

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 18- 071

ADOPTED: 4-24-18

SUBJECT: Yard Debris/Waste Drop Off Area Regulations

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 24th day of April, 2018 with the following members present:

Todd J. Hawke
Jamie Walters
John E. Pizzino

Trustee HAWKE moved for the adoption of the following resolution:

WHEREAS, Ohio Revised Code (hereafter ORC) Section 504.04(A)(1) and (2) authorizes the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township necessary resolutions which are necessary for the promotion of the public health, safety, and general welfare; and

WHEREAS, ORC Section 504.05 authorizes the Jackson Township Board of Trustees to impose a civil fine up to \$1,000 for the violation of a resolution adopted under ORC Section 504.04 which can be graduated based on previous violations and ORC Section 504.06 requires the adoption of a citation form.

WHEREAS, commercial businesses have been using the Jackson Township yard waste drop off area, which is limited to NON-COMMERICAL USERS bringing their property's yard waste to the drop off area.

BE IT RESOLVED THAT, effective May 24, 2018, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05, 504.06, and 504.07 we hereby adopt the attached Yard Debris/Waste Drop Off Area Regulations and fines for violations thereof, and further adopt the attached citation form and request the Township Fiscal Officer to publish the attached notice.

BE IT FURTHER RESOLVED THAT, the Board of Trustees determines this Resolution is in the best interest of the public health, safety, and general welfare of the public, and that this Resolution is reasonable and consistent with constitutional limitations.

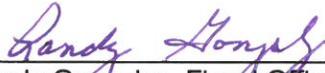
BE IT FURTHER RESOLVED THAT, signs shall be posted at the site consistent with the regulations approved and attached hereto.

BE IT FURTHER RESOLVED THAT, pursuant to ORC Section 504.10, we hereby dispense with the requirement that this resolution be read on two separate days and authorize the passage of this resolution upon its first reading.

Trustee PIZZINO seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke	<u>YES</u>
Mr. Walters	<u>YES</u>
Mr. Pizzino	<u>YES</u>

The foregoing is a true and correct counterpart of Resolution Number 18-071, duly adopted on April 24, 2018 and filed with me as the Township Fiscal Officer on April 25, 2018.



Randy Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:



Michael B. Vaccaro, Law Director

NOTICE

Notice is hereby given that the Board of Trustees of Jackson Township, Stark County, Ohio, by Resolution No. 18-_____, adopted on April 24, 2018, effective May 24, 2018, has adopted the following legislation:

REGULATIONS GOVERNING THE YARD DEBRIS/WASTE DROP-OFF AREA LEGISLATION

Notice is further given that a complete text of the above resolution of the Jackson Township Board of Trustees may be obtained or inspected at the Office of the Township Fiscal Officer, 5735 Wales Avenue NW, Jackson Township, Ohio from 8:00 a.m. to 4:30 p.m., Monday through Friday.

This advertisement is also posted on the state public notice web site (www.publicnoticesohio.com) established under section 125.182 of the Revised Code and on the Jackson Township web site (www.jacksontwp.com).

Randy Gonzalez, Fiscal Officer
BOARD OF TRUSTEES OF JACKSON TOWNSHIP, STARK COUNTY, OHIO

Published in The Massillon Independent April 30, 2018.

JACKSON TOWNSHIP, STARK COUNTY, OHIO

REGULATIONS GOVERNING THE YARD DEBRIS/WASTE DROP-OFF SITE

Section 100. DEFINITIONS.

- A. "Commercial lawn or tree service" means a person or business for hire who provides custom design landscapes, estate landscape management and grounds/yard maintenance services to include yard mowing, and tree trimming and removal services.
- B. "Deposit" means to throw, drop, discard, or place.
- C. "GVW" means the gross vehicle weight rating (GVWR), or gross vehicle mass (GVM) is the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.
- D. "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, treated wood, construction grade materials or anything else of an unsightly or unsanitary nature.
- E. "Person" means an individual person, firms, partnerships, limited liability companies, or corporations, their agents, trustees, heirs or assigns.
- F. "Public property" includes any private property or public property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee.
- G. "Resident" means an individual living in the unincorporated and incorporated areas of Jackson Township, Stark County, Ohio.
- H. "Yard debris/waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes, shrubs, and tree or plant branches not larger than two (2") inches in diameter, and longer than four (4') feet.

