

# CITY OF CLAYTON, OHIO

## ORDINANCE NO. O – 09 - 22 - 29

### AN ORDINANCE AMENDING SECTION 311.01 OF THE CLAYTON CODIFIED ORDINANCES ENTITLED, “PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET”

**WHEREAS**, City Staff has reviewed the Clayton Codified Ordinances and recommends amendment of Section 311.01 thereof in order to better protect the health, safety and welfare of the citizens of Clayton by adding language thereto regulating the depositing of snow and ice into the streets and roadways.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That Section 311.01 of Chapter 311 of the Clayton Codified Ordinances is hereby amended as follows: (Deletions in ~~Strikethrough~~ and Additions in **Bold**)

311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

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**(e) No person, company, contractor, or other entity shall place or cause to be placed snow or ice onto any street, highway, thoroughfare, or public roadway in such a manner which hinders the cleaning of said street, highway, thoroughfare, or public roadway or in such a manner as to obstruct, hinder, or impede the safe and free flow of vehicular traffic. City and State snow plow operations are exempt from this subsection (e).**

**Whoever violates this subsection (e) is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

**(e) (f) No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tracks, 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.**

**(f) (g) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) 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 any provision of subsections (a) to (d) 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 any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(g) (2) Whoever violates subsection (e) (f) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

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2. All other provisions of Section 311.01 not amended hereby shall remain unchanged in full force and effect.
  3. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
  4. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on September 1, 2022 and September 15, 2022.
  5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON SEPTEMBER 15, 2022.

AUTHENTICATION:

  
Mayor (Presiding Officer of Council)

  
Clerk of Council

APPROVED AS TO FORM:

  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper      Date of publication  
Brookville Star      Sept 21, 2022

  
CLERK