

ORDINANCE NO.: 103-2020
INTRODUCED BY: Lentine

AN ORDINANCE AMENDING CHAPTER 951, "GARBAGE AND RUBBISH COLLECTION," OF THE CODIFIED ORDINANCES TO MODIFIY REQUIREMENTS FOR PLACEMENT OF GARBAGE, RUBBISH AND REFUSE CONTAINERS, ENFORCEMENT PROCEDURES, AND FINES AND PENALTIES FOR VIOLATIONS.

WHEREAS, the City has all powers of home rule which may now or hereafter lawfully be possessed or exercised by municipalities under the laws of the state of Ohio, including the power to make regulations for the safety, health and welfare of its citizens and all those who work in and visit the City;

WHEREAS, providing for the regulation of the placement of garbage and refuse, and the placement and storage of refuse containers, including enforcement procedures, fines and penalties, within the City will further the protection of the public safety, health and welfare;

WHEREAS, the City's Building Commissioner has reported recent incidents of garbage, rubbish, refuse, litter, mattresses, furniture and other waste material being placed outside of refuse containers and being placed at the curbside of public streets at times other than authorized collection times;

WHEREAS, the City's Building Commissioner has advised this Council that the procedure for enforcement of the regulations set forth in Chapter 951 is inadequate for addressing violations of Chapter 951 in a timely manner;

WHEREAS, this Council desires to amend Chapter 951 to add further regulations with respect to the placement of garbage and refuse, and to provide for enforcement procedures, fines and penalties to address violations of Chapter 951 in a timely manner, to enhance the health, safety and welfare of the City's citizens;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. Chapter 951, "Garbage and Rubbish Collection," is hereby amended to provide as follows:

CHAPTER 951
Garbage and Rubbish Collection

951.01 Definitions.

951.02 Dumping, depositing, storage of garbage and rubbish.

951.03 Removal of garbage and rubbish.

951.04 Rules and regulations for nonburnable rubbish pickup.

951.05 ~~Sale of trash container liners. (Repealed)~~

951.05 Placement and Storage of Refuse Containers; Enforcement Procedure

951.06 Refuse collection prohibited except by authorized City personnel.

951.07 Collection, disposal and recycling practices and fees.

951.08 Hours of collection and transportation.

951.99 Penalty.

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

Littering and deposit of garbage, rubbish, junk, etc. - see GEN. OFF. 517.08

Garbage and rubbish disposal systems - see BLDG. Ch. 1317

951.01 DEFINITIONS.

For the purposes of this chapter, the following terms, words and their derivations shall have the meanings given herein. Provided it is not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number.

(a) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.

(b) "Rubbish" means all nonputrescible, combustible and noncombustible solid wastes, including paper, wrapping, cardboard, metallic and plastic containers, yard clippings, leaves, wood, glass, building materials, market and industrial wastes, tree stumps, tree limbs and logs, bedding, appliances, toys, abandoned automobiles.

(c) "Refuse" means all putrescible and nonputrescible, combustible and noncombustible solid wastes other than garbage and rubbish.

Top soil, fertilizer and soil conditioners used for gardening or farming do not constitute garbage, refuse, rubbish, litter or other waste material provided such use does not become a nuisance or menace to the public health.

(Ord. 97-70. Passed 10-27-70.)

951.02 DUMPING, DEPOSITING, STORAGE OF GARBAGE AND RUBBISH.

(a) No person shall dump, deposit or store, or permit to be dumped, deposited or stored, any garbage, refuse, rubbish, litter or other waste material of any kind on any public or private property.

(b) Landfilling may be permitted for noncombustible, nonputrescible, nonmetallic, nonsynthetic fill material consisting of loose soil, concrete, asphalt paving materials, stone, concrete blocks and similar solid or inert material upon application to the Zoning Board of Appeals setting forth the landfill conditions, including the purpose and area to be filled, time required, and any other pertinent facts which are the basis for the request. The Board shall have the authority to provide safeguards for the Municipality by designating the length of time of such special permit; the hours and days that landfilling is permitted; prescribing of a fence or watchman; and any other conditions which may be deemed necessary in view of the nature of the individual request.

(c) The placing of garbage, refuse, rubbish, litter or other waste material in covered receptacles specifically designed for that purpose shall not constitute the deposit of garbage, refuse, rubbish, litter or other waste material on public or private property, provided such

receptacles are regularly emptied and maintained and do not become a nuisance or menace to the public health.

