City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Healthy Neighborhoods

Chairperson, Jan-Michele Kearney
Vice Chairperson, Victoria Parks
Councilmember Anna Albi
Councilmember Scotty Johnson

Tuesday, January 23, 2024 | **12:30 PM** | **Council Chambers, Room 300**

AGENDA

1. 202400211 **REPORT**, dated 1/18/2024, submitted Sheryl M. M. Long, City Manager, regarding The Littering and Illegal Dumping Enforcement. (Reference Document #202200547)

Sponsors: City Manager

Attachments: Report
Attachment

2. 202400118 **MOTION**, submitted by Vice Mayor Kearney and Councilmember Johnson, **WE MOVE** that City Council establish a Childcare Task Force to report to the Healthy Neighborhoods Committee. **WE FURTHER** suggest that the City Manager appoint Liz Keating as the Chair of the Childcare Task Force after her term on Council has expired. **WE FURTHER MOVE** that the Chair of the Childcare Taskforce recommend members to the City Manager for appointment to the taskforce, and for City Council's confirmation.

Sponsors: Kearney and Johnson

Attachments: Motion

3. 202400120 **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that City Council establish a consistent process for honorary, secondary street namings as follows: 1. Requestor submits necessary information (e.g., biography of person to be honored, name of street and intersection to receive the honorary name, other pertinent information to support request) to a Cincinnati City Councilmember's office to support request for the honorary streetnaming. A councilmember also may initiate the streetnaming. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

Sponsors: Kearney

Attachments: Motion 202400120

ADJOURNMENT

city of CINCINNATI
Interdepartment Correspondence Sheet

January 18, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager **202400211**

Subject: Littering & Illegal Dumping Enforcement

Reference Document #202200547

The Healthy Neighborhoods Committee at its session on March 8, 2022, referred the following item for review and report.

> **MOTION**, submitted by Councilmember Jeffreys, to gain a better understanding of how littering and illegal dumping violations are cited, **WE MOVE** that the Administration report back to Council within sixty days on: How many citations for littering and illegal dumping have been issued each year for each of the past five years and who has been issuing those citations (e.g., CPD, B&I, Health, etc.), with these citations being broken out by type: illegal dumping (on public and private property violations separately) or standard littering (i.e., someone throwing trash out of their car window).

Enforcement Activities for Litter and Dumping

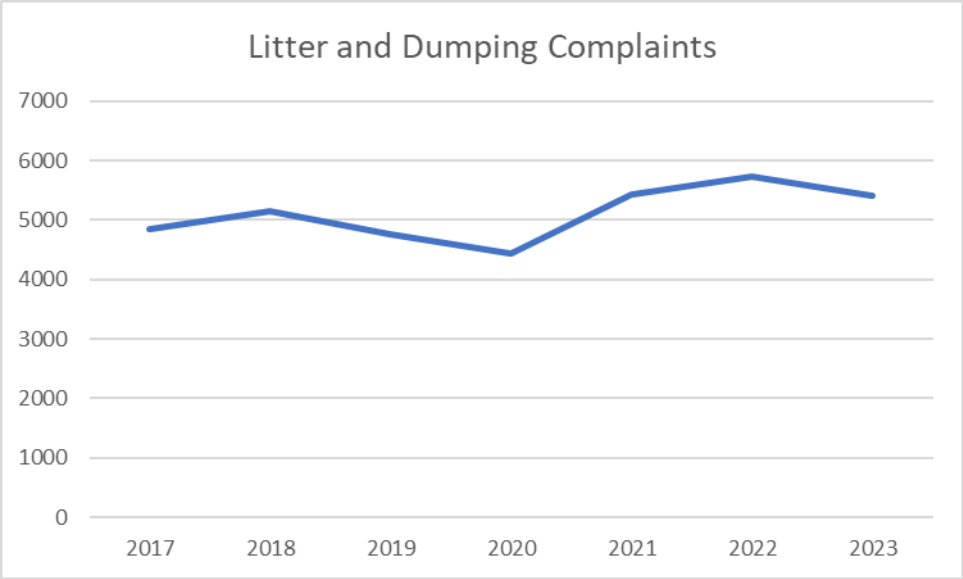
Littering and Dumping Laws and Regulations

There is a broad array of local, state, and federal[1] laws that prohibit and set various civil and criminal penalties for acts associated with the improper disposal of waste, including littering and dumping. Additionally, the City's Board of Health maintains local regulations to control littering and dumping. Attached as **Appendix A** to this report is a comprehensive list of pertinent local and state laws and local regulations, which summarizes the conduct prohibited and associated penalties.

Complaint Intake

Due to limited resources, enforcement for litter and blight is primarily driven by complaints. Presently, a complaint for litter and dumping from the general public can be entered through the City's 311 system or directly in our Customer Service Request system. At times, complaints also are lodged through phone calls and emails to City staff and elected officials. Additionally, City staff out in the neighborhoods may notice and report a condition. This type of reporting frequently happens, even with department staff that do not participate in actual enforcement of the litter and dumping ordinances. The below chart shows the history of complaints filed in the City's Customer Service Request system.

[1] Federal environmental enforcement is not discussed here given the scope of this report.



Warnings and Notice

The City's Department of Building and Inspections, under the Private Lot Abatement Program (PLAP), and the Health Department are the two primary City departments involved in enforcing litter and dumping laws.

In addition to citations, discussed below, the Health Department issues warnings—called notices of violations. These notices do not include a civil fine. Since 2017, the Health Department has issued 167 warnings for non-compliance, an average of approximately 28 per year.

By legislative design, PLAP is structured to provide little leniency in an effort to drive compliance. Upon a determination of non-compliance, Cincinnati Municipal Code (CMC) 714-41 requires issuance of a notice of violation and a civil fine, as further described below. CMC 729-71 and 739-99 similarly require civil fines upon a violation occurring.

Under Chapter 729, without prior notice the City may abate dumping and improper set-outs on public or private property and may abate the conditions and assess the costs to the appropriate party.

