

CHAPTER 761
Solid Waste and Waste Recycling Facilities

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CROSS REFERENCES

Closing sites - see OAC 3745-27-10

Operation of sites - see OAC 3745-27-09

Solid and hazardous wastes - see ORC Ch. 3734; OAC Ch. 3745-26,
27, 50 et seq.

761.01 DEFINITIONS.

(a) "Solid waste facility" means any site, location, tract of land, installation or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid waste consisting of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes.

(b) "Waste recycling facility" means any operation, other than a solid waste facility, established for the purpose of receiving nontoxic and nonhazardous waste material for the purpose of converting such material by natural or manufacturing process to a product for sale to and use by the general public or a governmental agency. (Ord. 0092-2007. Passed 5-21-07.)

761.02 INSPECTION AND SUPERVISION REQUIRED.

(a) Each solid waste or waste recycling facility, whether operational, or subject to closure within the meaning of Ohio R.C. Chapter 3734, and related rules, located within the City shall be subject to continuing inspection and supervision by the City for the purpose of ensuring that the operation and maintenance of the solid waste or waste recycling facility does not create a danger to the public health, safety and welfare.

(b) Inspection and supervision of the operation and maintenance of solid waste and waste recycling facilities located within the City shall include but not necessarily be limited to engineering observation of the solid waste or waste recycling facility operation, obtaining samples and laboratory testing of waste material, review and approval of plans and specifications, special consulting services,

legal services rendered to the City by special counsel and administrative actions incident to inspection and supervision of such operations. (Ord. 0092-2007. Passed 5-21-07.)

761.03 COST OF INSPECTION AND SUPERVISION.

(a) The owner or operator of every solid waste or waste recycling facility located within the City shall submit to the Director of Public Service on or before January 2 of each year an estimate of the annual operating cost of the facility and shall deposit in an escrow account with the City, the following sums of money:

(1) An amount equal to one percent (1%) of the estimated cost of operation of solid waste or waste recycling facility for the following year for the purpose of paying all costs incurred by the City for special legal counsel and administrative expense relative to inspection and supervision of the operation of the solid waste or waste recycling facility over the following twelve month period.

(2) An amount equal to one percent (1%) of the estimated cost of operation of the solid waste or waste recycling facility for the following year for the purpose of paying all costs incurred by the City Engineer in the review and approval of plans or specifications and general engineering observation relative to the operation of the solid waste or waste recycling facility over the following twelve month period.

(3) An amount equal to four percent (4%) of the estimated cost of operation of the solid waste or waste recycling facility for the following year for the purpose of paying all costs incurred by the City for special consulting, inspection and testing services relative to observation of the operation of the solid waste or waste recycling facility over the following twelve month period.

(b) Any person, corporation, or other entity who has purchased or currently holds title to land within the City of Gahanna which is or was previously operated as a solid waste facility and is subject to closure within the meaning of Ohio Revised Code Ch. 3734, and related rules, shall register with the City of Gahanna, Department of **PLANNING AND** Development within **30 60** days of the transfer of title or the effective date of adoption of this section. All registrants shall pay an annual registration fee of \$5000.00 to help defray the cost of supervision, inspection, and other services as defined in Section 761.02 performed by the City. Such fees shall be deposited in an escrow account with the City.

(c) As of December 31 of each year the ~~City~~ **DIRECTOR OF PLANNING AND DEVELOPMENT AND THE DIRECTOR OF PUBLIC SERVICE** shall **EACH** prepare a summary of expenses incurred and charged against each **OWNER OR** operator's escrow account **AS SET FORTH IN THIS CHAPTER.** ~~In the event that moneys remain within an escrow account, the entire sum remaining shall be returned to the original depositor.~~ In the event insufficient funds remain to cover all expenses incurred by the City in the inspection and supervision of the **SOLID WASTE OR WASTE RECYCLING FACILITY** ~~operation concerned~~, additional moneys shall be collected from the original depositor **OR THE OWNER OR OPERATOR OF THE SOLID WASTE OR WASTE RECYCLING FACILITY**, in an amount sufficient to cover all costs. **THE COST OF INSPECTION AND SUPERVISION SHALL BE PAID BY THE OWNER OR OPERATOR OF THE FACILITY AT THE TIME THE INSPECTION AND SUPERVISION OCCURS. SHOULD THERE BE INSUFFICIENT FUNDS IN THE ESCROW ACCOUNT RELATING TO THE SOLID WASTE OR WASTE RECYCLING FACILITY, THE CURRENT OWNER OR OPERATOR OF THE FACILITY SHALL BE RESPONSIBLE FOR ALL COSTS OF SUPERVISION AND INSPECTION. FAILURE TO REIMBURSE THE CITY FOR SUCH COSTS, WITHIN 30 DAYS**

OF RECEIPT OF NOTICE OF PAYMENT DUE, SHALL SUBJECT THE OWNER OR OPERATOR OF THE FACILITY TO PENALTIES APPLICABLE TO THIS CHAPTER. MONEYS DEPOSITED IN THE ESCROW ACCOUNT SHALL BE RETAINED UNTIL SUCH TIME AS THE SOLID WASTE OR WASTE RECYCLING FACILITY IS NO LONGER SUBJECT TO THIS CHAPTER.