(d) Overflowing garbage or refuse containers, scattered garbage, and rubbish piles on premises in the city are prohibited. All garbage rubbish containers and dumpsters shall be covered. Garbage, trash and refuse may not be piled so that it is above the top of the container or stored alongside any container or outside any dumpster enclosure. Premises owners and/or occupants may be cited and are responsible for a violation of this section. The city may remove or cause to remove any garbage or rubbish in violation of this section and the cost thereof shall be assessed to the owner or occupant.

(e) Notice of violation, shall be issued in accordance to Section 951.03, and will be given to the owner, occupant, tenant, manager, property manager, rental agency or other responsible person if such persons are readily known. Within any three-month period, the first notice of violation will be sent followed by citation and/or other enforcement action if the violation is not corrected or abated within 24 hours of written notice. Additional similar violations within any three-month period will be sent a citation without notice.

951.03 REMOVAL OF GARBAGE AND RUBBISH.

The owner or person in control of any private property shall at all times maintain his premises free of garbage, rubbish, refuse, litter or other waste material of any kind which is not contained in covered receptacles which are regularly emptied and maintained and which do not become a nuisance or menace to public health.

(a) Notice to Remove. The Building Inspector, **Director of Public Service, Chief of Police** or **his their** authorized assistant **designees**, **is are** authorized and empowered to notify and order the owner of any property occupied or unoccupied, within the City, or the agent of such owner, to properly dispose of garbage, rubbish, refuse, litter or other waste material of any kind which was dumped , or stored by such owner or some other person in violation of Section 951.02 hereof. Such notice and order shall be **delivered personally, or posted in a conspicuous place in or about the structure affected by such notice.** **by registered mail and addressed to such owner at his last known address.**

(b) Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of such garbage, rubbish, refuse, litter, **mattresses, furniture** or other waste material within **ten days after receipt of 24 hours after** written notice provided for in subsection (a) herein, **or within fifteen days after the mailing of such notice, in the event the same is returned to the City by the United States Post Office Department upon its inability to make delivery thereof to such owner or agent at his last known address, the Director of Public Service, or his designee, Building Inspector, or his authorized assistant,** is authorized and empowered to collect or otherwise dispose of such garbage, rubbish, refuse, litter, **mattresses, furniture** or other waste material by the City, **which will be charged to the owner as set forth in subsection (d) below. Refuse containers will be forfeited.**

(c) Within any three-month period, the first notice to remove will be sent followed by citation and/or other enforcement action if the violation is not corrected or abated within 24 hours of written notice provided for in subsection (a) above. Additional violations within any three-month period will be sent a citation without notice.

(ed) Charge to be Included in Tax Bill. When the City has effected the removal or collection of such garbage, rubbish, refuse, litter, **mattresses, furniture** or other waste material, or has

contracted for its removal, the actual cost of such removal plus accrued interest at the rate of eight percent per annum from the date of completion of the removal, shall be charged to the owner of such property until paid by such owner. The property owner shall be charged a minimum charge of two-hundred and seventy-five dollars (\$275.00). In addition to the 275.00 minimum charge, an additional charge of \$75.00 per man hour, (per man) will be charged until the waste, refuse or rubbish is removed from the property. The charges will also include any hauling or drive time per man hour required to remove the rubbish, litter, or refuse from the property. A bill will be posted in a conspicuous location on the property. Payment shall be made to the City of Richmond Heights within 30 days of the date of the bill. Any bill that is not paid within 30 days shall be charged an additional seventy-five dollar (\$75.00) administrative fee each month the bill goes unpaid until the bill is placed on the property taxes of the property owner as a tax lien for collection by the Director of Finance.

(d) Charges Constitute Lien. Where the full amount of the charges to the City provided in subsection (ed) herein is not paid by such owner within thirty days from the date of the completion of the removal, then such charges assessed against such property shall become a lien thereon and shall be collected in the same manner as other special assessments according to law.

(f) Nothing herein shall be construed to limit the authority of the Director of Law to undertake any action or to seek any other remedies or sanctions available.

951.04 RULES AND REGULATIONS FOR NONBURNABLE RUBBISH PICKUP.

The following rules and regulations are established for nonburnable rubbish pickup:

(a) All refuse containers shall be at the curb side for pickup by 7:30 a.m. on the day designated for pickup.