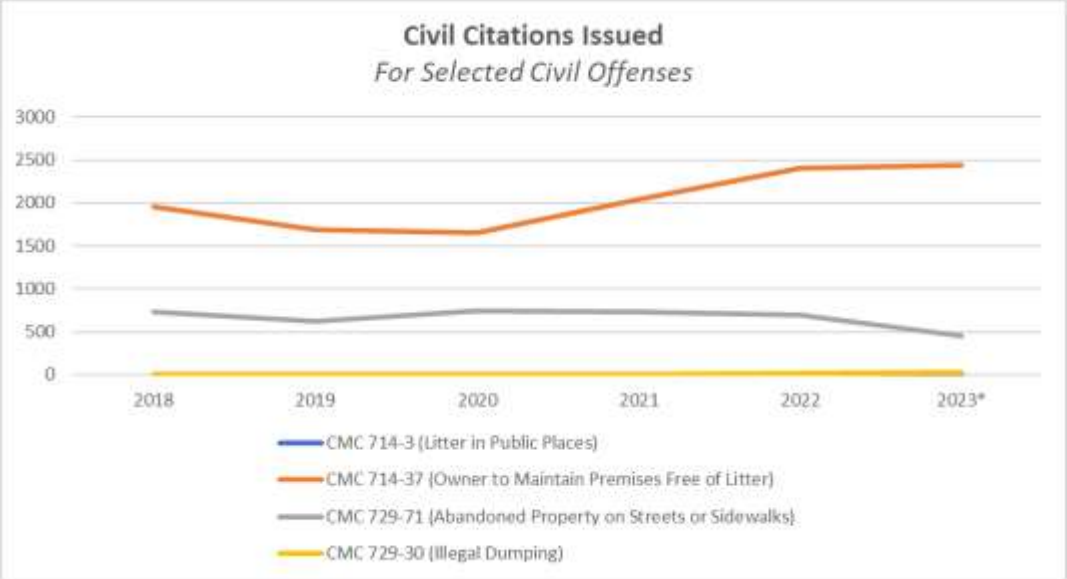
Civil Enforcement

The following charts show the number of civil citations issued for litter or dumping since January 2018 to November 2023:

	2018	**2019**	**2020**	**2021**	**2022**	**2023***	**Total**
CMC 714-3 (Litter in Public Places)	0	0	1	1	1	0	**3**
CMC 714-37 (Owner to Maintain Premises Free of Litter)	1,956	1,696	1655	2041	2400	2440	**12,188**
CMC 729-71 (Abandoned Property on Streets or Sidewalks)	732	626	744	734	698	459	**3,993**

CMC 729-30 (Illegal Dumping)	5	7	4	8	11	26	**61**

**** Data updated in November of 2023***



The majority of current civil enforcement activity shown above is handled by PLAP. The Cincinnati Health Department also issues civil citations, generally targeting larger cases, but not at the same volume as PLAP.

Enforcement is accomplished primarily through issuance of civil citations under CMC 714-37 and 729-71. These provisions target property owners associated with either (1) litter or garbage on their property (CMC 714-37) or (2) personal property dumped in the right-of-way (ex. furniture, improper set out, etc.) adjacent to their property (CMC 729-71). The primary reason that we have the most enforcement activity in this area is because the offense is tied to property ownership, which provides for easier enforcement since there is generally readily available information to identify the property owner and evidence of violations is easier to collect and tie to an individual or entity. Until recently the PLAP citations were issued by a team of 4 FTEs—known as litter control officers that are primarily committed to this function. Additionally, building inspector trainees are utilized to supplement these FTEs and issue citations. With the addition of 9 FTEs in B&I focused on code enforcement in FY24, once fully staffed, this additional capacity will supplement the existing capacity for enforcement. The Health Department has 4 environmental health inspectors, who issue notice of violations and citations but have job responsibilities beyond just litter and dumping enforcement.

Citations for dumping under CMC 729-30 are the next most frequent civil enforcement activity. These citations are issued for improper dumping to owners of vehicles involved in dumping. Primarily the evidence for issuance of these citations comes from photo or video evidence gathered from any verifiable source but primarily through the use of surveillance cameras—either owned and maintained by the City, the Hamilton County Sheriff's Office, or by our partner organization—Keep Cincinnati Beautiful. Civil citations are issued by PLAP or Cincinnati Police Department (CPD). As discussed more below, City parties work closely with the Hamilton County

Sheriff's Office Environmental Crimes Task Force for both evidence and referrals for criminal dumping enforcement.

The final category of enforcement activity is issuance of civil citations under CMC 714-3, primarily for individuals littering in the right-of-way. With only 3 citations issued over the last six years, this activity is rare. A challenge to enforcement is that an individual must be caught in the act and then also be able to be identified and located. One citation was issued by PLAP after a resident captured and then submitted video evidence of the violation occurring. The remaining two citations were issued by CPD related to violations observed by officers in the normal course of patrol. As discussed below, CPD does issue a fair amount of criminal citations under this provision.

Here is a summary of the pertinent code sections utilized for civil enforcement within the last six years and associated fines.

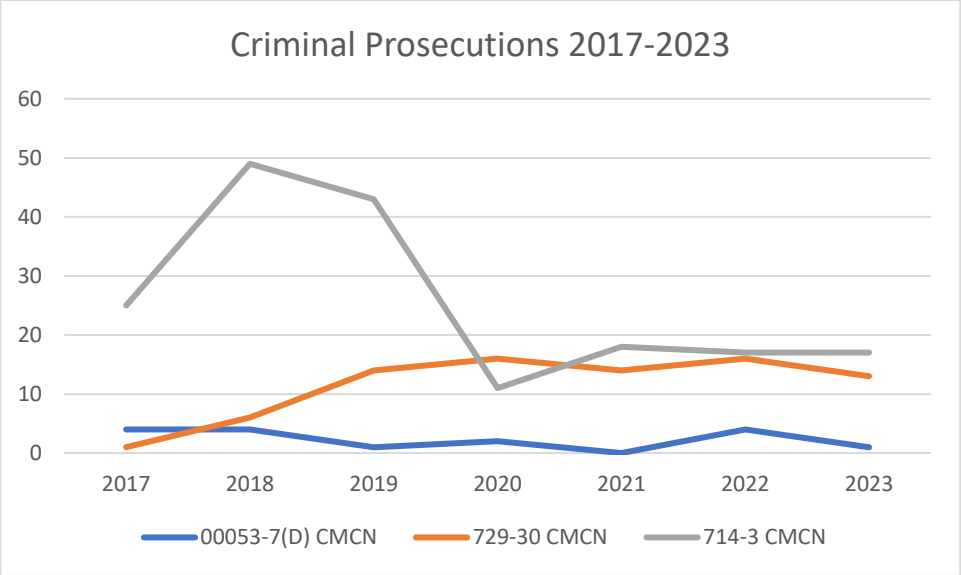
Cincinnati Municipal Code Section	Summary	Citation and Fines
CMC 714-3 (Litter in Public Places)	Civil citation targeting individuals littering in public places—including ROW.	Enforceable through the issuance of Class B1 civil fines, which are $200.00 fines.
CMC 714-37 (Owner or Person in Control to Maintain Premises Free of Litter)	Civil citation targeting property owners who do not maintain their property free of litter.	Issuance of a $500.00 civil fine. If (1) it is a first violation, *and* (2) the owner/person in control cures the violation within seven days of receipt of the citation, the owner/person in control can obtain a 50% cure credit, reducing the fine to $250.00. If the violation is not cured upon reinspection, the City may issue additional civil fines and entering onto the property to abate the litter nuisance without prior notice.
CMC 729-30 (Dumping Prohibited)	Civil citation for improper disposal of waste on public or private property. Targets owners of vehicles involved.	Violations are penalized through the issuance of Class E civil fines, which are $1250 fines.
CMC 729-71(C)(i) and (C)(ii) (Personal Property Left or Abandoned on Streets and Sidewalks)	Civil citation targeting property owners who allow personal property to remain on public property abutting their land.	Citations for 3 or fewer items: Class B Civil Offense, which are $150.00 fines. Citations for 4 or more items: Class D Civil Offense, which are $750 fines.

