

VILLAGE OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 09-15

PASSED: February 23, 2015

AN ORDINANCE ADOPTING GARBAGE AND REFUSE REGULATIONS WITHIN THE VILLAGE OF OBETZ.

WHEREAS, Obetz contracts with a garbage and refuse hauler to provide service to all one, two, and three family residential structures; and,

WHEREAS, it is necessary for all one, two, and three family residential structures to have garbage and refuse collection to ensure the proper disposal of said garbage and refuse;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. Chapter 557 is hereby created and shall read as follows:

CHAPTER 557
GARBAGE AND REFUSE

557.01 DEFINITIONS.

(a) "Garbage" means all putrescible wastes, except sewage and body waste, including vegetable and animal offal, and excluding recognizable industrial byproducts.

(b) "Refuse" includes nonputrescible, nonliquid wastes such as ashes, wastepaper, tin cans, glass, wood and wood boxes, trees or shrubs or parts thereof including building materials such as wood, drywood, plaster and shingles.

(c) "Residence" means separate living quarters in the Village utilized as residential dwellings.

(d) "Subscriber" means any individual or entity maintaining separate living quarters in the Village including owners, tenants, and occupants of residential dwellings within the Village.

557.02 COLLECTION MANDATORY.

All individuals and entities including owners, tenants, and occupants of residences shall be subscribers to the Village garbage and refuse collection service under the control of the Director of Public Service and shall have their garbage and refuse ready for collection no later than 6:00 a.m., on the date noted by the Director of Public Service for collection of garbage and refuse.

557.03 COLLECTION AUTHORIZED.

The Village shall contract with a firm or corporation to collect, remove, and transport garbage and refuse from one, two, and three family residences. No other entities shall collect, remove or transport garbage or refuse from these residences within the Village. This does not apply to residences using a temporary dumpster for construction debris.

557.04 ACCUMULATIONS.

No individual or entity including an owner, tenant, or occupant of any residence shall allow garbage or refuse to accumulate in or on a residence for a period in excess of seven days. Fermenting, odiferous garbage and refuse in containers uncollected or dumped in the open shall be deemed a nuisance and the person responsible therefore shall be liable to prosecution.

557.05 RULES AND REGULATIONS.

(a) The Director of Public Service shall provide for the collection of garbage and refuse from residences within the Village on a weekly basis. The Director of Public Service is authorized and directed to make such additional rules and regulations relative to the collection, disposal, and handling of garbage and refuse as necessary.

(b) The contracted waste hauler may provide containers as a part of its contract with the Village; however, if it does not, it shall be the duty of every individual or entity occupying a residence including owners, tenants, and occupants to provide at all times suitable containers for the accumulation of garbage or refuse. If the garbage and refuse exceeds the capacity of the waste hauler-provided container, if provided, it is the responsibility of the owner, tenant, and/or occupant to provide the additional containers necessary to hold the garbage or refuse. All containers shall be consistent with the rules and regulations provided by the Village's contracted waste hauler. All containers with garbage and refuse for collection shall be placed at the curb or near the edge of the street.

(c) All garbage and refuse containers shall not be placed outside the front of the residential and commercial property for pick up more than twenty-four (24) hours before scheduled pick up of such refuse. All garbage and refuse containers shall be removed to behind the building line of residential and commercial property within twenty-four (24) hours of pick-up.

(d) All brush, appliances, furniture and other large items which cannot be placed in a container shall meet the pick-up requirements of the contracted waste hauler in regards to weight, length, and number of items that can be picked up on a normal delivery day. A copy of the specifications will be kept on file in the Utilities Department.

(e) The Village shall keep a list on file in the Utilities Department of the materials that the contracted waste hauler will not pick up as a part of the garbage and refuse collection.

(f) No individual or entity including any owner, tenant, or occupant of a residential structure shall permit any other individual, organization or entity to place garbage or refuse at a residence for purposes of collection.

(g) No person, firm, or organization shall, without first obtaining the consent of the owner or occupant of the premises, scavenge, scatter, remove, or take any refuse, garbage, trash, recyclable material, or other item that has been placed at the curb of the premises for collection. This provision shall not apply to any authorized employee or agent of the Village or private firm(s) or contractor(s) authorized by the Village to remove and dispose of such refuse, garbage, trash, or recyclable material.

(h) Prosecution of Violation. Any person who shall violate or fail to comply with a provision of this Section shall be prosecuted within the limits provided by state and local laws. Each day a violation continues after written notice has been served shall be deemed a separate offense. Violations shall be classified as minor misdemeanors for the first offense and shall be classified as a fourth degree misdemeanor for every subsequent offense. Whoever violates any provision of this Section shall be fined as set forth in Section 501.99.

557.99 PENALTY.

(a) Whoever violates Section 557.02 or Section 557.04, pleads to a violation of Section 557.02 or Section 557.04, or who is convicted of a violation of Section 557.02 or Section 557.04 shall be fined not more than fifty dollars (\$50.00). Each day's continued violation shall constitute a separate offense.

(b) If a corporation or firm violates Section 557.03 or enters a plea to a violation thereof, or who is found to be guilty of a violation thereof shall be guilty of a misdemeanor of the first degree and imprisoned for not more than six months and fined not more than one thousand dollars (\$1,000).

Section 2. Section 521.11 is hereby repealed.

~~521.11 GARBAGE AND REFUSE CONTAINERS; REQUIREMENTS AND REMOVAL.~~

~~(a) Every owner, tenant, agent, lessee, occupant, and person in charge of any and every building, premises or place of business in the Municipality shall provide or cause to be provided for the exclusive use of such building, premises, or place of business covered receptacles for receiving and holding without leakage all garbage and rubbish.~~

~~(b) Each receptacle as required by subsection (a) here, shall be made watertight, of galvanized iron or other metal, or other suitable material, with a tight fitting, lock type lid, which shall be maintained in position at all times as to prevent the contents of such receptacles from becoming wet, disturbed, or scattered; and, to prevent the ingress and egress of insects, rodents, or stray animals.~~

~~(c) All garbage and refuse containers shall not be placed outside the front of the residential and commercial property for pickup more than twenty four hours before scheduled pickup of such refuse. All garbage and refuse containers shall be removed to behind the building line of residential and commercial property within twenty four hours of pickup.~~

~~(d) No person, firm, or organization shall, without first obtaining the consent of the owner or occupant of the premises, scavenge, scatter, remove, or take any refuse, garbage, trash, recyclable material, or other item that has been placed at the curb of the premises for collection. This provision shall not apply to any authorized employee or agent of the private firm(s) or contractor(s) authorized to by the Municipality to remove and dispose of such refuse, garbage, trash, or recyclable material.~~

~~(e) Violation; Penalties. Any person who shall violate or fail to comply with a provision of~~

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~~this section shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after written notice has been served shall be deemed a separate offense. A violation shall be classified as a minor misdemeanor for a person's first offense and shall be classified as a fourth degree misdemeanor for every subsequent offense.~~

Section 3. This Ordinance shall take effect at the earliest opportunity allowed by law.

Passed this 23 day of February, 2015.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

D. Greg Scott
D. Greg Scott, Mayor

Angela Kirk
Angela Kirk, Council Pres. Pro-Tem

APPROVED AS TO FORM

Eve M. Ellinger
Eve M. Ellinger, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 09-15 was duly posted at 9:00 AM (time) on the 26 day of February, 2015, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.

Stacey Boumis
Stacey Boumis, Clerk

2/26/15
Date