

INSTRUCTIONS FOR COMPLETING THE APPLICATION:

Complete each section

1. Part A – Identification

- List the address of the property in violation
- Provide the name, full address, contact phone and email of the owner of record
 - Owner of record is the owner as listed with the Hamilton County Auditor
- Provide the citation number and/or waste hauler service being used

2. Part B – Description

- Section 1 - Describe the conditions that are not fully within your control that have contributed to the litter or dumping violation. This is specific to your property circumstances and location, visibility, time of occurrence, where on the property or sidewalk abutting your property the violation occurred, any witness accounts, suspected third parties' frequency of problem, photos or diagrams etc. as required to convey the contributing factors over which you have no control. (Tenants or occupants and their guests or likewise guests of the owner or person in control are not third-party litterers, and should not be allowed by the owner or person in control to contribute to the violation)
 - If additional information is attached, check the box so that the reviewer will consider it.
- Section 2 - Based on the conditions that lead to third party littering or dumping on your property, describe the methods you will use to prevent littering or dumping from occurring. This may include on site management, surveillance such as a deer camera, target hardening such as a fence, installation of signage, improving waste storage areas for use by occupants only, In addition to prevention describe a schedule of proactive inspection and maintenance that contains adequate oversight and review of the problem areas and third party behavior to timely clean and abate a violation that occurs to minimize negative impact; while the plan should avoid city intervention if adequate, provide the anticipated response time if notified of a violation created by a third party. For example, in more chronic cases daily morning inspection may be needed with clean up the same day. Provide the strongest plan you can based on your staff, resources, and ability to implement for success. An ambitious plan that is not implemented will not lead to sustained amnesty. Amnesty may be revoked for failure to follow the plan provided. The Application reviewer may request additional information or clarification as needed for a fair and complete review. Approval of a waiver is not guaranteed.

3. Part C – Cleaning Schedule

- Circle the day(s) of the week that the cleaning plan will be executed on a weekly basis
 - More than 1 day can be selected

4. Part D – Authorization

- Sign and acknowledge the information on the application as well as acknowledge the Litter and Litter Amnesty ordinance.

5. Submit the application to:

- Private Lot Abatement Program (PLAP) coordinator, 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202
- Or e-mail a signed and completed application to litteramnesty@cincinnati-oh.gov
 - Application should be filed within 7 days of the date of the fine and citation
 - Applicant will be notified in writing of the decision

6. If Amnesty is not granted, you may appeal the decision on your amnesty application

- Appeals are handled through the Office of Administrative Hearings (OAH).
 - OAH can be reached at 513-352-4899 - [Administrative Hearings - Law \(cincinnati-oh.gov\)](http://www.cincinnati-oh.gov/administrative-hearings)
 - Information on appealing the decision will be included with your Amnesty decision notification

City of Cincinnati Ordinance on Litter and Litter Amnesty

Sec.714-40. - Potential Waiver or Suspension of Fines for Property Susceptible to Littering by Third Parties.

(a) If a property is susceptible to littering by third parties who are not the owner or person in control and who are not invited to be present on the property by the owner or person in control, or if the property is susceptible to illegal and prohibited waste disposal as defined by Chapter 729 by third parties who are not the owner or person in control and who are not invited to be present on the property by the owner or person in control, the owner or person in control may be eligible for suspension or waiver of fines incurred for violations of Section 714-35, 714-37, or 714-39.

(b) Examples of conditions that may make an owner or person in control eligible for suspension or waiver of fines under this provision include but are not limited to the property's location in a high vehicular traffic area or a high pedestrian traffic area that subjects it to excessive littering through no direct fault of the property owner; the property being situated such that parts of it are not routinely visible to the owner or person in control and thus, it is more susceptible to illegal and prohibited waste disposal, as defined by Chapter 729; and other extenuating or mitigating factors.

(c) A property is eligible for a suspension or waiver of fines under Section 714-35, 714-37, or 714-39, only if:

(1) The owner or person in control has requested a waiver or suspension of fees and submitted a proposed abatement plan to directly address the conditions giving rise to the violations within seven days of the issuance of the notice of violation set forth in Section 714-41;

(2) The owner or person in control has set forth in the request for waiver or suspension the reasons why the violations are not within the control or the fault of the owner or person in control due to either the ongoing nature of the litter violations at the property caused by third parties or the property's susceptibility to illegal and prohibited waste disposal, as defined by Chapter 729;

(3) The owner or person in control's proposed abatement plan

A. Sets forth how potential future violations of this chapter will be avoided or addressed; and

B. Directly addresses the factors that contributed to the underlying violation, but that are not fully within the control of the owner or person in control due to either the ongoing nature of the litter violations at the property caused by third parties; and

(4) The city manager or the city manager's designee has approved the abatement plan submitted by the owner or person in control of the property, with the determination being made in accordance with the rules and regulations promulgated by the city manager as authorized in Section 714-49.

(d) A property's eligibility for suspension or waiver of fines under this provision is at the discretion of the city manager or the city manager's designee. The city manager or the city manager's designee may reject, request modification of, or revoke an abatement plan.

(e) The city manager or city manager's designee's enforcement of this provision shall be governed by the rules and regulations promulgated by the city manager as authorized in Section 714-49. A copy of the city manager's rules and policies and any subsequent revisions to such rules shall be submitted to Council for approval prior to implementation.

(f) A denial of a request for suspension or waiver of fines and the rejection, modification, or revocation of an abatement plan under this Section is appealable to the office of administrative hearings.

(Ordained by Emer. Ord. No. 075-2015, § 4, eff. March 25, 2015)