Criminal Enforcement

The following charts show the number of criminal prosecutions for litter or dumping since May 2017 through November 2023[2]:

[2] For demonstration purposes, since the civil data available splits calendar years, throughout this report the time period from May through April of the subsequent year is summarized as falling in the subsequent year (Ex. May 2017 – April 2018 is summarized as 2018).

Criminal Prosecution (Through November 2023)	
00053-7(D) (Waste Disposal)	16
729-30 CMC (Dumping Prohibited)	80
714-3 CMC (Litter in Public Places)	180



As far as volume, the primary criminal enforcement over the last seven years has been pursuant to CMC 714-3 for littering in public places. This volume comes from criminal citations issued by CPD in the course of their normal patrol duties. Typically, these citations are settled by the offender paying a mandatory fine of $500. The noticeable decline in criminal litter enforcement is attributed to a drop in enforcement by police beginning in 2020. CPD has not issued any new directives, trainings or guidance to officers regarding litter enforcement that might explain the change. However, the decline is contemporaneous to the first year of the COVID-19 pandemic.

The second type of criminal enforcement is pursuant to CMC 729-30 for illegal dumping. The primary driver of these cases has been the Hamilton County Sheriff's Office Environmental Crimes Task Force, which consists of a single officer. This officer investigates tips, collects evidence, and refers cases for prosecution and works closely with other County Departments, City Departments, and private partners such as Keep Cincinnati Beautiful. Criminal cases are prosecuted by either the City Law Department or Hamilton County Prosecutor's office. While CPD does support the work of the Sheriff's Office, CPD does not currently commit significant resources to pursuing or investigating criminal dumping cases, as available resources are primarily committed to pursuing other types of criminal activity.

Though not frequent, prosecuting violations of the Board of Health Regulation § 00053-7(D) is the second form of criminal enforcement activity. Evidence of violations are collected through a collaboration between the Health Department's Environmental Health Division and the Hamilton County Sheriff's Office Environmental Crimes Task Force.

It should be noted that as a standing policy owner-occupants are not targeted for criminal enforcement.

Cincinnati Municipal Code Section	Summary	Citation and Fines
Board of Health Regulation § 00053-7(D) (Waste Disposal)	Makes it unlawful for any person to throw, deposit, let fall, or permit to accumulate any solid, hazardous, or infectious waste, rubbish, paper, cans, ashes, refuse, garbage, or putrescible organic matter, litter, junk, combustible or noncombustible waste, junk vehicles, or miscellaneous debris on any lot, yard, shed, roof, porch, or other such place.	Violation is a first-degree misdemeanor (§ 00053-19). Each and every violation of the provisions of the regulation constitute a separate offense.
CMC 729-30 (Dumping Prohibited)	Criminal citation for improper disposal of waste on public or private property. Targets owners of vehicles involved.	Violations of this law constitute a first-degree misdemeanor, punishable by 180 days' jail time and a $1000 fine. Violations may also be penalized through the issuance of Class E civil fines, which are $1250 fines.
CMC 714-3 (Littering In Public Places)	Criminal citation targeting individuals littering in public places—including ROW.	Violations of this law constitute a third-degree misdemeanor, punishable by a mandatory $500 fine.

Abatement Activity and Costs[3]

This section will outline both responsibility for abatement of conditions resulting from littering and dumping and the public costs of abatement activities.

The primary responsibility for abatement of litter and dumping on private property or in the streets or sidewalk adjacent to private property is the owner of the private property.

If a responsible property owner does not abate the issue after required notice is issued and required time given to comply, then the City steps in to abate the conditions and will generally assess the cost of that abatement activity to the property taxes of the responsible property owner. This type of abatement activity is performed by contractors for violations on private property under PLAP or by in-house DPS employees for violations in the ROW. In circumstances where there is no responsible private property owner or for general litter conditions not associated with a particular property (ex. littering out of a car window), this abatement activity is performed in-house by the City by DPS employees.

Below is a summary of abatement actions and costs associated with PLAP abatement activity on private property for the past five years. If the property owner fails to repay these costs, they are assessed directly to the property taxes for the impacted parcel.

[3] These totals relate only to PLAP litter abatement activity. Abatement activity related to tall grass/weeds enforcement is not included.

Year (May-April)	Abatements Performed	Abatement Costs
2017-18	292	$129,028.19
2018-19	280	$154,531.76
2019-20	244	$126,133.62
2020-21	261	$161,314.24
2021-22	281	$252,016.36
Total	**1,358**	**$823,024.17**

Costs incurred by the City associated with dumping or litter on public property are difficult to accurately estimate as this work is performed by the Department of Public Services as part of their regular workflow and is not distinctly tracked. However, where a criminal conviction is obtained, the City is able to calculate the amount of time and the type of resources utilized in engaging in a specific abatement activity by reviewing work done on the date of the offense. Such costs are often paid by criminal defendants as part of sentencing and usually range from $250-$750 per occurrence.

The Department of Public Services otherwise estimates that it has incurred the costs listed below in association with abating litter or dumped items.

Fiscal Year	NLP/ROW	Street Sweeping	Tire Collection	Total
2019	$443,334.14	$2,444,095.74	$101,634.02	$2,989,063.90
2020	$1,092,917.17	$2,418,114.43	$87,833.76	$3,598,865.36
2021	$1,255,737.64	$2,350,237.34	$83,311.66	$3,689,286.64
2022	$894,528.16	$1,903,392.66	$63,476.99	$2,861,397.81
2023	$1,111,358.58	$2,681,219.18	$88,124.42	$3,880,702.18
2024*	$434,898.46	$1,408,044.60	$56,841.13	$1,899,784.19
Total	**$5,232,774.15**	**$13,205,103.95**	**$481,221.98**	**$18,919,100.08**

