

AN ORDINANCE AMENDING SECTION 339.08 OF THE CODIFIED ORDINANCES RELATING TO MUD AND DEBRIS DROPPED OR DEPOSITED UPON STREETS, HIGHWAYS AND PUBLIC PLACES WITHIN THE MUNICIPALITY

SECTION 1. That Section 339.08 of the Codified Ordinances of the City of Oberlin, which relates to mud and debris being dropped or deposited upon municipal streets, highways and public places, is hereby amended to read as provided in Exhibit A attached hereto and incorporated herein by reference.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

ATTEST:

PRESIDENT OF COUNCIL

POSTED: June 20, 2006

339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD.

(a) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street highway or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street, highway or other public place.

(c) No person shall operate any vehicle so as to track or drop mud, stones, gravel or other similar material on any street, highway or other public place, and no contractor in charge of a construction site shall maintain such property or construction site so that the vehicles upon such property or construction site pick up mud, dirt or debris on their wheels or other parts and deposit or track the mud, dirt or debris onto the street or sidewalk.

(d) It shall be the duty of the contractor in charge of the construction site or the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be moved.

(e) Whoever violates this section is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, the offender is guilty of a misdemeanor of the fourth degree. On each subsequent offense within one year after the first offense, the offender is guilty of a misdemeanor of the third degree.

(f) In addition, the Code Administrator or Building Official, as the case may be, shall, upon notice from the Police Department of a violation of this Section, suspend any permit theretofore issued to such offender and order all work to cease in connection with such permit until any and all violations of the provisions of this Chapter are cured or removed.