

# RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1995-12

Passed October 17 1995

ORDINANCE NO. 1995-12

## AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES, AND DECLARING IT AN EMERGENCY.

WHEREAS, the Council of the Municipality of Brookville has determined that it is necessary to amend certain sections of Chapter 52 of the Code of Ordinances to update our provisions relating to the collection of garbage and trash by providing a penalty section that is consistent with current misdemeanor penalties, and to specifically include recyclable collection within the provisions of Chapter 52; and

WHEREAS, Council finds it to be necessary to pass this Ordinance as an emergency measure to provide for the immediate enforcement of the new provisions of Chapter 52 within the Municipality of Brookville against unauthorized collectors of garbage and trash.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION 1: Section 52.01 of the Code of Ordinances is hereby amended to add the following subsection:

52.01(F) "RECYCLABLES." Any item of trash or garbage that is deemed by the Trash and Garbage Superintendent to be recyclable.

SECTION 2: Section 52.05 of the Code of Ordinances is hereby amended as follows:

### 52.05 UNAUTHORIZED COLLECTION PROHIBITED.

(A) The municipality is authorized to collect trash and garbage, including recyclables, within the corporate limits.

(B) It shall be unlawful for any person, or employer or agent thereof, other than the authorized collector of garbage and trash, the authorized collector of recyclables, or other person authorized by Council, to collect, or move, or appropriate, or dispose of any garbage or trash, including recyclables. A person producing garbage or trash, including recyclables, may place it or cause it to be placed in a proper

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container however, the person shall still be required to pay for the collection services from the municipality unless specifically exempted by Council as set forth above.

**SECTION 3:** Section 52.99 is hereby amended as follows:

**52.99 PENALTY.**

Violation of any provision of 52.05 through 52.07 shall be a minor misdemeanor. A second or subsequent offense by a person previously convicted under this section shall be misdemeanor of the fourth degree.

**SECTION 4:** This ordinance is hereby declared to be an emergency measure for the immediate enforcement of the provisions of this ordinance to prosecute the unauthorized collection of trash and garbage within the Municipality.

PASSED this 17th day of October, 1995.

ATTEST:

  
E. Eugene Roeser, Clerk

  
Michael A. Duncan, Mayor

**CERTIFICATE**

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1995-12, passed by the Council of the Municipality of Brookville, Ohio on the 17th day of October, 1995.

  
E. Eugene Roeser, Clerk

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## CERTIFICATE OF POSTING

The undersigned, Clerk of the Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1995-12 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 19th day of October, 1995 to the 20th day of November, 1995, both days inclusive.



E. Eugene Roeser, Clerk