

Offered by: COUNCIL WOMAN MOSLEY / KAMMER

ORDINANCE NO. 176-2022 amending and/or supplementing Title 9, Chapter 95 "Littering," Section 95.99 "Penalty" of the Akron Codified Ordinances in order to increase the criminal sanction for littering in the City of Akron; and declaring an emergency.

WHEREAS, the City of Akron is taking broad steps to reduce instances of littering, and to remove litter from public spaces; and

WHEREAS, increasing the penalty for littering will incentivize individuals to dispose of refuse appropriately.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 9, Chapter 95 "Littering," Section 95.99 "Penalty" of the Akron Codified Ordinances is hereby amended and/or supplemented to read as follows:

95.99 Littering.

- A. Whoever violates any provision of § 95.11 shall be guilty of a minor misdemeanor. Arrest or conviction for a violation of § 95.11 does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. **A conviction for a violation of § 95.11 shall not count as a prior conviction when calculating mandatory community service time under § 95.99(C)(2).**
- B. Whoever violates § 95.40 shall be guilty of a misdemeanor of the first degree. Whoever violates § 95.40 shall be fined a **mandatory** minimum ~~mandatory~~ amount equivalent to the cost to remove the items so dumped which shall not be less than five hundred dollars (\$500.00), and which shall not be suspended or held in abeyance.
- C. **Whoever violates § 95.03, § 95.04, § 95.05, § 95.06, § 95.07, § 95.08, § 95.09, § 95.10, § 95.12, § 95.13, § 95.13.1, § 95.14, § 95.15, § 95.16, and/or § 95.18 shall be guilty of a misdemeanor of the third degree.**
 - 1. **Whoever violates any of these provisions shall be fined a mandatory minimum amount of two-hundred and fifty dollars (\$250.00). The two-hundred and fifty dollar (\$250.00) fine may not be suspended or waived but may be reduced and/or paid off through community service as allowed by the court at its usual rate. Community service to reduce and/or pay off fines and costs may run concurrently to all but the first sixteen (16) hours of mandatory community service imposed under § 95.99(C)(2).**
 - 2. **Whoever violates any of these provisions shall be sentenced to a mandatory minimum of four (4) hours of community service. An additional four (4) hours of mandatory minimum community service shall be added, up to two-hundred (200) total hours, for each prior conviction of a provision of Title 9, Chapter 95 unless otherwise provided.**
 - 3. **Nothing in § 95.99(C) is intended to prevent any action under § 95.17.**

- CD. Whoever violates any other provision of this chapter for which no penalty is otherwise provided, shall be guilty of a misdemeanor of the third degree.
- E. **Any community service imposed under this chapter should, if possible, be provided to or take place with an organization primarily dedicated to community clean-up in the City of Akron.**
- DF. Unless otherwise specified in this chapter, the provisions of this chapter are specifically intended to impose strict liability. Penalty, see § 95.99.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is immediately necessary to curtail littering in the City of Akron, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed June 27, 2022

Dana R. Birano
Clerk of Council

Cheryl Samuels
President of Council

Approved 6/29, 2022

DMH
MAYOR

Akron City Council - Uniform Council Report (UCR)

PART I – General Information

Subject of Requested Legislation:

Amend Title 9, Chapter 95 "Littering"

Department/Division: Council/Elected

Requestor: Councilwoman Mosley

Phone/Ext: 2256

If applicable, previous legislation on this subject (reference by ordinance/resolution number):

O-210-2012

Purpose/Objective of Legislation:

Amend the code to increase the fine and make community service with Keep Akron Beautiful mandatory.

PART II – Financial Information

Does this Legislation directly involve the expenditure of funds?

☐ YES

☒ NO

Was this expenditure budgeted for in the current operating budget?

☐ YES

☒ NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

City Expenditures

Budgeted Costs	
Amount:	
Fund:	
Org:	
Acct:	

Estimate of Costs	
Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

City Receipts

City Receipt of Funds	
Amount:	
Fund:	
Org:	
Acct:	

Other Consideration

Total expenditure (if applicable): \$ _____

Total receipts (if applicable): \$ _____

PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.



May 20, 2022

To Members of Akron City Council:

Keep Akron Beautiful is in full support of adding a \$250.00 minimum fine for offenses that did not previously stipulate there was a fine in the litter ordinance, as well as, requiring offenders to do four hours of community service, preferably with Keep Akron Beautiful.

Thank you for your time and attention to the "Littering" ordinance. We appreciate the City of Akron & Akron City Council taking broad steps to reduce instances of littering and remove littering from public spaces in Akron.

