

CHAPTER 941 - Garbage and Rubbish Collection<sup>16</sup>

Sections:

Footnotes:

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**Cross reference**— Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01; Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.; Employment of scavengers - see Ohio R.C. 3707.39; Littering and deposit of garbage and rubbish - see GEN. OFF. 517.08

941.01 - DEFINITIONS.

For the purposes of this chapter:

- (a) *Director* means the City of Gahanna's Director of Public Service.
- (b) *Garbage* means any household waste, putrescible animal or vegetable waste, including kitchen refuse, vegetable discard, and animal offal and refuse resulting from the handling, preparation, cooking and consumption of food. All waste materials accumulated in the construction, remodeling or repairing of buildings is excluded in this definition.
- (c) *Receptacle* means a watertight, rust-resistant container with a fitted lid which shall be so maintained in position at all times as to prevent the contents of such receptacle from becoming wet, from escaping therefrom, and to prevent the ingress and egress of flies, rodents and other animals. Such receptacles shall be of such size as to permit the proper containment of all waste materials between collections.
- (d) *Recyclable material* means plastic bottles and jugs, glass bottles and jars, cartons, aluminum and steel cans, paperboard, cardboard, paper, printed matter and newspaper.
- (e) *Yard waste* means grass clippings, leaves, weeds, twigs, brush or branch clippings, small limbs and shrubbery.

- (f) *Rubbish means Solid Waste that cannot be decomposed by biological methods (excluding ashes) which consist of either:*
  - (1) Combustible waste such as paper, cardboard, plastic containers, yard clippings, and wood; or*
  - (2) Noncombustible waste such as tin cans, glass and crockery*

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(Ord. 0160-2014. Passed 11-17-14.)

941.02 - GARBAGE RECEPTACLES REQUIRED.

It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the City of Gahanna forthwith to provide or cause to be provided, and at all times thereafter to keep or cause to be kept and provided for the exclusive use of such building, premises or place of business, receptacles for receiving and holding without leakage, all garbage, so long as such garbage remains upon or in such building, premises or places of business, or the portion thereof of which such person may be owner, tenant, lessee or occupant in charge.

(Ord. 0160-2014. Passed 11-17-14.)

941.03 - PLACEMENT OF GARBAGE, RUBBISH AND RECEPTACLES.

- (a) When the premises abut on any alley, a rear alley entrance must be provided and receptacles placed on the side of the rear lot line, directly adjacent to such entrance. When it is impractical to make collections from such locations, receptacles shall be placed at such a point as may be designated by the Director of Public Service. All containers shall be as close to the collection point as possible.
- (b) No person shall throw, place, or deposit any garbage whatsoever in any trash burner.
- (c) No person shall throw or deposit any rubbish/garbage whatsoever in or upon any street, alley, or public place, or place or maintain any receptacle for rubbish/garbage in or upon any street, alley, or other public place.
- (d) Garbage or rubbish shall be placed at the point of collection by the time and in the proper manner as defined and agreed upon in the refuse contract.
- (e) No person shall place any garbage or rubbish at the curb point of collection prior to 5:00 p.m. of the day preceding the regular collection day. Following collection, the garbage/rubbish receptacle shall be removed from the point of collection and stored in an inconspicuous area within 24 hours.
- (f) All refuse customers shall be required to participate in the city-wide recycling program and shall place recyclables in a bin provided, to be collected by the refuse/recycling hauler. Refusal to participate in the recycling program shall constitute a violation and be subject to penalties prescribed in Section 941.99.

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(g) No person, being the owner or occupant of any premises shall permit, household waste or rubbish/garbage to be stored or to accumulate about residential, commercial or industrial buildings or on the lots or land upon which such structure may be situated or upon vacant lots. Any and all rubbish/garbage that is loose shall be cleaned up and premises shall be maintained free of any rubbish/garbage. It shall be unlawful to either keep, maintain or use premises within the city for the open storage of any rubbish/garbage.

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(Ord. 0160-2014. Passed 11-17-14.)

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(EDITOR'S NOTE: Sections 941.04 to 941.10 are reserved for future legislation.)

941.11 - SERVICE OF NOTICE.

Property owners, lessees, agents or tenants may request such services, or the Director of Public Service (or their designee) shall cause written notice to be served upon the owners, lessees, agents or tenants having charge of such lots and lands, notifying them that garbage and rubbish gathered on such lots, lands and/or upon or in such buildings must be eliminated, removed and disposed of by the date specified in such notice.

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If such owner, or other person having charge of such lands or buildings is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner, whether a resident or a nonresident is unknown, it shall be sufficient to publish such notice once in a local newspaper. After completion of notice, the Director shall make due return thereon, setting forth the cost of service.

(Ord. 0199-2012. Passed 11-5-12.)

941.12 - FAILURE TO COMPLY; REMEDY.