(Ord. 0092-2007. Passed 5-21-07.)

761.04 ESTIMATED OPERATING COST.

Within thirty days of the effective date of this section, the operator of every solid waste or waste recycling facility located within the City shall submit to the Director of Public Service an estimate of the operating cost of the facility for the balance of the current year beginning as of the effective date of this section and shall deposit in an escrow account with the City the sums of money stipulated above. (Ord. 0092-2007. Passed 5-21-07.)

761.05 SOLID WASTE FEE ESTABLISHED.

(a) A fee of one dollar (\$1.00) per ton is hereby levied on the disposal of all wastes at any solid waste facility located within the corporate boundaries of the City.

(b) The owner or operator of each solid waste facility within the City is required to collect the fee imposed by this section.

(c) Collection of the fee shall commence on the thirtieth day after the effective date of this section and shall be forwarded to the Director of Finance of the City, who shall maintain separate records of the moneys received from the fees levied under this chapter.

(d) Payments made under subsection (c) hereof shall be forwarded to the Director of Finance at least once each month, and shall be accompanied with supporting operating statement for such time period, including, but not limited to, copies of weight slips, number of trucks processed and other records to document with accuracy the loads that are deposited.

(e) Moneys received by the Director of Finance hereunder shall be paid into the General Fund of the City.

(f) Revenue generated under the herein provisions shall be used for remediating, preventing, or assessing brownfields or potential brownfields, maintaining roads, public facilities, and for providing emergency and other public services. (Ord. 0092-2007. Passed 5-21-07.)

761.06 APPLICATION.

This chapter specifically applies to solid waste or waste recycling facilities located within the City as of the effective date of this section and is not limited in its application to solid waste or waste recycling facilities which commence operation on or after the effective date of this section. (Ord. 0092-2007. Passed 5-21-07.)

761.07 CORRECTIVE ACTION AND CLOSURE.

Any owner or operator of a solid waste facility shall perform the maintenance of the facility in compliance with Ohio R.C. Chapter 3734 and related rules. Such maintenance shall include the proper closure and post closure care of the facility at a minimum and, if applicable, the performance of corrective measures or remediation in the event that waste, leachate, or landfill gases are determined by the City to pose a threat to the public health, safety, and welfare.

In the event that the owner or operator fails to perform maintenance of the solid waste facility within 30 days of receipt of written notice from the City, the City shall have the right to enter the facility to perform such maintenance and seek full reimbursement for the cost of such maintenance. Costs which shall be reimbursed to the City shall include the cost of investigations, testing, consultant fees, engineering, performance of legal services and all other costs necessary to complete maintenance activities. (Ord. 0092-2007. Passed 5-21-07.)

761.99 PENALTY.

~~Whoever violates any provision of this chapter shall be fined not more than ten thousand dollars (\$10,000). Each day of violation constitutes a separate offense.~~ **WHOEVER IS CONVICTED OF VIOLATING ANY PROVISION OF THIS CHAPTER AND CITED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OR THEIR DESIGNEE PURSUANT TO AUTHORITY GRANTED BY THIS CHAPTER SHALL BE DEEMED GUILTY OF A MINOR MISDEMEANOR ON A FIRST OFFENSE. FOR ANY SECOND OR SUBSEQUENT OFFENSE WITHIN A YEAR OF A PRIOR OFFENSE HEREUNDER, ANY SUCH VIOLATOR SHALL BE DEEMED GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE.**

AN ORGANIZATION CONVICTED OF AN OFFENSE OF THIS CHAPTER SHALL BE DEEMED GUILTY OF A MINOR MISDEMEANOR ON A FIRST OFFENSE. FOR ANY SECOND OR SUBSEQUENT OFFENSE WITHIN A YEAR OF A PRIOR OFFENSE HEREUNDER, ANY SUCH ORGANIZATION SHALL BE DEEMED GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE.

EACH DAY THAT ANY SUCH VIOLATOR CONTINUES TO VIOLATE ANY PROVISION OF THIS CHAPTER CITED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OR THEIR DESIGNEE PURSUANT TO AUTHORITY GRANTED BY THIS CHAPTER SHALL CONSTITUTE A SEPARATE AND COMPLETE OFFENSE. ~~(Ord. 0092-2007. Passed 5-21-07.)~~