

**ORDINANCE NO. 21-2015**

**TITLE: AMEND SECTION 311 – BARBERTON CODIFIED ORDINANCES  
PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET**

**AN ORDINANCE AMENDING SECTION 311.01 OF THE BARBERTON CODIFIED ORDINANCES, “PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET” TO INCLUDE LANGUAGE CONCERNING RIGHT-OF-WAY (ROW) OBSTRUCTIONS AND PROHIBITION OF ANY ALTERATION/OBSTRUCTION IN OR UPON ANY STREET/ROW AREAS WITHOUT PROPER AUTHORITY.**

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

**SECTION 1.** That Section 311.01, “Placing Injurious Material or Obstruction in Street” of the Barberton Codified Ordinances, be amended by including the following section to said Chapter, as shown in **bold print**:

**311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET**

(a) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley, **or right-of-way** any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(2) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.

(3) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall place any obstruction, **alter, and/or construct any improvement** in or upon a highway, **street, road, lane, alley, or right-of-way** without proper authority.

(b) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(ORC 4511.74(A), (B))

(c) (1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (a) is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the first degree.

**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 shall be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2015

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Clerk of Council

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

Approved \_\_\_\_\_ 2015

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Mayor