** Data updated up to November 2023 (11/7/23)*

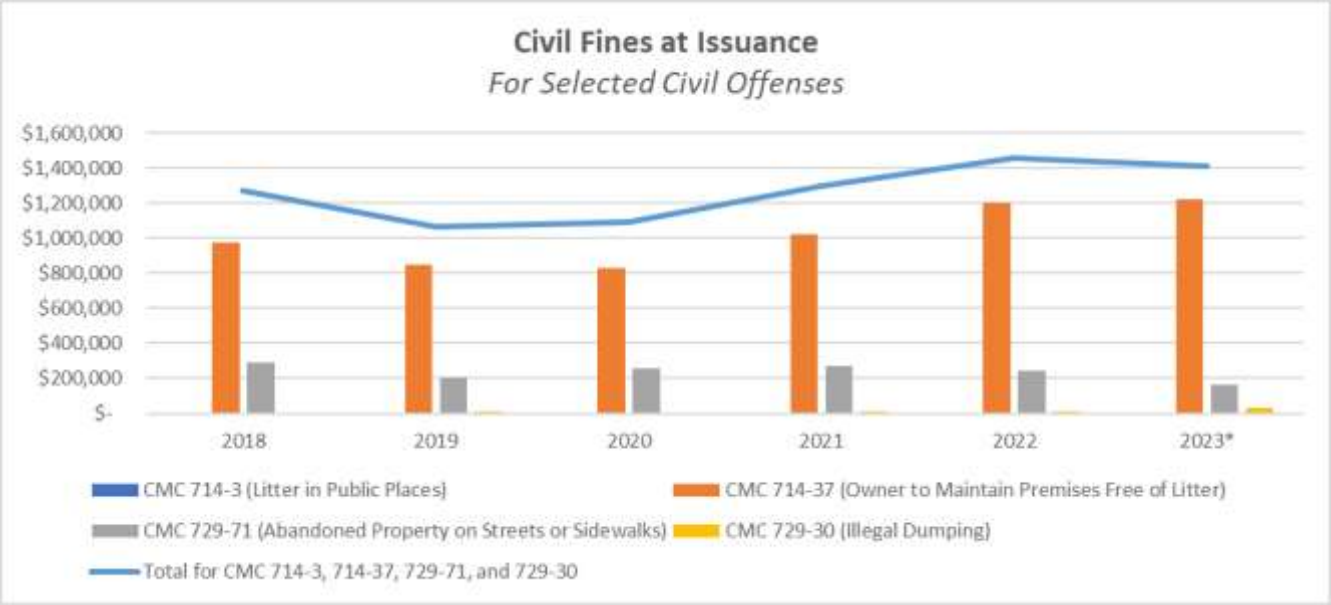
Notably, these costs do not reflect costs associated with disposal of abated items as those are inextricably intertwined with the DPS's waste hauling costs.

Additionally, the City provides annual operating leveraged support for Keep Cincinnati Beautiful, a non-profit partner organization focused on addressing litter and blight. Though this support provides for more than just litter and dumping abatement, it is a cost partially incurred by the City in-part as a result of such activities.

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY2024
Keep Cincinnati Beautiful	$497,711	$399,650	$400,000	$400,000	$475,000	$475,000	$475,000

Civil Fines and Criminal Restitution

The below chart details the value of civil fines at issuance from 2018 to 2023.

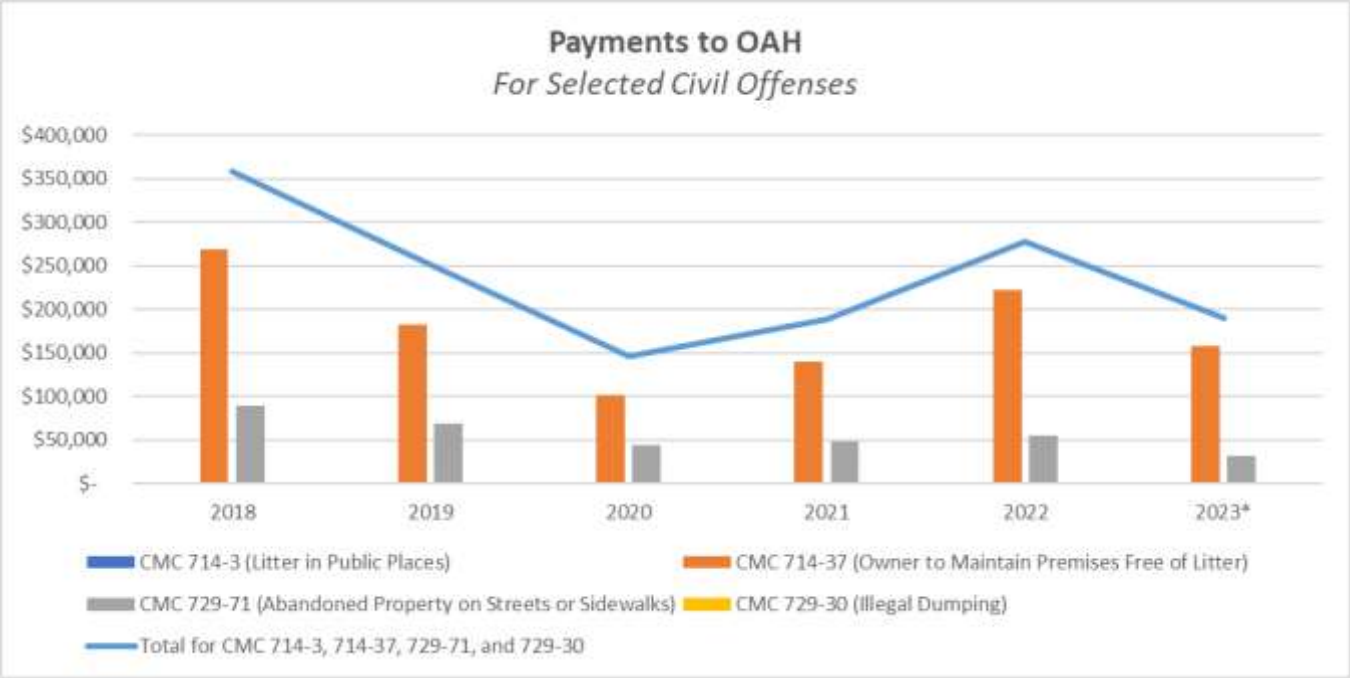


While the above provides a reasonably accurate estimate of the total amount due and owing for civil fines issued as of the date of issuance, it does not account for cure credits or fine reductions, dismissals of citations by the Office of Administrative Hearings or, if appealed, the Hamilton County Court of Common Pleas. Only those citations that are not dismissed are referred for collection. Consequently, the total number of citations issued should not be construed as the total number of citations referred for collection.

Generally, the primary purpose of criminal prosecution is to deter the underlying criminal activity and, through restitution, recover from the defendant costs expended abating nuisance conditions they created. In addition, sentences imposed for dumping violations frequently require the defendant to also perform community service. Exact data on the total amount of costs recovered from restitution payments for illegal dumping convictions and criminal litter citations was not available; however, given the relatively low level of criminal prosecution, the data on criminal enforcement materially captures the pertinent financial information.

Recovery and Collections

The below chart shows the annual amount of civil fines collected from 2018-2023.



It is critical to note that the citations issued in any given year do not align directly with the recoveries in that same year. Any given citation may be recovered through a variety of ways and over a significant span of time. The statute of limitations for civil fines is six years. Accordingly, the City may issue a citation in 2017 and not file a suit on that citation until 2023, and delays in litigation may mean the City does not obtain judgment or payment until years later.

Further consideration should be given to the practice of settlement of debts owed to the City. When a debtor lacks assets, is indigent, or otherwise presents reasonable bases for a reduction or waiver of debt owed, the Law Department may accept reduced payment in satisfaction of a civil citation.