(b) Refuse containers shall be not more than the twenty-gallon size and weigh not more than fifty pounds, tapered and with handles. Straight sided containers, such as oil or cardboard drums, shall not be permitted. Containers not of regulation type shall be picked up, disposed of, and not returned.

(c) Refuse containers shall contain only nonburnables. Garbage and burnable waste shall be disposed of in dwelling incinerators. Building materials such as rock and earth are not household rubbish and will not be picked up.

(d) Grass clippings, prunings and leaves shall be placed in tapered containers for pickup with other nonburnable rubbish. Aerated containers are recommended. Plastic, canvas, or burlap bags will not be returned.

(Ord. 45-71. Passed 6-22-71.)

(e) The City will pick up cut trees with a diameter not greater than three and one-half (3 ½) inches and no longer than two (2) feet in length. Branches not more than two and one-half (2 ½) inches in diameter and twigs must be bundled and securely tied with biodegradable twine not exceeding 2 feet in diameter and 4 feet in length per bundle and not more than 40 lbs. in weight. Brush piles must be away from obstacles such as fire hydrants, utility poles and maintain a safe line of sight distance for pedestrian and vehicular traffic. Bundles must be placed between the curb and sidewalk or at the edge of the roadway, not in the curb line or on the pavement. The collection of large amounts of brush resulting from tree removal requires the use of a tree removal service or landscape service.

(e) Newspapers, cardboard, and other paper goods shall be tied and bundled securely. Shrubs and small branches shall be bundled in uniform piles not more than five feet long and two feet in diameter. Branches larger than one half (½) inch in diameter are subject to disposal pursuant to the procedures in Chapter 952.

(Ord. 143-2017. Passed 2-13-18.)

(f) You must notify the City of Richmond Heights trash hauler for any, large non-burnable items, such as refrigerators, washers, sinks and furniture, which shall be dismantled as much as possible for pickup.

(g) No pickup shall be made from within a home, garage or other building. All dogs on property shall be kept leashed during pickup.

(h) All rubbish should be placed on the tree lawn not later than 7:30 a.m. of the designated pickup day. Trash containers may be placed on the tree lawn the evening before pickup, but not before sundown.

(I) Empty containers must be removed from the tree lawn as soon as possible. Responsibility for containers is beyond the control of the City.

(j) The Director of Public Service is authorized to promulgate further rules and regulations not inconsistent with the foregoing to regulate nonburnable rubbish pickup. All such rules and regulations are to be approved by the Mayor.

(Ord. 45-71. Passed 6-22-71.)

951.05 PLACEMENT AND STORAGE OF CONTAINERS; ENFORCEMENT PROCEDURE.

(a) Placement of Refuse Containers. Collection shall be one day per week only at the curbside of dedicated public streets on the days designated by the Director of Service. Containers must be placed for collection at the curbside in the tree lawn area adjacent to the premises to be served on the day of collection designated for each such premises and each of such containers shall not exceed 50 pounds in combined weight of container and contents. Containers shall not be stacked one on top of the other and shall not be placed upon any public curb, street, sidewalk, driveway or private yard or walk area, but shall be arranged in clusters extending not more than five feet parallel to the curb in the tree lawn area and with access aisles extending on both sides of each cluster in the tree lawn area at least five feet parallel to the curb of the dedicated public streets. On the day of garbage collection, animals which annoy, harass or threaten the collector must be confined.

(b) Refuse containers, waste or rubbish not placed in containers shall not be placed for collection in front of any building, by the owner, agent, lessee or occupant of that building, prior to 6:00 p.m. on the evening immediately preceding the day for refuse collection.

(c) Empty refuse containers are not permitted to remain in the front of any building by the owner, agent, lessee or occupant of that building for a period in excess of 12 hours from the time of collection by the City.

(d) Refuse containers may not be stored along or in front of any building line which is parallel with any street line on which the building fronts, except after 6:00 p.m. on the evening immediately preceding the day for refuse collection and for 12 hours immediately following refuse collection by the City or its agent. During the months of November through March, waste containers may be placed for collection after 4:00 p.m. in the evening immediately preceding the day for refuse collection.

(e) Rubbish, refuse or garbage not placed in containers shall be stored in the rear of the residence or in a location and manner where they cannot be seen from the street, where practical.

(f) No owner, operator, occupant of any property or any other responsible party shall violate subsections (a) through (e) of this section. If there is a violation, the violation shall be enforced as follows:

(1) The Building Inspector, Director of Public Service, Chief of Police or their authorized designees, are authorized to issue notices and citations to the owner, operator, occupant, of any property maintained in violation of this section, or to any other responsible party.

