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REMINDER

NOTICE OF MEETING

CITY COUNCIL

Dennis Fiorelli
President
Sara Continenza
Joe Frank
Marty Gelfand
Jane Goodman
Ruth Gray
Jason Russell

MEETING OF: **SERVICE COMMITTEE**
CALLED BY: JANE GOODMAN, CHAIRWOMAN
DATE: **JANUARY 14, 2019**
LOCATION: COMMITTEE/JURY ROOM
TIME: 6:00 P.M.
RE: ORD. 32-18 GARBAGE, RUBBISH & REFUSE COLLECTION.

COMMITTEE MEMBERS:

SARA CONTINENZA
JOE FRANK

COUNCIL MEMBERS:

DENNIS FIORELLI
MARTY GELFAND
RUTH GRAY
JASON RUSSELL

ADMINISTRATION:

JIM ANDERSON, SERVICE DIRECTOR
MIKE LOGRASSO, LAW DIRECTOR

ORDINANCE NO.: 32-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Frank

November 12, 2018

ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 918 "GARBAGE, RUBBISH, REFUSE AND RECYCLING COLLECTION" OF TITLE THREE "PUBLIC SERVICES" OF PART NINE "STREETS AND PUBLIC SERVICES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, In order to protect the health, safety and welfare of the citizens of the City of South Euclid, the Council of the City of South Euclid recognizes its duty to regulate the collection of garbage, rubbish and refuse within the City; and

WHEREAS, the Council of the City of South Euclid in order to fulfill said duty desires to create new chapter 918 "Garbage, Rubbish, Refuse and Recycling Collection" to regulate the collection of garbage in the City of South Euclid.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio, that new chapter 918 "Garbage, Rubbish, Refuse and Recycling" be created to read as follows:

Section 1: That new Chapter 918 "Garbage, Rubbish, Refuse and Recycling Collection" of Title Three "Public Services" of Part Nine "Streets and Public Services Code" be created to read as follows:

**"CHAPTER 918
Garbage, Rubbish, Refuse and Recycling Collection**

- 918.01 Definitions.**
- 918.02 Collection permit; fee; revocation.**
- 918.03 Collection by the City's contractor; exceptions.**
- 918.04 Director supervises collection; regulations; appeal.**
- 918.05 Precollection practices.**
- 918.06 Container regulations.**
- 918.07 Container specifications.**
- 918.08 Unauthorized accumulation of garbage, rubbish and/or refuse.**
- 918.09 Scattering of garbage, rubbish and refuse.**
- 918.10 Points of collection; time limit for containers on lawns.**
- 918.11 Frequency of collection.**
- 918.12 Quantity restricted; fees.**
- 918.13 Vehicle regulations.**
- 918.14 Regulations of the Public Service Director.**
- 918.15 Refuse is property of City.**
- 918.16 Cost of garbage and refuse collection.**
- 918.17 Fines imposed.**
- 918.99 Penalty.**

918.01 DEFINITIONS.

As used in this chapter:

- (a) "Director" means the Director of Public Service.
- (b) "Garbage" means the putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (c) "Rubbish" means any household waste materials other than garbage, ashes, and cinders, and building materials.
- (d) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial waste.
- (e) "Recycling Collection" means the collection of all items that are recommended for recycling, including: paper, newspaper, glass bottles, metal cans, and certain plastic containers that can be recycled.

918.02 COLLECTION PERMIT; FEE; REVOCATION.

- (a) No person other than the person duly authorized by a permit issued by the Director of Public Service on behalf of the City shall collect or remove garbage or refuse within the City or convey or transport the same over or upon any street or public highway therein.
- (b) All persons desiring to collect and transport garbage and refuse within the City shall apply

for a permit to the Director. When satisfied that all of the regulations and provisions herein contained have been satisfied by the applicant, the Director shall issue a permit to the applicant upon payment of the proper fee.

(c) A permit fee of one hundred twenty dollars (\$120.00) per year is hereby established for private haulers. The permit shall be issued by the Director and shall be limited to the time period from the date of issuance to the end of the calendar year for which the permit is issued. The fee shall be prorated over the year in the event that a permit is not issued for a full calendar year.

(d) The Director shall keep an accurate record and accounting of all applications for permits and shall pay over all fees received hereunder to the Director of Finance and shall take back a receipt from the Director of Finance to be included in the records herein required.

(e) No private hauler shall collect or transport garbage and refuse over the streets and highways of the City unless he has a permit on file in the Service Department.

(f) The Director may revoke any permit when he is satisfied that the permit holder is in substantial noncompliance with the provisions of this chapter or any rules and regulations promulgated hereunder.

(g) In the event the Director revokes the permit established hereunder, the City will not refund any portion of the fee to the permit holder.

918.03 COLLECTION BY THE CITY'S CONTRACTOR; EXCEPTIONS.

The Director of Public Service shall enter into a contract with a private refuse hauler for collection, conveyance and disposal of all residential garbage, rubbish and yard waste in the City.

This chapter shall not prohibit the actual producer of garbage and rubbish or the owners of premises upon which garbage or refuse has accumulated, from personally collecting, conveying and disposing of such garbage and refuse, providing such producers and owners comply with the provisions of this chapter and with any other governing laws or ordinances.

918.04 DIRECTOR SUPERVISES COLLECTION; REGULATIONS; APPEAL.

All garbage, refuse, recycling and yard waste accumulated in the City shall be collected, conveyed and disposed of under the supervision of the Director of Public Service. The Director has the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal of garbage, refuse and yard waste as he finds necessary and from time to time change and modify the regulations.

Collection times shall be 7:00 a.m. to 7:00 p.m., Monday through Friday, and Saturday after holidays.