Section 101. HOURS OF OPERATION.

- A. Hours of operation shall be established by the Jackson Township Board of Trustees and may vary due to seasonal needs of the community.

Section 102. PERMISSIBLE USE OF YARD DEBRIS/WASTE DROP-OFF SITE.

- A. Residents may bring properly sized yard waste from their township properties to the Jackson Township Yard Debris/Waste Drop-off site during established hours of operation, and deposit the yard waste in the designated drop-off area.

Section 103. VIOLATIONS.

- A. Commercial lawn and/or commercial tree services (resident and non-resident) are prohibited from depositing yard waste and non-yard waste at the site.
- B. Commercial businesses, commercially labeled or unlabeled vehicles or vehicles in excess of 9500 (3/4 ton pick-up truck) GVW (resident and non-resident) are prohibited from depositing at the site. Trailers in excess of twelve (12) feet in length are prohibited from depositing at the site.
- C. No person, regardless of intent, shall deposit, litter or cause litter to be deposited on any public property or private property to include the following materials:
 - 1. Plastic bags (may be used for transport, but must be removed from site)
 - 2. cut trees
 - 3. logs
 - 4. stumps
 - 5. branches larger than three (3") inches in diameter, and longer than five(5') feet
 - 6. construction materials
 - 7. treated wood
 - 8. dirt
 - 9. stones
- D. No person, regardless of intent, shall deposit yard waste or cause yard waste to be deposited outside the designated drop-off area for yard waste

Section 104. PENALTY.

- A. Whoever violates this Legislation shall be issued a civil citation in the amount of five hundred dollars (\$500.00) on the first offense and a civil citation in the amount of one thousand dollars (\$1,000.00) for each subsequent offense under this Section. All fines collected for violation of this Resolution shall be paid into the General Fund.

Section 105. SEVERABILITY.

- A. If any of the provisions in any of the sections of the above legislation should be rendered invalid or unenforceable by the enactment of statutory law or by a Court of competent jurisdiction from whose final judgment or decree no appeals have been taken within the time provided thereof or by any administrative or executive official having authority to rule in the matter, such legislation, decision or ruling shall not affect the validity of the surviving portions of this legislation which shall remain in full force and effect as if such invalid portion thereof had not been included therein.

Section 106. EFFECTIVE DATE.

- A. This Legislation shall be effective thirty (30) days after passage by the Board of Trustees.

REGULATIONS GOVERNING THE YARD DEBRIS/WASTE DROP-OFF SITE

JACKSON TOWNSHIP LIMITED SELF-GOVERNMENT RESOLUTION NO. _____

\$500 fine for the first violation

\$1,000 fine for each subsequent violation

You are hereby cited for a violation of a Jackson Township, Stark County, Ohio resolution as follows:

Location of Violation _____ Date _____

Time _____ Officer _____ Viol. No. _____

Violation description _____

Resolution Number and Section _____ Fine: \$ _____

Name _____

Address _____

You are required to answer this violation citation within (14) days after service of the citation. The following answers can be made:

1. AN ADMISSION THAT YOU COMMITTED THE VIOLATION, BY PAYMENT OF THE FINE ARISING FROM THE VIOLATION, PAYABLE TO THE FISCAL OFFICER OF JACKSON TOWNSHIP.
2. A DENIAL THAT YOU COMMITTED THE VIOLATION. IF THE VIOLATION IS DENIED, YOU WILL BE AFFORDED A HEARING IN MASSILLON MUNICIPAL COURT.

Fines can be paid by mailing this citation along with a MONEY ORDER or CERTIFIED CHECK payable to the Jackson Township Fiscal Officer, 7383 Fulton Drive, N.W., Massillon, Ohio 44646 Phone: 330-832-5886. If you deny the violation, please circle No. 2 above and mail this violation citation to the above address. Citations may also be answered or paid in cash at the Office of the Township Fiscal Officer located at the above address during the hours of 8:00 a.m. - 4:30 p.m., Monday through Friday.

If the fine is not paid within (14) days of the service of this summons or you deny the violation, a hearing upon the violation will be scheduled in Massillon Municipal Court of which you will be notified. Attached ORC Section 504.07 describes the citation procedures and the procedures for any hearing conducted in Massillon Municipal Court.

I hereby affirm the facts contained herein.

