

ORDINANCE NO. 132-2012

**TITLE: AMEND BARBERTON CODIFIED ORDINANCES
CONTAINERS IN CITY RIGHT-OF-WAY**

AN ORDINANCE AMENDING THE BARBERTON CODIFIED ORDINANCES BY ADDING A SECTION REGARDING THE PLACEMENT OF ANY ROLL-OFF CONTAINER (COMMONLY KNOWN AS A “DUMPSTER” OR “BAGSTER”) IN THE CITY RIGHT-OF-WAY, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Barberton Codified Ordinances be amended by adding the following section regarding the placement of any roll-off container (commonly known as a “dumpster” or “bagster”) in the City right-of-way:

PERMIT REQUIRED FOR ROLL-OFF CONTAINERS IN CITY RIGHT-OF-WAY; DEPOSIT/FEE.

(a) In order to place any type of roll-off container (commonly known as a “dumpster” or “bagster”) in the City right-of-way, an application must be completed and a permit must be obtained from the Building Department.

(b) Any person to whom a permit is granted shall pay a one hundred dollar (\$100.00) deposit/fee to the Building Department. If the container is removed on the specified date, forty dollars (\$40.00) will be returned.

FINE.

(a) Should a roll-off container be placed in the City right-of-way without prior authorization, there shall be a fifty dollar (\$50.00) fine, in addition to the above stated one hundred dollar (\$100.00) deposit/fee, which will be non-refundable.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, and for the amendment to take effect immediately in order to implement these guidelines as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2012

Clerk of Council

President of Council

Approved _____ 2012

Mayor