Upon failure of any owner, lessee, agent or tenant having charge of the lots, land, and/or upon or in such buildings, to comply with the notice within the period of time stipulated under the provisions of Section 945.02, the Director of Public Service (or their designee) shall cause such garbage and rubbish to be

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eliminated, removed and disposed of by the direct employment of labor, or authorize some person to eliminate, remove or dispose of such garbage or rubbish on behalf of the City of Gahanna.

(Ord. 0160-2014. Passed 11-17-14.)

941.13 - REPORT OF COSTS TO COUNCIL.

Upon the performance of the labor under the provisions of Section 941.12, the Director of Public Service shall report to Council the cost thereof with respect to each lot or parcel of land and/or building, including the cost of investigation, handling of garbage and rubbish complaints and costs of service and notification.

(Ord. 0199-2012. Passed 11-5-12.)

941.14 - RETURN TO COUNTY AUDITOR.

Upon receipt of the report under the provisions of Section 941.13, and approval thereof by Council, the Auditor shall make a return in writing to the Auditor of Franklin County of such charges which shall be entered upon the tax duplicate of the County, all in accordance with Ohio R.C. 731.54.

(Ord. 0199-2012. Passed 11-5-12.)

941.15 - PICKUP AND DISPOSAL FEES.

(a) The Director of Public Service shall charge and every household or the owner or tenant of such household shall pay for weekly garbage and rubbish pickup at the following monthly rates:

	Monthly (In USD)	Quarterly (In USD)
<i>Effective January 1, 2013:</i>		
Curb pickup	\$17.39	\$52.17
Carryout service	25.34	76.02
<i>Effective January 1, 2015:</i>		
Curb pickup	\$16.73	\$50.19
Carryout service	36.73	110.19

(b) The City of Gahanna adopts the refuse hauler's Low Income and Senior Discount programs and the Director of Public Service is authorized to create regulations for administering said programs. So long

as the refuse hauler offers the Low Income and Senior Discount Programs, or similar programs, the City of Gahanna may offer the programs to its qualified users.

- (c) In cases other than normal weekly pickup where household pickup is necessary or pursuant to Section 941.12 the Director shall charge, and every household or the owner or tenant of such household shall pay, \$50.00 per one-half hour minimum and a charge of \$100.00 per hour.
- (d) If included as a part of the City of Gahanna's refuse agreement, there may be a fuel price adjustment to the base rate.

(Ord. 0160-2014. Passed 11-17-14.)

#### 941.16 - PAYMENT SCHEDULE.

Each household or the owner or tenant of such household shall pay in installments as determined by the Director of Public Service the fees imposed pursuant to Section 941.15. Billings shall be mailed on a schedule to be determined by the Director and may be included as part of the water and sewer billings. The bill, including all penalties shall be due and payable 30 days from the date of mailing. A ten percent penalty shall be assessed to all accounts paying after the due date. The Director of Public Service or the Director's designee has the authority under this chapter to waive the above ten percent penalty after review of the facts presented.

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(Ord. 0160-2014. Passed 11-17-14.)

#### 941.17 - PARTIAL PAYMENT.

Partial payments may be accepted. In accepting such partial payments, the amount owing shall be considered delinquent and the moneys paid shall be applied in the following order:

- (a) Refuse;
- (b) Penalty/Miscellaneous;
- (c) Stormwater management;
- (d) Sewer improvement;
- (e) Water improvement;
- (f) Columbus Consent Order;
- (g) Sewer; and
- (h) Water.

(Ord. 0160-2014. Passed 11-17-14.)

#### 941.18 - UNPAID BILLS.

- (a) Each refuse charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises served by the City of Gahanna. If the same is not paid within 60 days after said refuse charge becomes due and payable, in addition to any other remedies available to the City of Gahanna, said refuse charge may be certified to the auditor of the county in which the property is located, who shall place the certified amount on the real property tax list and duplicate of the property served. Certified amount to include the interest and penalties allowed by law and shall be collected as other taxes are collected.

(b) It shall be the responsibility of the buyer and seller, where property is sold or transferred, to assure that all refuse charges have been paid in full or provisions agreed to for payment; otherwise, the responsibility for payment for any refuse charges whatsoever shall reside with the current owner of such property.

(Ord. 0160-2014. Passed 11-17-14.)

941.19 - SEPARABILITY OF PROVISIONS.

Each section and each part of each section of this chapter is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

It is hereby declared to be the legislative intent that these sections or parts of sections would have been adopted independently of such sections or parts of a section so held to be invalid.

(Ord. 0160-2014. Passed 11-17-14.)

941.99 - VIOLATIONS.

Any person violating any provision of this chapter shall be charged with a minor misdemeanor on the first offense and for each subsequent offense shall be charged with a misdemeanor of the fourth degree.

(Ord. 0199-2012. Passed 11-5-12.)