Issuing Officer

SERVICE OF CITATION

The foregoing citation was served on _____ by:
(Date)

Certified mail, return receipt requested, addressed to the person named above at the address shown (affix return receipt).

Personal service by the undersigned on the person named.

Residence service by the undersigned, by leaving a copy of the citation at the usual place of residence of the person named above, at the address shown, with some person of suitable age and discretion residing therein.

Other: _____

Issuing Officer/Fiscal Officer

FISCAL OFFICER'S CERTIFICATE OF ACTION ON CITATION

The person named in the foregoing citation:

Appeared before me on _____
(Date)

By mail addressed to me received on _____
(Date)

And

paid the fine.

denied the violation.

OR

Failed to answer the citation.

Failed to pay the fine within fourteen days after service of the citation.

Randy Gonzalez
Fiscal Officer
Jackson Township Board of Trustees

R.C. § 504.07

504.07 Citation proceedings

(A)(1) A person who is served with a citation pursuant to division (B) of section 504.06 of the Revised Code shall answer the charge by personal appearance before, or by mail addressed to, the township fiscal officer, who shall immediately notify the township law director. An answer shall be made within fourteen days after the citation is served upon the person and shall be in one of the following forms:

(a) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine pursuant to division (A)(1)(a) of this section shall be payable to the fiscal officer of the township and deposited by the fiscal officer into the township general fund.

(b) A denial that the person committed the violation.

(2) Whenever a person pays a fine pursuant to division (A)(1)(a) of this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required by division (A)(1) of this section, the township fiscal officer shall notify the court having jurisdiction over the violation.

(B) If a person answers by denying the violation or does not submit payment of the fine within the time required by division (A)(1) of this section, the court having jurisdiction over the violation shall, upon receiving the notification required by division (A)(2) of this section, schedule a hearing on the violation and send notice of the date and time of the hearing to the person charged with the violation and to the township law director. If the person charged with the violation fails to appear for the scheduled hearing, the court may hold the person in contempt, or issue a summons or a warrant for the person's arrest pursuant to Criminal Rule 4. If the court issues a summons and the person charged with the violation fails to appear, the court may enter a default judgment against the person and require the person to pay the fine arising from the violation.

(C) The court shall hold the scheduled hearing in accordance with the Rules of Civil Procedure and the rules of the court, and shall determine whether the township has established, by a preponderance of the evidence, that the person committed the violation. If the court determines that the person committed the violation, it shall enter a judgment against the person requiring the person to pay the fine arising from the violation.

If the court determines that the township has not established, by a preponderance of the evidence, that the person committed the violation, the court shall enter judgment against the township whose resolution allegedly was violated, shall dismiss the charge of the violation against the person, and shall assess costs against the township.

(D) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the clerk of the court that entered the judgment, within ten days after the date of entry. All money paid in satisfaction of a judgment or default judgment shall be

disbursed by the clerk as required by law, and the clerk shall enter the fact of payment of the money and its disbursement in the records of the court. If payment of a judgment or default judgment is not made within this time period, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that court. The municipal or county court shall assess costs against the judgment debtor, to be paid upon satisfaction of the judgment.

(E) Any person against whom a judgment or default judgment is entered pursuant to this section and any township against which a judgment is entered pursuant to this section may appeal the judgment or default judgment to the court of appeals within whose territorial jurisdiction the resolution allegedly was violated. An appeal shall be made by filing a notice of appeal with the trial court and with the court of appeals within thirty days after the entry of judgment by the trial court and by the payment of reasonable costs as the court requires. Upon the filing of an appeal, the court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the court in accordance with the rules of the court. Service of a notice of appeal under this division does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the trial court, in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

Notwithstanding any other provision of law, the judgment on appeal of the court of appeals is final.

NOTICE TO COURT OF VIOLATION OF TOWNSHIP RESOLUTION

To Massillon Law Director:

Please be notified that the person named in the enclosed citation, within fourteen days after service of the citation:

- Paid the specified fine.
- Answered and denied the citation.
- Failed to answer the citation.
- Failed to pay the specified fine.

A copy of the township resolution described in the citation is attached.

The court is requested to commence proceedings on the citation pursuant to Ohio Revised Code Section 504.07.

Date

Randy Gonzalez
Fiscal Officer
Jackson Township Board of Trustees

Cc: Massillon Clerk of Courts