All regulations promulgated hereunder shall be made in writing and shall become effective five days after they are posted in the five places established for the posting of ordinances as specified in Section 113.05.

918.05 PRECOLLECTION PRACTICES.

Garbage, ashes, rubbish and yard waste shall each be placed and maintained in separate containers. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.

Condominium collections shall be once a week, on the regularly scheduled day for the particular area. Should additional collections be required, the property/condominium owner must contract with a private hauler for same.

918.06 CONTAINER REGULATIONS.

Garbage containers shall be provided by the owner, tenant, lessee or occupant of the premises. Garbage containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Director of Public Service has the authority to refuse collection services for failure to comply with this section.

918.07 CONTAINER SPECIFICATIONS.

Residential garbage containers shall be made of metal or an approved plastic material, equipped with suitable handles and tight-fitting covers and shall be watertight. Such containers shall have a capacity of not more than thirty-two gallons or fifty pounds each. Such containers shall be of a type approved by the Director of Public Service and shall be kept in a clean, neat and sanitary condition.

Condominium owners must provide and maintain their own refuse containers. Containers must be of a size and type approved by the Director of Public Service.

918.08 UNAUTHORIZED ACCUMULATION OF GARBAGE, RUBBISH AND/OR REFUSE.

(a) No person shall place any garbage, rubbish and/or refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except in proper containers for collection or under express approval granted by the Director of Public Service. Nor shall any person throw or deposit any garbage, rubbish and/or refuse in any stream or other body of water.

(b) Any unauthorized accumulation of garbage, rubbish and/or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish and/or refuse within thirty days after the effective date of this section or within five days after receipt of written notice from the Director at any other time shall be deemed a violation of this section.

918.09 SCATTERING OF GARBAGE, RUBBISH AND REFUSE.

No person shall cast, place, sweep or deposit anywhere any garbage, rubbish and/or refuse in a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the City.

918.10 POINTS OF COLLECTION; TIME LIMIT FOR CONTAINERS ON LAWNS.

(a) Garbage containers shall be placed at the street curb for collection by the City's contractor. Garbage containers shall not be placed at the street curb more than twelve hours in advance of collection.

(b) No garbage pail or container is permitted to remain on the tree lawn for a period longer than twenty-four hours after the pickup and removal of the garbage container therein.

918.11 FREQUENCY OF COLLECTION.

All garbage and refuse shall be collected in accordance with schedules promulgated by the Director of Public Service pursuant to the rule-making authority granted in Section 918.04.

918.12 QUANTITY RESTRICTED; FEES.

(a) Residential. The City's contractor shall be in charge of collecting a reasonable accumulation of garbage and refuse from each family during a collection period.

(b) Commercial and Manufacturing. The owner, occupant, tenant or lessee of any property other than residential must contract with a private hauler for disposal of garbage, rubbish and yard waste at a rate agreed upon between the owner, occupant, tenant or lessee and the private contractor.

918.13 VEHICLE REGULATIONS.

The actual producer of garbage or the owner of premises upon which garbage is accumulated who desires personally to collect and dispose of garbage, a person who desires to dispose of waste material not included in the definition of refuse and a collector of refuse from outside the City who desires to haul over the streets of the City, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping there from and refuse from being blown, dropped or spilled.

918.14 REGULATIONS OF PUBLIC SERVICE DIRECTOR.

The Director of Public Service has the authority to make such reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City streets by outside collectors as he finds necessary, subject to right of appeal as set forth in Section 918.05.

918.15 REFUSE IS PROPERTY OF CITY.

All material set out for collection shall be vested in the City.

918.16 COST OF GARBAGE AND REFUSE COLLECTION.

- (a) The Finance Director shall establish Fund # _____ for Solid Waste Disposal in which:
- (1) All collections from the households made under this chapter shall be deposited.
 - (2) All collections by the Cuyahoga County Auditor of previously assessed delinquencies, net of any collections fees, shall be deposited.
 - (3) Any grants relating to Solid Waste Disposal shall be deposited.
 - (4) All expenses relating to the disposal of Solid Waste shall be paid.
 - (5) All expenses relating to recycling Solid Waste shall be paid.
 - (6) All expenses relating to the collection of the amount due from the residents shall be paid.
- (b) By October 1 of each year, the Finance Director shall:
- (1) Estimate the cost of the next year's solid waste collection and any other related costs.
 - (2) Estimate the yearend balance in the Solid Waste Disposal Fund.

(3) In the event the estimated year balance is \$0.00, estimate the amount of advances from the General Fund to be repaid in the next year.

(4) To determine the amount of funds needed to be collected in the next year:

A. The next year's costs determined in subsection (b) (1) will be added the amount of advances to be repaid determined in subsection (b)(3).

B. The estimated year end fund balance determined in subsection (b)(2) will then be subtracted.

(5) The amount determined in subsection (b)(4) will then be increased to cover the expected delinquencies.

(6) The amount determined in subsection (b)(5) will then be divided by the number of households to determine the annual amount due from each resident, this total will be divided by four to determine the amount to be billed in January, April, July and October of the next year.

(c) In the event that an unpaid charge is certified to the tax duplicate of the property, the City shall then increase the charge by twenty-five dollars (\$25.00) to cover the administrative costs of the assessment.

918.17 FINES IMPOSED.

Each occurrence will be deemed as a separate offense. Each offense has a minimum of a three hundred dollar (\$300.00) fine.

918.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter or the regulations promulgated hereunder is guilty of an unclassified misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.”

Section 2: That is hereby found and determined that all formal actions of this council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018

Dennis Fiorelli, Council President

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law