Regarding use of revenues received, Chapter 714 of the municipal code provides that funds recovered under that Chapter, which includes funds recovered pursuant to private litter enforcement and abatement activity, shall be used to support future private lot abatement enforcement activity. Funds recovered associated with other litter enforcement activity are deposited into the City's General Fund and used to support general fund expenditures.

The Motion specifically requests "[a]n assessment of what portion of the difference between the total fines issued and total revenue recovered is due to lower collections rather than the court system not enforcing the fine given by the citation authority."

There is no evidence that the court system is failing to enforce the City's municipal code or refusing to enter judgments sought when the City's claims are supported by evidence sufficient to obtain a judgment on the citation. Nor is there any evidence that the court system has, to any statistically significant degree, failed to grant judgment in favor of the City in collections actions when litigation is initiated.

The primary reason why civil fines associated with litter and dumping are not recovered is because they are associated with abandoned properties and absentee property owners. Additionally, as discussed above, gaps between the value of citations assessed and recoveries are associated with complex issues, including indigent debtors, uncollectable debt, and complex settlement determinations.

Peer Cities' Enforcement Regimes

For purposes of this report, the enforcement regimes of Columbus, Cleveland, and Dayton were reviewed and compared with Cincinnati's. Each city utilizes a variety of tools but are alike in their reliance on the issuance of civil fines as a deterrent and on municipal funds for abatement purposes.

Columbus

The Columbus Municipal Code, like Cincinnati's, has several laws that govern the act of littering and dumping. *See* Columbus Municipal Code Sections 902.01, 919.16, 1301.15, 1305.02, and 2329.01. Violations of these laws range from minor misdemeanors subject to fines of $100 to first-degree misdemeanors subject to fines of $1000 depending on the scope of the violation, which is like the laws in Cincinnati. However, Columbus' laws are distinct in that they rely heavily on enforcement through the initiation of criminal charges. This is likely because Columbus benefits from having a dedicated housing court that oversees enforcement of all litter and dumping violations and that has staff available to connect owner-occupant offenders, among others, with necessary resources to help obtain compliance without relying exclusively on the imposition of jail sentences.

Further, the City of Columbus dedicates three employees who are "Solid Waste Inspectors" tasked with investigating illegal dumping activity. Reports are made through a 311 Service Center and information and evidence is gathered from complainants and used to investigate and prosecute individuals engaged in littering and dumping activity.

Cleveland

The City of Cleveland's Health Code prohibits the accumulation of waste on any property. *See* Cleveland Municipal Code Section 203.07. First offenses constitute minor misdemeanors subject to a $150 fine; subsequent offenses constitute first-degree misdemeanors subject to 180 days' jail time and/or a $1000 fine. *See* Cleveland Municipal Code Section 201.99. This ordinance is less robust than Cincinnati's PLAP program.

The City of Cleveland also partners with Cuyahoga County in addressing environmental hazards, including litter.

Notably, like the City of Columbus, Cleveland benefits from having a dedicated housing court staffed by specialists who can connect individuals with resources and provide critical guidance for property owners, including owner-occupants, facing criminal charges for litter and dumping offenses.

Dayton

The Dayton Municipal Code, like Cincinnati's, provides for civil and criminal penalties for litter and dumping violations. Standard litter violations constitute minor misdemeanors and more egregious littering constitutes a first-degree misdemeanor, while litter violations on private property are subject to a $500 civil fine. *See* Dayton Municipal Code Sections 98.02, 98.05-98.06, and 98.99.

The City of Dayton partners with Montgomery County and the Montgomery County Sheriff's Office and has created an Illegal Dumping Team tasked with investigation of illegal dumping complaints and education to protect against future dumping. They utilize approximately 60 cameras to monitor for dumping across the region and rely primarily on criminal penalties. Notably, despite this significant effort, this effort has resulted in only 137 convictions for illegal dumping from 2014 to 2021, which reflects the difficulty of catching people in the act of dumping.

Recommendations

The City Administration makes the below recommendations to better address litter and dumping in the City:

1. **Improve data capture and tracking for litter and dumping.** One of the primary challenges experienced in issuing this report was assembling all the data sources to be able to paint a clear picture of the current state of the issue and enforcement activities. It required very tedious collection from multiple data sources. As part of the City Manager's move to performance-based budgeting, we will have an opportunity to better record and track trends in litter and dumping activities over time, providing an operational feedback loop on the existing conditions for this issue as well as the impact of operational changes and investments.

2. **Sustain additional resources for Buildings and Inspections to provide for more oversight and attention to enforcing litter and dumping laws and supplement resources for the Department of Public Services to better support abatement of litter and dumping conditions or to otherwise provide enhanced public services to mitigate or eliminate conditions that lead to litter and dumping.** The Special Code Enforcement unit in B&I, as proposed by the Mayor in FY 2024 and approved by Council, will provide greatly needed additional resources necessary to enhance the City's ability to increase oversight and attention to enforcing dumping and litter laws. For service enhancements in the Department of Public Services, at the request of Council the City Administration can develop and provide a more detailed and comprehensive resource estimate and recommendation—but generally this will be comprised of additional personnel and/or equipment to increase response time for abatement activities and improvements to disposal services.

3. **Continue resource support of Keep Cincinnati Beautiful to continue community awareness and engagement activities as well as enforcement support.** Keep Cincinnati Beautiful is an important partner to the City and continuation of City financial support, which is leveraged by private fundraising, amplifies the resources available to addressing litter and blight in the City.

4. **Enhance the City's complaint intake systems to engage the public in identifying violations and violators and to ensure efficient deployment of public resources for enforcement and abatement.** An updated customer interface for litter and dumping complaints will facilitate engaging the public more in identifying litter and dumping violations—leading to the collection of more evidence for enforcement purposes. Additionally, the City Administration recommends exploring ways to provide rewards to individuals that submit information that led to collection of civil fines or criminal convictions.

5. **Amend the CMC to streamline applicable code provisions and also to provide for a pre-fine issuance of a notice of violations.** Presently, the two most frequently utilized CMC sections (CMC 729-71 and CMC 714-37) do not allow for issuance of a warning without issuance of a fine. While this may encourage compliance following a citation, it also creates a higher threshold for issuance of a violation. The Administration recommends an amendment to the CMC that allows for administrative discretion to issue warnings without civil fines—permitting a lower stakes engagement with violators. This will allow more City staff to issue warnings, preserving enforcement resources for more egregious offenses. Warnings would only be utilized in appropriate circumstances.

6. **Clarify procedures and responsibilities for issuing warnings, citations, pursuing enforcement actions, and abatement responsibilities.** Establishing more clear policies and procedures for all City departments will drive better coordination and action. Specifically, if necessary resources are secured and Council amends the CMC to allow for warnings, the Administration will establish a procedure for staff to issue warnings in some circumstances and direction to immediately abate certain conditions—versus referring a condition to B&I for subsequent enforcement and abatement activity. Additional action to increase collaboration between City departments is also recommended—such as a working group.

