

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 633**

**Representatives Boggs, Miller**

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**A BILL**

To amend sections 3767.32 and 3767.99 of the 1  
Revised Code to prohibit individuals who own or 2  
control private property in municipal 3  
corporations from depositing litter on that 4  
property. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3767.32 and 3767.99 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 3767.32.** (A) No person, regardless of intent, shall 8  
deposit litter or cause litter to be deposited on any public 9  
property, on private property not owned by the person, or in or 10  
on waters of the state unless one of the following applies: 11

(1) The person is directed to do so by a public official 12  
as part of a litter collection drive; 13

(2) Except as provided in division (B) of this section, 14  
the person deposits the litter in a litter receptacle in a 15  
manner that prevents its being carried away by the elements; 16

(3) The person is issued a permit or license covering the 17  
litter pursuant to Chapter 3734. or 6111. of the Revised Code. 18

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located;

(2) The person is directed to do so by a public official as part of a litter collection drive;

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle;

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) No owner or person in control of any private property located in a municipal corporation shall deposit, or

cause to be deposited, on the outdoor areas of the premises, 47  
litter of any kind or quantity reasonably expected to be 48  
dangerous to life or health. No owner or person in control of 49  
any private property located in a municipal corporation shall 50  
fail to comply with division (C)(1) of this section. 51

Division (C)(1) of this section does not prohibit the 52  
storage of litter in litter receptacles permitted by the 53  
ordinances, resolutions, or regulations of the municipal 54  
corporation or county where the property is located. 55

(2) Before the enforcement official described in division 56  
(F) of this section may charge a person with a violation of 57  
division (C)(1) of this section, the enforcement official shall 58  
give the owner and person in control of the property a notice 59  
specifying the conditions constituting a violation and 60  
explaining that failure to remedy those conditions within five 61  
business days, excluding the day the notice is effective, may 62  
result in criminal prosecution. 63

(a) Before the enforcement official may give the notice 64  
pursuant to division (C)(2) of this section, the conditions 65  
resulting from a violation of division (C)(1) of this section 66  
must exist for at least two business days, excluding the first 67  
day the conditions exist. 68

(b) Notice given to occupants of property shall be 69  
delivered by posting the notice on the door to the property or 70  
leaving the notice with an occupant of the property and shall be 71  
considered effective when posted or left with an occupant. 72

(c) Notice given to owners of property who do not occupy 73  
the property shall be delivered by certified mail, return 74  
receipt requested, and shall be considered effective when 75

delivered or refused. 76

(3) The offense established under division (C) of this 77  
section is a strict liability offense and strict liability is a 78  
culpable mental state for purposes of section 2901.20 of the 79  
Revised Code. The designation of this offense as a strict 80  
liability offense shall not be construed to imply that any other 81  
offense, for which there is no specified degree of culpability, 82  
is not a strict liability offense. 83

(4) Prosecution or liability for a violation of division 84  
(C) of this section shall not be precluded by the existence of 85  
civil proceedings or a civil order related to the same facts or 86  
circumstances constituting a violation of division (C) of this 87  
section. 88

(D)(1) As used in division (B) (1) of this section, "public 89  
property" includes any private property open to the public for 90  
the conduct of business, the provision of a service, or upon the 91  
payment of a fee, but does not include any private property to 92  
which the public otherwise does not have a right of access. 93

(2) As used in division (B) (4) of this section, "casual 94  
passerby" means a person who does not have depositing litter in 95  
a litter receptacle as the person's primary reason for traveling 96  
to or by the property on which the litter receptacle is located. 97

~~(D)~~ (E) As used in this section: 98

(1) "Litter" means garbage, trash, waste, rubbish, ashes, 99  
cans, bottles, wire, paper, cartons, boxes, automobile parts, 100  
furniture, glass, or anything else of an unsightly or unsanitary 101  
nature. 102

(2) "Deposit" means to throw, drop, discard, or place. 103

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

~~(E)~~ (F) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police constable or officer of a township, or township or joint police district, wildlife officer designated under section 1531.13 of the Revised Code, natural resources officer appointed under section 1501.24 of the Revised Code, forest-fire investigator appointed under section 1503.09 of the Revised Code, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within the law enforcement officer's jurisdiction.

**Sec. 3767.99.** (A) Whoever is guilty of contempt under sections 3767.01 to 3767.11 or violates section 3767.14 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates section 3767.12 or 3767.29, or, being an association, violates section 3767.30 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates section 3767.13, 3767.19, or 3767.32 or, being a natural person, violates section 3767.30 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender violates division (C)(1) of section 3767.32 of the Revised Code and has previously been convicted of or pleaded guilty to a violation of division (C)(1) of section 3767.32 of the Revised Code, the offender may be sentenced to a definite jail term of not more than ninety days, be fined an amount not more than seven hundred fifty dollars, or both. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates section 3767.32 of

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| the Revised Code to remove litter from any public or private property, or in or on waters of the state.                            | 134<br>135        |
| (D) Whoever violates section 3767.16, 3767.17, 3767.18, 3767.201, or 3767.34 of the Revised Code is guilty of a minor misdemeanor. | 136<br>137<br>138 |
| <b>Section 2.</b> That existing sections 3767.32 and 3767.99 of the Revised Code are hereby repealed.                              | 139<br>140        |