

**CHAPTER 941**  
**Garbage and Rubbish Collection**

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**CROSS REFERENCES**

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) "Garbage" means any refuse accumulation of animal, fruit or vegetable matter, any matter or substance or refuse therefrom used in the preparation, cooking, dealing in or storage of meats and fowl, fruits and vegetables.
- (b) "Rubbish" means all household waste matter other than garbage, such as paper, straw, excelsior, rags, bottles, wearing apparel, corn husks and cobs, tin cans, food containers, ashes, grass trimmings from lawns, trimmings from small shrubs, limbs and other waste from trees, and brush and other waste matter accumulated about dwellings. All waste materials accumulated in the construction, remodeling or repairing of buildings is excluded in this definition.
- (c) "Receptacle" means a watertight, galvanized iron or other suitable material, container with a tight-fitting 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 holding of all waste materials between collections, but shall not exceed thirty-gallon capacity. (Ord. 26-76. Passed 3-16-76. )

**941.02 GARBAGE, RUBBISH RECEPTACLES REQUIRED.**

(a) 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 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 and rubbish, so long as such garbage and rubbish 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.

(b) No person shall throw or deposit any garbage whatsoever in or upon any street or alley or place or maintain any receptacle for garbage in or upon any street, alley or other public place. (Ord. 0254-2003. Passed 12-15-03.)

**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.

**EXHIBIT A**

(b) No person shall throw, place, or deposit any garbage whatsoever in any trash burner.

(c) No person shall throw or deposit any rubbish whatsoever in or upon any street, alley, or public place, or place or maintain any receptacle for rubbish 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 his regular collection day.

(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. (Ord. 57-92. Passed 4-7-92.)

(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 shall cause written notice to be served upon the owners, lessees, agents or tenants having charge of such lots and lands referred to in Section 945.01, 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 within one calendar week after the service of such notice.

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. 26-76. Passed 3-16-76.)

#### **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 under the provisions of Section 945.01 to comply with the notice within the period of time stipulated under the provisions of Section 945.02, the Director of Public Service shall cause such garbage and rubbish to be 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. (Ord. 0254-2003. Passed 12-15-03.)

#### **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. 26-76. Passed 3-16-76.)

#### **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. 26-76. Passed 3-16-76.)

**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	Quarterly
<b>Effective October 1, 2009:</b>		
Curb pickup	\$15.67	\$47.01
Carryout service	24.04	72.12
<b>Effective January 1, 2010:</b>		
Curb pickup	16.74	50.22
Carryout service	24.69	74.07
<b>EFFECTIVE JANUARY 1, 2011</b>		
<b>CURB PICKUP</b>	<b>16.99</b>	<b>50.97</b>
<b>CARRYOUT SERVICE</b>	<b>24.94</b>	<b>74.82</b>
<b>EFFECTIVE JANUARY 1, 2012</b>		
<b>CURB PICKUP</b>	<b>17.24</b>	<b>51.72</b>
<b>CARRYOUT SERVICE</b>	<b>25.19</b>	<b>75.57</b>

**(B) 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.**

~~(b)~~ (C) In cases other than normal weekly pickup where household pickup is ~~requested~~ **NECESSARY** or pursuant to Section 941.12 the Director shall charge, and every household or the owner or tenant of such household shall pay, fifty dollars (\$50.00) per one-half hour minimum and a charge of one hundred dollars (\$100.00) per hour.

~~(e)~~ (D) If included as a part of Gahanna's refuse agreement, there may be a fuel price adjustment to the base rate. (Ord. 0272-2009. Passed 12-7-09.)

**941.16 PAYMENT SCHEDULE.**

Each household or the owner or tenant of such household shall pay in advance 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. (Ord. 0254-2003. Passed 12-15-03.)

**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;
- (c) Stormwater management;
- (d) Sewer improvement;
- (e) Water improvement;
- (f) Sewer; and
- (g) Water.

(Ord. 0271-2004. Passed 12-20-04.)

#### **941.18 UNPAID BILLS.**

**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. IF THE SAME IS NOT PAID WITHIN SIXTY (60) DAYS AFTER SAID REFUSE CHARGE BECOMES DUE AND PAYABLE, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE CITY, 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.**

**IT SHALL BE A BUYER AND SELLER RESPONSIBILITY, WHERE PROPERTY IS SOLD, 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.**

#### **941.99 VIOLATIONS.**

~~Whoever violates Sections 941.02 or 941.03 shall be fined fifty dollars (\$50.00) for the first offense, and for each subsequent offense, one hundred dollars (\$100.00).~~  
(Ord. 0254-2003. Passed 12-15-03.)

**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.**