

ORDINANCE NO. 74-90BY: John H. Offenberg

An Ordinance to amend Sections 1060.01, 1060.02, 1060.03, 1060.05, 1060.09, and 1060.13 of the Codified Ordinances of the City of Bexley respecting garbage and trash collection and disposal to include the collection of recyclables and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Sections 1060.01, 1060.02, 1060.03, 1060.05, 1060.09, and 1060.13 of the Codified Ordinances of the City of Bexley be amended as follows:

1060.01 DEFINITIONS.

As used in this chapter:

- (a) "Garbage" means all putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (b) "Trash" means rubbish and refuse of every kind and description, other than garbage, which is ordinarily produced and accumulated in and about a residence, exclusive of waste matters or scrap accumulated or produced in carrying on manufacturing or industrial processes and also exclusive of debris resulting from or accumulated from the construction, alteration, major repair or razing of any building or structure and also exclusive of limbs, branches, trunks, etc., resulting from major trimming or cutting down of trees, hedges and shrubs and also exclusive of yard trash.
- (c) "Yard trash" means grass clippings, weeds, leaves and small shrub and tree trimmings.
- (d) "Brush" means tree and shrub limbs that are too large to be handled by standard garbage collection trucks.
- (E) "RECYCLABLES" MEANS THOSE MATERIALS DESIGNATED BY THE MAYOR FOR SEPARATE COLLECTION AND PROCESSING.

1060.02 TYPE OF AND CARE FOR COLLECTION CONTAINERS.

(a) Every tenant, lessee or occupant of every dwelling in the City shall provide or cause to be provided a sufficient number of receptacles for the deposit of all garbage and trash in such dwellings or on the premises in connection therewith. Such receptacles shall be either approved waterproof paper or plastic bags or plastic or metal containers of not less than ten or more than thirty-two gallon maximum capacity that are constructed in such a way as to be strong, not easily corrodible, rodentproof and watertight. Metal and plastic containers shall be fitted with tight covers and with handles so that they can be conveniently emptied. When filled, the container shall not exceed seventy-five pounds in weight.

(B) EVERY TENANT, LESSEE OR OCCUPANT OF EVERY DWELLING IN THE CITY THAT PARTICIPATES IN RECYCLING SHALL PROVIDE A SUFFICIENT NUMBER OF CONTAINERS FOR THE DEPOSIT OF RECYCLABLES. SUCH CONTAINERS SHALL BE ONLY THOSE APPROVED BY THE CITY. WHEN FILLED, THE CONTAINER SHALL NOT EXCEED SEVENTY-FIVE POUNDS IN WEIGHT.

(b) (C) All garbage, and trash AND RECYCLING containers shall be maintained in good condition and repair and shall be kept clean by washing with soap or a disinfectant solution, so that no waste matter adheres to them. If containers are rusted, leaky, unsanitary or otherwise unusable, the person using such containers shall be notified that it is in need of replacement. If such container is again used, it shall be taken as trash.

1060.03 LOCATION OF CONTAINERS.

All GARBAGE AND TRASH containers shall be placed in one area that is easily accessible to the collectors, except that such area shall not be in front of the building. ALL RECYCLING CONTAINERS SHALL BE PLACED AS DIRECTED BY THE MAYOR.

1060.05 MATERIALS NOT TO BE PLACED IN CONTAINERS.

No brush, yard trash or building materials, including earth, gravel, brick, mortar, stone, wood, lime, plaster and cement, shall be placed in any container otherwise set aside for the disposal of garbage, and trash AND RECYCLABLES.

1060.09 AUTHORIZATION FOR TRASH COLLECTION AND LICENSING OF HAULERS.

(a) The Mayor shall, through the Department of Public Service, collect and dispose of all garbage, trash, RECYCLABLES, yard trash and brush accumulating on premises used for dwelling purposes in the City, provided, however, that he shall not be required to remove the same if the foregoing provisions as to receptacles and deposit of refuse have not been complied with, and provided, further, that nothing herein shall prevent an owner, tenant, lessee or occupant of premises from removing or employing others to remove the same from the premises owned or occupied by him. However, any person regularly so employed to remove the same shall be licensed by the City.

(b) The Department of Public Service is hereby authorized to grant a license to any person of good character upon the payment by such person of one hundred dollars (\$100.00), which license shall be effective for the remainder of the calendar year during which the same is issued, expiring on January 1 next following the date of issuance. The Department of Public Service shall have the right to revoke any such license for just cause.

(c) No person who is not employed by the owner, tenant, lessee or occupant (owner) of any premises within the City and acting without authority, except the City and its employees and agents, shall remove or carry away any garbage, trash, RECYCLABLES, yard trash or brush from such premises or from trash receptacles maintained by the owner for collection by authorized persons or the City. WHOEVER FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE PENALTIES AS SPECIFIED IN CODE SECTION 1060.99.

1060.13 INDEPENDENT CONTRACTORS.

If for any reason Council should deem it inexpedient for the City to collect garbage, trash, REYCLABLES, yard trash and brush from all or any part of the City with its own equipment and personnel, it may provide for such service by contract with one or more independent contractors, which contract may provide for the collection of the contractor's charge for such service directly from the householders and/or commercial establishments served. The charges for such services shall be in the amounts and computed in the manner hereinabove set forth, subject to such variations or adjustments for partial months of service as may be authorized by the Mayor.

Section 2. That this Ordinance is an emergency ordinance necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to begin a recycling program October 29, 1990, and shall go into effect upon its passage and approval by the Mayor.

Passed: Oct. 23, 1990

Robert K. Schmitz
President of Council

Attest: J.W. Kerkyn
Clerk of Council

Approved: 0203, 1990

D. Madison
David H. Madison
Mayor

Sept 25, 1990 - 1st reading
Oct. 9, 1990 - 2nd reading
Oct. 23, 1990 - 3rd reading
adopted