7. **Do not increase fines.** Increased fine amounts are not expected to cause additional compliance and may result in more cases of hardship, especially if the CMC provisions continue to provide for immediate civil fines upon many violations.

cc: William "Billy" Weber, Assistant City Manager
Natasha Hampton, Assistant City Manager
Virginia Tallent, Assistant City Manager
Emily Woerner, City Solicitor
Erica Faaborg, Chief Counsel, Litigation/Quality of Life
Art Dahlberg, Director of Buildings & Inspections
Jerry Wilkerson, Director of Public Services

Appendix A

Code Section	Title	Conduct Prohibited	Penalty Section	Crim. Level	Crim. Penalty	Crim. Fine Amount	Civ. Fine Level	Civ. Fine Amount
CMC 1219-5	Accumulated Waste and Waste Receptacles	No person shall permit to remain in any part of a building or building premises, or upon any roof, or in any court, yard, vacant lot or open space, any accumulation of wastepaper, ashes, oil rags, waste rags, excelsior, hay, grass, straw, weeds, litter, or combustible waste or rubbish of any kind.	CMC	N/A	N/A	N/A	Class B	$150
CMC 1601-15	Unsanitary Structures	No person shall permit or allow any structure or building or any portion thereof used for human habitation to be in an unclean and unsanitary condition by reason of the inhabited portion of the house being damp or wet, or by reason of such lack of repair, or by reason of such accumulation of dirt, filth, litter, fecal matter, refuse or other offensive or dangerous substances or liquids, or by reason of such defects in or lack of repair of or improper use of the drainage, plumbing or ventilation.	CMC 1601-15	M1	180 days	N/A	N/A	N/A
CMC 1601-31	Litter in Public Places	No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles or in authorized receptacles for collection.	CMC 1601-31	MM	$150	N/A	N/A	N/A
CMC 1601-33	Litter on Private Property	No person shall throw or deposit litter on any private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.	CMC 1601-33	MM	$150	N/A	N/A	N/A
CMC 1601-35	Placement of Litter in Receptacles so as to Prevent Scattering	Persons placing litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.	CMC 1601-35	MM	$150	N/A	N/A	N/A
CMC 1601-37	Failure to Secure Litter in Receptacles so as to Prevent Scattering	No person shall fail to maintain a litter receptacle in such a manner that its contents cannot be carried or deposited by the elements upon any street, sidewalk or other public or private property.	CMC 1601-37	MM	$150	N/A	N/A	N/A
CMC 1601-39	Upsetting Public or Private Receptacles	No person shall upset a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon public or private property.	CMC 1601-39	M4	$250	N/A	N/A	N/A
CMC 1601-41	Littering by Operators and Occupants of Motor Vehicles	No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road, or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.	CMC 1601-41	M4	$250	N/A	N/A	N/A
CMC 1601-43	Vehicles Causing Litter or Scattering Debris	No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed and loaded as to prevent any load, contents or litter from being thrown or deposited upon any street, alley or other public place.	CMC 1601-43	MM	$150	N/A	N/A	N/A
CMC 411-23	Removal of Trash and Debris	No owner, operator or agent or employee of an owner or operator of a vessel or wharfboat moored at the public landing shall utilize the landing for accumulation of trash or the storage of material of any nature whatsoever without specific authorization of the wharfmaster. The owner, operator or person in charge of a vessel or wharfboat moored at the public landing shall provide closed containers for the accommodation of trash and further shall arrange for the frequent removal of it.	CMC 411-99-B	N/A	N/A	N/A	Class A	$50
CMC 701-30	Dog Excrement Removal	No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device for the removal and containment of such dog's excrement; nor shall any person fail to remove any excrement deposited by any dog under his or her control on public or private property.	CMC 701-99-I	N/A	N/A	N/A	Class A	$50

CMC 714-11	Duty to Keep Sidewalks Free of Litter	No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.	CMC 714-99	N/A	N/A	N/A	Class C1	$500
CMC 714-15	Truck and Vehicle Loads Causing Litter or Scattering Debris	No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed and loaded as to prevent any load, contents or litter from being thrown or deposited upon any street, alley or other public place.	CMC 714-99	N/A	N/A	N/A	Class C1	$500
CMC 714-19	Litter in Parks	No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place.	CMC 714-99	M3	60 days	$500	Class B1	$200
CMC 714-21	Litter in Lakes and Fountains	No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the city	CMC 714-99	N/A	N/A	N/A	Class B1	$200
CMC 714-23	Throwing or Distributing Handbills in Public Places	No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city.	CMC 714-99	N/A	N/A	N/A	Class A1	$100
CMC 714-3	Litter in public places	Depositing litter on public places.	CMC 714-99	M3	60 days	$500	Class B1	$200
CMC 714-35	Litter on Occupied or Unoccupied Private Property	No person shall throw or deposit litter on any occupied or unoccupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.	CMC 714-99	N/A	N/A	N/A	Class C1	$500
CMC 714-37	Owner or Person in Control to Maintain Premises Free of Litter	The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.	CMC 714-99	N/A	N/A	N/A	Class C1	$500
CMC 714-39	Litter on Vacant Lots	No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.	CMC 714-99	N/A	N/A	N/A	Class C1	$500
CMC 714-5	Placement of Litter in Receptacles so as to Prevent Scattering	Persons responsible for placing or maintaining litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.	CMC 714-99	N/A	N/A	N/A	Class A1	$100
CMC 714-7	Upsetting Public or Private Receptacles	No person shall upset a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon public or private property.	CMC 714-99	M1	180 days	$1,000	Class A1	$100
CMC 714-9	Sweeping Litter into Gutters Prohibited	No person shall throw, deposit or sweep into any gutter, sidewalk, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning, in control of or occupying property shall keep the sidewalk in front of their premises free of litter.	CMC 714-99	N/A	N/A	N/A	Class A1	$100
CMC 729-13	Disposal of Uncollected Waste	It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises, or place of business in the city whose waste is not placed at the point or points of collection on the scheduled date and time of collection, to dispose of the uncollected waste at the sole expense of such owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business before the time of the next regular scheduled date and time of collection or the waste shall be placed at the point or points of collection by the next regularly scheduled date and time of collection.	CMC 729-99	N/A	N/A	N/A	Class A	$75

