

ORDINANCE 568-10-12

AN ORDINANCE CREATING MANDATORY RESIDENTIAL  
GARBAGE PICKUP, PROVIDING ADDITIONAL REGULATIONS AND NOT  
DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

Section 1. Definitions

- a) “commercial waste” shall mean all rubbish, trash, refuse, and garbage of any kind generated in any business or commercial setting, including wholesale and retail establishments, all service establishments, construction sites, condominiums, multi-family residences/apartment complexes which rent to two or more families. Commercial waste shall include waste generated from more than one family residential unit on the same parcel.
- b) “residential waste” shall mean all rubbish, trash, refuse and garbage of any kind generated from residential single family homes.
- c) “collection of waste” shall mean the physical act of picking up or taking actual physical custody of waste materials and placing such materials in an approved mode of transportation with the purpose of removing the waste from its location.
- d) “garbage” means every waste or refuse, animal, fruit or vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruit or vegetable, all putrescible waste except sewage and body waste.
- e) “refuse” means bottles, broken glass, tin cans (not exceeding 1 gallon) cardboard, paper, newspapers and magazines, clothing and small hand appliances. Refuse does not include wood, ashes, paint cans or containers larger than 1 gallon, old furniture, major appliances (stoves, refrigerators, dryers and washers, etc.), auto parts or remnant building materials or other substances which may result from building, demolition or remodeling projects.
- f) “toter” means any container designed to hold garbage between 41 and 96 gallons

Section 2. Garbage Collection:

- a) Every residential unit or commercial unit shall arrange for garbage/refuse pickup at least once per week except that multi-family units such as condominiums, duplexes and apartment buildings shall be treated as one and shall be arranged through the owner/operator of the multi-family unit. Multi-family units shall include individual cottages or residential units if located on the same parcel and owned by the same person.
- b) The landowner shall be responsible for providing garbage or trash collection for any parcel, or part thereof, that he occupies whether residential or commercial.

- c) The landowner shall be responsible for providing garbage or trash collection for any parcel with more than one residential or commercial unit upon it, or in those structures housing multiple residential or commercial units.
- d) The landowner and the occupant/tenant shall be jointly responsible for providing garbage or trash collection for any parcel containing one residential unit or one commercial unit.

### Section 3. Exemptions.

A person may apply for an exemption to the requirement to arrange for weekly pickup of garbage or refuse if s/he meets any of the following requirements:

- a)
- b)

### Section 4. Nuisance and Accumulation of Garbage and Refuse

No person or commercial entity shall allow garbage or rubbish to accumulate in such a manner that it generates odors, encourages rodents or other pests, becomes unsightly or otherwise becomes a nuisance risking public health and safety. The Village shall provide a person or commercial entity found violating this section, and the owner of such property, with a written notice to remove such garbage within 24 hours. If such person/owner fails to remove such garbage within 24 hours, the Village may proceed to remove such garbage at cost to the owner. The Village may assess the costs to the owner of such property if the owner fails to pay the costs of removal within 30 days after receiving written notice.

### Section 5. Criteria for residential garbage collection

- 1) No person or commercial entity shall place garbage or refuse in any container that is not a metal or plastic can or bag, and that is not secured from wild animals:
  - a) Residential users shall not exceed a 40 gallon container.
  - b) Commercial users may use bags, cans or containers or approved dumpsters in accordance with their commercial contract, except that any commercial user shall use an approved dumpster if they generate more than four totes per pickup, not to exceed two pickups per week.
  - c) those occupants over the age of 62 may utilize plastic bags for their own use provided by the exclusive hauler, provided that no more than two bags per week may be used.
  - d) Those commercial entities using an approved dumpster supplied by a licensed hauler.

- 2) All garbage placed in cans, containers or bags shall be drained free of water.
- 3) Residential users shall place all garbage containers at the curb or roadside except that no person or commercial entity not using an approved dumpster, shall place garbage containers for pickup or within twenty feet of any public or private right of way before sunset the night before the scheduled pickup.

Section 6. That it is hereby 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 that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 7. This ordinance is not an emergency ordinance for the health, safety and welfare of the Village and it shall take effect thirty (30) days after passage.

PASSED this 18th day of September, 2012

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John Ball, Mayor

ATTEST:

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Leeann Moses, Fiscal Officer

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Kyle B. Smith, Solicitor