(2) The official shall personally deliver the notice of violation or post the notice of violation in a conspicuous location on the property. The notice shall state the time when the notice was issued and shall indicate the nature of the violation and that the violation must be corrected within 24 hours after posting.

(3) No person who has been issued such a notice shall fail to comply with said notice.

(4) Whenever an owner, operator, occupant of any property or any other responsible party fails to comply with the notice within 24 hours, the City is authorized to remove and dispose of the waste and/or empty waste containers. Waste containers will be forfeited. The property owner shall be charged a minimum charge of two-hundred and seventy-five dollars (\$275.00). In addition to the 275.00 minimum charge, an additional charge of \$75.00 per man hour, (per man) will be charged until the waste, refuse or rubbish is removed from the property. The charges will also include any hauling or drive time per man hour required to remove the rubbish, litter or waste from the property. A bill will be posted in a conspicuous location on the property. Payment shall be made to the City of Richmond Heights within 30 days of the date of the bill. Any bill that is not paid within 30 days shall be charged an additional seventy-five dollar (\$75.00) administrative fee each month the bill goes unpaid until the bill is placed on the property taxes of the property owner as a tax lien for collection by the Director of Finance.

(g) Charges Constitute Lien. Where the full amount of the charges to the City provided in subsection (f)(4) herein is not paid by such owner within thirty days from the date of the completion of the removal, then such charges assessed against such property shall become a lien thereon and shall be collected in the same manner as other special assessments according to law.

(h) Nothing herein shall be construed to limit the authority of the Director of Law to undertake any action or to seek any other remedies or sanctions available.

951.06 REFUSE COLLECTION PROHIBITED EXCEPT BY AUTHORIZED CITY PERSONNEL.

(a) No person, except personnel authorized by the City, shall collect rubbish, garbage or paper placed on the tree lawn of the streets of the City by householders residing thereon, for City collection.

(b) No person shall remove, appropriate or otherwise take any garbage, refuse, rubbish or other materials deposited on or around tree lawns for collection by the Municipal residential curbside recycling program except for authorized agents of the Municipality.

(Ord. 115-90. Passed 8-28-90.)

951.08 HOURS OF COLLECTION AND TRANSPORTATION.

(a) No person owning or driving a vehicle hauling solid waste shall cause the collection, transportation or transfer of such waste other than between the hours of 6:00 a.m. and 7:00 p.m. No collection, transportation or transfer shall occur on Saturdays after 4:00 p.m. or on Sundays. Application for exceptions to this provision may be made to the Director of Public Service, on a form provided by the Director. Such exceptions shall be granted only where the applicant is able to demonstrate circumstances of great practical difficulty in the collection and transportation of solid waste in areas where there is heavy daytime vehicular and pedestrian traffic and a concentration of commercial activity.

(b) Whoever violates any provision of Section 951.08 or participates in such violation shall be fined not more than two hundred fifty dollars (\$250.00) for a first offense and not more than five hundred dollars (\$500.00) for a second or additional offense.

(Ord. 167-90. Passed 12-11-90.)

951.99 PENALTY.

(a) Whoever violates any provisions of Section 951.02, **Section 951.05**, or Section 951.06(a) or participates in such violation is guilty of a misdemeanor of the first degree. Each separate dumping, depositing, collecting or storage of garbage, rubbish, refuse, litter or other waste material of any kind shall be considered a separate offense. The offender shall in addition to any fine or other penalty imposed be required to pay the costs of removal of such garbage, rubbish, refuse, litter or other waste material.

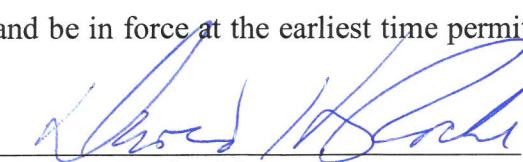
(b) Whoever violates Section 951.06 (b) or participates in such violation is guilty of a misdemeanor of the first degree. Each separate removal, appropriation or other taking shall be considered a separate offense.

Section 2. Existing Chapter 951, "Garbage and Rubbish Collection" of the Codified Ordinances of the City of Richmond Heights is hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED: 10-27-20



David H. Roche, Mayor

APPROVED: 10-27-20

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council



Eloise Cotton-Henry
President of Council