Best,

Jacqui Flaherty-Ricchiuti

CEO, Keep Akron Beautiful

May 20, 2022

Offered by: COUNCIL WOMAN MOSLEY

ORDINANCE NO. _____-2022 amending and/or supplementing Title 9, Chapter 95 "Littering," Section 95.99 "Penalty" of the Akron Codified Ordinances in order to increase the criminal sanction for littering in the City of Akron; and declaring an emergency.

WHEREAS, the City of Akron is taking broad steps to reduce instances of littering, and to remove litter from public spaces; and

WHEREAS, increasing the penalty for littering will incentivize individuals to dispose of refuse appropriately.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 9, Chapter 95 "Littering," Section 95.99 "Penalty" of the Akron Codified Ordinances is hereby amended and/or supplemented to read as follows:

95.99 Littering.

- A. Whoever violates any provision of § 95.11 shall be guilty of a minor misdemeanor. Arrest or conviction for a violation of § 95.11 does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment license, or other right or privilege, or made in connection with the person's appearance as a witness. **A conviction for a violation of § 95.11 shall not count as a prior conviction when calculating mandatory community service time under § 95.99(C)(2).**
- B. Whoever violates § 95.40 shall be guilty of a misdemeanor of the first degree. Whoever violates § 95.40 shall be fined a **mandatory** minimum ~~mandatory~~ amount equivalent to the cost to remove the items so dumped which shall not be less than five hundred dollars (\$500.00), and which shall not be suspended or held in abeyance.
- C. **Whoever violates § 95.03, § 95.04, § 95.05, § 95.06, § 95.07, § 95.08, § 95.09, § 95.10, § 95.12, § 95.13, § 95.13.1, § 95.14, § 95.15, § 95.16, and/or § 95.18 shall be guilty of a misdemeanor of the third degree.**
1. **Whoever violates any of these provisions shall be fined a mandatory minimum amount of two-hundred and fifty dollars (\$250.00). The two-hundred and fifty dollar (\$250.00) fine may not be suspended or waived but may be reduced and/or paid off through community service as allowed by the court at its usual rate. Community service to reduce and/or pay off fines and costs may run concurrently to all but the first sixteen (16) hours of mandatory community service imposed under § 95.99(C)(2).**
 2. **Whoever violates any of these provisions shall be sentenced to a mandatory minimum of four (4) hours of community service. An additional four (4) hours of mandatory minimum community service shall be added, up to two-hundred (200) total hours, for each prior conviction of a provision of Title 9, Chapter 95 unless otherwise provided.**
 3. **Nothing in § 95.99(C) is intended to prevent any action under § 95.17.**

- CD. Whoever violates any other provision of this chapter for which no penalty is otherwise provided, shall be guilty of a misdemeanor of the third degree.
- E. **Any community service imposed under this chapter should, if possible, be provided to or take place with an organization primarily dedicated to community clean-up.**
- DF. Unless otherwise specified in this chapter, the provisions of this chapter are specifically intended to impose strict liability. Penalty, see § 95.99.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is immediately necessary to curtail littering in the City of Akron, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed _____, 2022

Clerk of Council

President of Council

Approved _____, 2022

MAYOR

Akron City Council - Uniform Council Report (UCR)

PART I – General Information

Subject of Requested Legislation:

Amend Title 9, Chapter 95 "Littering"

Department/Division: Council/Elected

Requestor: Councilwoman Mosley

Phone/Ext: 2256

If applicable, previous legislation on this subject (reference by ordinance/resolution number):

O-210-2012

Purpose/Objective of Legislation:

Amend the code to increase the fine and make community service with Keep Akron Beautiful mandatory.

PART II – Financial Information

Does this Legislation directly involve the expenditure of funds?

☐ YES

☒ NO

Was this expenditure budgeted for in the current operating budget?

☐ YES

☒ NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

City Expenditures

Budgeted Costs	
Amount:	
Fund:	
Org:	
Acct:	

Estimate of Costs	
Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

City Receipts

City Receipt of Funds	
Amount:	
Fund:	
Org:	
Acct:	

Other Consideration	

Total expenditure (if applicable): \$ _____

Total receipts (if applicable): \$ _____

PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.

Summary Ordinance No. 170-2022 passed by Akron City Council June 27, 2022 amending and/or supplementing Title 9, Chapter 95 “Littering,” Section 95.99 “Penalty” of the Akron Codified Ordinances in order to increase the criminal sanction for littering in the City of Akron; and declaring an emergency.

By: Sara Biviano, Clerk of Council

This summary is being published pursuant to Section 38 of the City Charter. The complete text of this legislation is available in the office of the Clerk of Council.

**posted on Akron City Council website 6/30/2022 through 7/15/2022*