CMC 729-15	Containers to be Removed from Collection Points	It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building or premises or place of business in the city to remove any and all waste containers from the points mentioned in Sections 729-7 and 729-9 before midnight of that day on which the waste was collected.	CMC 729-99	N/A	N/A	N/A	Class A	$75
CMC 729-25	Waste to be Placed in Containers Promptly	No commercial or residential waste shall be allowed to remain exposed in any building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in proper waste containers. Waste must be in a properly closed container at all times.	CMC 729-99	N/A	N/A	N/A	Class A	$75
CMC 729-30	Dumping Prohibited	No person shall dump or otherwise dispose of waste, including acceptable waste, unacceptable waste, commercial waste or yard waste materials, by use of any vehicle on any public or private property. Any owner of a vehicle who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this division violates this subsection.	CMC 729-30	M1	180 days	$1,000	Class E	$1,250
CMC 729-37	Street Waste Receptacles	Waste receptacles of the division of sanitation placed on the sidewalks and city streets shall be used only for such waste material as persons may have for disposal while passing along the streets. Such receptacles shall in no case be used for the disposal of trash, refuse or other waste material accumulated in residences or places of business.	CMC 729-99	N/A	N/A	N/A	Class A	$75
CMC 729-53	Transporting Waste	No waste as defined in this chapter shall be transported through the streets except in closed vehicles. No such vehicle shall at any time be kept open longer than absolutely necessary to receive the substances to be deposited therein; and the transporting vehicle shall not remain stationary more than five minutes at any one place in any street or alley.	CMC 729-99	N/A	N/A	N/A	Class A	$75
CMC 729-69	Precautions Against Wind Dispersal	All loose waste paper, rags, yard waste, and other waste material of such kind as to be subject to being blown about by the wind or otherwise scattered must be hauled in such manner as not to litter the streets. Such materials shall not be unloaded along the public streets or sidewalks except in bags, boxes, bales or other suitable containers.	CMC 729-99	N/A	N/A	N/A	Class A	$75
CMC 729-7	Setting Out Containers	It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every dwelling in the city to place all waste that is to be collected by the division of sanitation in properly closed containers.	CMC 729-99-B	N/A	N/A	N/A	Class A	$75
CMC 729-71	Personal Property Left or Abandoned on Streets and Sidewalks	Personal property shall not be abandoned or allowed to remain upon public streets or sidewalks by reason of eviction or otherwise.	CMC 729-99	N/A	N/A	N/A	Class A	$75
CMC 729-73	Discharging Offensive Substances	No person, firm, or corporation shall discharge or cause to be discharged from a house, factory, or premises into any street, alley or other public place, any offensive liquid or any substance harmful to property or the health of persons residing in or near such street, alley or other public place, or permit any offensive steam, gas, vapors or fumes harmful to property or health to escape or be discharged from any chimney, pipe or other vent on its premises.	CMC 1501-7	N/A	N/A	N/A	Class C	$300
CMC 729-83	Refrigerators, Abandoning	No person, firm, or corporation shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator or any other container of any kind which has an air-tight snap-lock or other device thereon without first removing the snap-lock or doors from the ice box, refrigerator or container.	CMC 729-83	M4	30 days	$250	Class C	$300
CMC 729-89	Disposal of Unacceptable Waste	No person shall place in a waste container any of the following unless it is safely contained in a leak-proof and puncture resistant manner that will not injure a person collecting the waste: Any chemical compound, mixture, or substance that can damage or destroy human skin or membranes at the site of contact; Objects with edges or points sharp enough to penetrate human skin.	CMC 729-99	N/A	N/A	N/A	Class A	$75

CMC 729-94	Disposal of Used Tires; Reporting	No person, firm, or corporation shall engage another for the purpose of hauling waste tires unless the waste hauler is registered under this section.	CMC 729-94	M1	180 days	$1,000	Class A	$75
CMC 845-53	Deposit of Non-Market Area Waste Prohibited	No person shall bring refuse from outside any city market and deposit such refuse for pickup in any location inside the market area.	CMC 845-99	N/A	N/A	N/A	Class A	$75
Park Board Rule 6	Refuse	No person shall discard or throw paper, lunch boxes, refuse, or litter on any park property, but the same shall be placed in receptacles provided for such purposes.	Park Board Rule 39	MM	None	$150	N/A	N/A
R.C. 1547.49	Littering prohibited (Litter from a boat)	No operator or occupant of a vessel shall, regardless of intent, throw, drop, discard, or deposit litter from any vessel in operation or control upon or in any waters in this state.	R.C. 1547.99	MM	None	$150	N/A	N/A
R.C. 1509.22	Storage or disposal of brine	No person shall store or dispose of brine in violation of a plan approved under division (A) of section 1509.222 or section 1509.226 of the Revised Code, in violation of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to those plans or resolutions.	R.C. 1509.99	UM	Six months (1st offense), Two years (2nd offense)	$10,000 (1st offense), $20,000 (subsequent)	N/A	N/A
R.C. 1517.24	Prohibited Acts (Litter in a cave)	No person shall knowingly place refuse, garbage, dead animals, sewage, or toxic substances harmful to cave life or humans in a cave.	R.C. 1517.99	M3	60 days	$500	N/A	N/A
R.C. 1531.29	Prohibiting polluting state land or water	No person shall place or dispose of in any manner, any garbage...in any ditch, stream, river, lake, pond, or other watercourse.	R.C. 1531.99	M3 (1st offense), M1 (Subsequent)	60 days (1st offense), 180 days (subsequent)	$500 (1st offense), $1000 (subsequent)	N/A	N/A
R.C. 1546.20	Care of state property	All lessees of state lands or lots shall keep the premises in good condition and free of weeds, inflammable substances, garbage, and all other unsightly or dangerous things.	R.C. 1546.99	UM	N/A	$10-100	N/A	N/A
R.C. 2927.24(B)(1)	Contaminating substance for human consumption or use or contamination with hazardous chemical, biological, or radioactive substance (Water)	No person shall knowingly place a poison, hazardous chemical, biological, or radioactive substance, or other harmful substance in a spring, well, reservoir, or public water supply, if the person knows or has reason to know that the food, drink, nonprescription drug, prescription drug, pharmaceutical product, or water may be ingested or used by another person.	R.C. 2927.24(E)(1)	F1	3-11 years	$20,000	N/A	N/A
R.C. 2927.24(B)(2)	Contaminating substance for human consumption or use or contamination with hazardous chemical, biological, or radioactive substance (Air)	Knowingly release into the air, knowingly leave in any public place, or knowingly expose one or more persons to any hazardous chemical, biological, or radioactive substance with the intent to cause, or create a risk of, death or serious physical harm to any person.	R.C. 2927.24(E)(1)	F1	3-11 years	$20,000	N/A	N/A
R.C. 3714.13	Construction and Demolition Debris Prohibited Acts	No person shall violate any section of this chapter or violate a rule adopted under this chapter.	R.C. 3714.99	M2	90 days	$750	N/A	N/A
R.C. 3734.027	Low-level radioactive waste - prohibited activities	No person shall commingle with any type of solid wastes, hazardous waste, or infectious wastes any low-level radioactive waste whose treatment, recycling, storage, or disposal is governed under division (B) of section 3748.10 of the Revised Code.	R.C. 3734.99	Felony	2-4 years	$10,000-25,000	N/A	N/A
R.C. 3734.03	Open burning or open dumping	No person shall dispose of solid wastes…by open burning or open dumping. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping.	R.C. 3734.99(A)	Felony	2-4 years	$10,000-25,000	N/A	N/A
R.C. 3734.11	Solid and Hazardous Waste Prohibited Acts	No person shall violate any section of this chapter, or any rule adopted under it.	R.C. 3734.99	Felony	2-4 years	$10,000-25,000	N/A	N/A
R.C. 3734.13	Violation of scrap tire order	No person shall violate any term or condition of any order [regarding scrap tires] issued under this section.	R.C. 3734.99(F)	Felony	2-4 years	$10,000-25,000	N/A	N/A
R.C. 3734.13(D)	Violation of Solid and Hazardous Waste enforcement order	No person shall violate any term or condition of any order issued under this section.	R.C. 3734.99(B)	Felony	2-4 years	$10,000-25,000	N/A	N/A

