, in other similar cases of reasonable necessity, similarly handed but adapted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Mayor permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the purposes of this section.

9. When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than 45 days previously, signed by the Chief of Police and briefly identifying the minor, the addresses of his home and place of employment and his hours of employment.

10. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel.

11. When the minor is 17 years of age, if and when the Mayor has determined, by formal rule first reported to council, spread upon its minutes and so reported in the press, finding the facts as to the extent of juvenile delinquency in such age group permitting such rule, currently, in the best interests of such minors and of the municipality, then the Mayor by such formal rule, covering a period of time designated therein or until rescission thereof not exceeding one year from the date thereof, may take appropriate action excepting designated minors, minors in a defined group or area, or all minors, as the current facts may warrant, 17 years of age at that date or attaining 17 years of age during the period that such formal rule is and remains in effect.

12. Each of the foregoing exceptions, and their several limitations, such as provisions for notification, are severable, and additional, also severable, exceptions broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by council as government associations, school personnel, citizens, associations, ward, precinct and neighborhood spokesmen, parents, officers and persons in authority concerned positively with minors as well as with juvenile delinquency.

D. Parental responsibility. No parent having legal custody of a minor shall knowingly permit or by inefficient control allow such minor to be or remain in any street under circumstances not constituting an exception to, or otherwise beyond the scope of this section. "KNOWINGLY" includes knowledge which a parent should reasonably be expected to have concerning the

whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

E. Police procedures. A policeman, upon finding or having attention called to any minor on the streets in prima facie violation of this section, normally shall take the minor to the police station, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the officer there and then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best of facilities, and access to information and records. In the absence of convincing evidence such as a birth certificate, a policeman on the street shall in the first instance, use his best judgment in determining age.

1. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policeman may deliver to a parent thereof a minor under appropriate circumstances, for example, a minor of tender age near home whose identity and address may readily be ascertained or are known.

2. In an event, such policeman shall within 24 hours file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible in the preparation by himself and with the officer involved in such case, in the filing of such report within 24 hours.

3. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor, or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

4. In the case of a first violation by a minor, the Chief of Police shall by certified mail, send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of this section, including enforcement of parental responsibility and of applicable penalties.

F. 1. If after the warning notice pursuant to (E) above or a first violation by a minor, a parent violates (D) above in connection with a second violation by such minor, this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be guilty of a minor misdemeanor and for each subsequent offense a parent shall be guilty of a misdemeanor of the fourth degree.

2. Any minor who violates any provision of this section more than 3 times shall be dealt with in accordance with juvenile court law and procedure.

3. A like procedure, before the juvenile authorities, shall be followed in any case where the provisions of this chapter cannot be made effective by the imposition of other penalties under this section.

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