R.C. 3734.141	Disposing of acute hazardous waste	No person shall dispose of any acute hazardous waste…unless the director of environmental protection determines…that the waste Cannot be treated and rendered nonhazardous, recycled, reclaimed, or destroyed by incineration or biological agents; has been reduced to its lowest level of toxicity; and has been completely encapsulated or is otherwise protected so as to eliminate its leaching potential.	R.C. 3734.99	Felony	2-4 years	$10,000-25,000	N/A	N/A
R.C. 3751.03(C)	Failing to submit a toxic chemical release form	No owner or operator of a facility who is required by this section to file a toxic chemical release form shall fail to submit a toxic chemical release form as required by this section.	R.C. 3751.10	N/A	N/A	N/A	$25,000	N/A
R.C. 3751.03D)	Submitting a false toxic chemical release form	An owner or operator of a facility who is required under this section to file a toxic chemical release form and who knowingly makes a false statement on that form, on a record upon which the information on that form is based, or on other information or records required to be kept or submitted under this chapter and the rules adopted under this chapter is guilty of falsification under section 2921.13 of the Revised Code	R.C. 3751.03D)	M1	180 days	$1,000	$25,000	N/A
R.C. 3767.13(B)	Prohibited Acts	No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.	R.C. 3767.99	M3	60 days	$500	N/A	N/A
R.C. 3767.16	Prohibition against deposit of dead animals and offal upon land or water	No person shall put the carcass of a dead animal or the offal from a slaughterhouse...into a lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market place, or common.	R.C. 3767.99	MM	None	$150	N/A	N/A
R.C. 3767.18	Prohibition against defiling spring or well	No person shall maliciously put a dead animal...into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a water works, of which use is or may be made for domestic purposes.	R.C. 3767.99	MM	None	$150	N/A	N/A
R.C. 3767.29	Prohibition against abandoned refrigerators	No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator…without rendering said equipment harmless to human life by removing such hinges, latches, or other hardware which may cause a person to be confined therein.	R.C. 3767.99	M4	30 days	N/A	N/A	N/A
R.C. 3767.32	Littering	No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state.	R.C. 3767.99	M3	60 days	$500	N/A	N/A
R.C. 4511.82	Littering offenses (Litter from a motor vehicle)	No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard, or deposit litter from any motor vehicle in operation upon any street, road, or highway.	R.C. 4511.82	MM	None	$150	N/A	N/A
R.C. 4513.31	Securing loads on vehicles	No vehicle loaded with garbage...shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.	R.C. 4513.99	MM	None	$150	N/A	N/A

City of Cincinnati

801 Plum Street, Suite 356
Cincinnati, Ohio 45202

Phone (513) 352-5205
Email Jan-Michele.Kearney@cincinnati-oh.gov
Web www.cincinnati-oh.gov

202400118

Jan-Michele Lemon Kearney
Vice Mayor

January 8, 2024

Motion

We move that City Council establish a Childcare Task Force to report to the Healthy Neighborhoods Committee.

We further suggest that the City Manager appoint Liz Keating as the Chair of the Childcare Task Force after her term on Council has expired.

We further move that the Chair of the Childcare Taskforce recommend members to the City Manager for appointment to the taskforce, and for City Council's confirmation.

Jan-Michele Lemon Kearney
Vice Mayor Jan-Michele Lemon Kearney

Scotty Johnson
Councilmember Scotty Johnson

City of Cincinnati

801 Plum Street, Suite 356
Cincinnati, Ohio 45202

Phone (513) 352-5205
Email Jan-Michele.Kearney@cincinnati-oh.gov
Web www.cincinnati-oh.gov

202400170

Jan-Michele Lemon Kearney
Vice Mayor

January 9, 2024

Motion for Honorary, Secondary Streetnaming Process

We move that City Council establish a consistent process for honorary, secondary streetnamings as follows:

1. Requester submits necessary information (*e.g.,* biography of person to be honored, name of street and intersection to receive the honorary name, other pertinent information to support request) to a Cincinnati City Councilmember's office to support request for the honorary streetnaming. A councilmember also may initiate the streetnaming.
2. If a non-family member of the honoree made the request, the Councilmember shall notify the family and receive feedback on the honoree's biographical data as well as the suggested street location. While family approval is not necessary, the Councilmember shall consider the family's feedback. If appropriate, Councilmember shall request input from the honoree.
3. Councilmember drafts the honorary, secondary streetnaming ordinance.
4. Councilmember submits the draft ordinance to the community council for discussion and a vote. If the community council's vote is no, then Councilmember decides whether to move forward.
5. If Councilmember's decision is to continue with the streetnaming, then Councilmember submits the draft ordinance with a Request for Legal Services (RLS) to the City Solicitor's Office.
6. The City Solicitor's Office refers the final ordinance to the Healthy Neighborhoods Committee for discussion and referral to City Council for passage. Councilmember notifies Requester and honoree's family of the date that the ordinance will be discussed in Healthy Neighborhoods Committee and voted on in City Council meeting. Attendance by the Requester or honoree's family at Healthy Neighborhoods Committee and/or City Council should be encouraged, but is not mandatory.
7. City Council votes on Ordinance.
8. Councilmember with Requester, honoree's family, City's Department of Transportation & Engineering, and CitiCable set date, time and location for streetnaming ceremony. CitiCable is responsible for setting up the podium and microphone, and for taping the ceremony for broadcast. Note that ceremony should be at least two weeks after City Council's approval of ordinance. If more than one keepsake street sign is needed, then payment must be made to the City of Cincinnati's Department of Transportation & Engineering. Note that as of January 9, 2024, the cost for an additional keepsake street sign is $54.
9. Councilmember finalizes the speakers and run of show for the streetnaming ceremony.
10. Councilmember notifies all Cincinnati Councilmembers of the date, time and location for the honorary streetnaming ceremony as soon as possible, and preferably, at least one week in advance. Councilmember should consider notifications to media.

Jan-Michele Lemon Kearney

Vice Mayor Jan-Michele Lemon Kearney

STATEMENT

Honorary, secondary streetnamings provide a way to honor outstanding individuals or groups who inspire us and have made a positive difference in our community. Honorary, secondary streetnamings also help us to maintain our history. It is imperative that City Council follow a consistent process across all City Councilmembers' offices and that the communities in which the honorary, secondary streetnamings are proposed have a voice in the process.

CAL → Healthy Neighborhoods.