

ORDINANCE NO. 3158

AN ORDINANCE AMENDING CHAPTER 721 "WASTE COLLECTION" OF THE CRESTLINE CODIFIED ORDINANCES AND TO REPEAL ALL OTHER ORDINANCES CONTRARY THERETO.

WHEREAS, numerous ordinances have been enacted in the past and portions of these ordinances are no longer relevant or applicable.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CRESTLINE, OHIO:

SECTION 1. That Chapter 721 of the Crestline Codified Ordinances entitled "Waste Collection" is amended to read as follows:

**721.01 PURPOSE.**

The purpose of this ordinance is to establish a program for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals, animal offal and debris.

**721.02 DEFINITIONS**

Unless otherwise expressly stated, the following terms shall for the purpose of this article, have the meanings indicated in this section.

- A. "Curb" means the tree lawn or devil strip, or any other area of a property between the improved edge of a public street or alley and the property line of the property abutting such street or alley, but excluding any sidewalk, walkway, and any driveway.
- B. "Curbside collection" means the process or activity of placing properly packaged or contained garbage, solid waste, refuse, compostable material, other discarded material, and/or recyclables, for the purpose of the collection and conveyance thereof by commercial haulers, upon a curb.
- C. "Collection, residential collection, or commercial collection activities" means the process or activity effected and/or undertaken by residential and or commercial haulers of collecting and/or conveying

garbage, solid waste, refuse, other discardable material, and/or recyclables other than that actually produced by said person or in direct connection to the premises of which said person is the owner or an occupant, in compliance with and pursuant to this Chapter.

- D. "Collection map" means a map depicting and illustrating the four (4) collection zones within the Village of Crestline, Ohio, where residential collection activities may be conducted only on designated days each week, in compliance with and pursuant to the terms and provisions of this Chapter.
- E. "Collection zones" means a geographic area within the Village of Crestline, Ohio, where residential collection activities may be conducted only on designated days each week, in compliance with and pursuant to the terms and provisions of this Chapter.
- F. "Garbage" means any putrescible animal or vegetable waste resulting from the handling, processing, preparation, cooking and service of food.
- G. "Permitted solid waste hauler" means any person engaged in residential and or commercial collection activities within the Village of Crestline, Ohio, who has been issued a permit by the Crestline Administration to engage in said activity.
- H. "Refuse or other refuse" means ashes, crockery, bottles, tin cans, paper and other wood pulp products, boxes, rags, old or discarded clothing, bedding, mattresses and upholstered furniture, and all other similar non-putrescible wastes and discarded materials not otherwise defined herein.
- I. "Solid Waste " means such unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of a type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt, and debris, and excluding any material that is an infectious waste or a hazardous waste. Solid waste includes, but is not limited to: putrescible animal or vegetable wastes resulting from the handling, processing, preparation cooking, or

serving of food; junk, debris, wire, paper, cardboard, furniture, glass, abandoned vehicles or parts thereof, tires, wood, rubber, leather, metals, plastics, crockery, textiles, household appliances, and electronics.

### **721.03 PERMIT REQUIRED**

- A. All solid waste that has accumulated within the Village of Crestline shall be collected, conveyed, and disposed of only by persons permitted for said purposes by the Village of Crestline administrator. This restriction shall not prohibit the actual procedures of such solid waste, or the owners or occupants of premises wherein or whereupon it was produced, from personally collecting, conveying and disposing of said waste, provided said activities are conducted in full compliance with all applicable state and local codes.
- B. Any person who proposes to engage in the business of solid waste collection, conveyance or disposal shall not undertake or commence said activities unless and until a permit has been secured hereunder, and such permit shall be applied for not later than thirty (30) days prior to the proposed initiation of said activities.
- C. Applications for solid waste hauler permit shall be submitted annually to the Village of Crestline Administrator on a form prescribed by the Village of Crestline Administrator.
- D. That no permit will be valid for more than one year (1), provided however, that any permit now in existence or which may be hereafter issued may be renewed by the payment of the hereafter established annual fee unless the Village Administrator has reason to believe that the permit holder no longer qualifies for a permit.
- E. All solid waste hauler permits shall be renewed on or before March 1 of each year, as long as the permittee continues in operation. A twenty-five percent (25%) late fee will be collected for any licenses renewed after March 1.
- F. That applicant shall furnish necessary evidence of his ability to perform the service for which such permit is to be issued. Included in such information will be the name and address of applicant a list of equipment, including make and year of truck or

trucks and experience record which would qualify applicant to perform the services for which such permit is issued.

- G. Also, on request of the Village Administrator, applicant shall furnish financial information so far as is necessary to show financial ability to purchase necessary equipment and perform the services for which a permit is issued.
- H. That the issuance of a permit under this Ordinance does not act to prohibit further rules or regulations which may be hereafter adopted.
- I. That the Village Administrator will issue a residential permit on being satisfied that applicant is qualified to perform the services for which said permit is issued after he/she has considered all the conditions of necessary sections of this Ordinance and has received the sum of One Thousand one Hundred Dollars (\$1,100.00) Dollars for a new permit or an annual fee of One Hundred Seventy Five dollars (\$175.00) for a renewal permit.
- J. That the fee for pickup service for business, commercial or industrial operations shall be by individual contract between the permit holder and operator or manager of such business, commercial or industrial establishment. That in addition to the permits provided for by Section 3 (I) of this Ordinance the Council of the Village of Crestline may provide additional permits in order to provide adequate service for business, commercial or industrial establishments on the following conditions to-wit: Four Hundred Twenty Five dollars (\$425.00) for a new permit, and One Hundred Fifty dollars (\$150.00) for a renewal permit.
- K. That final authority for issuing permits lies with Council and any applicant refused a permit may apply directly to Council for such permits, provided he has first complied with all procedural steps necessary for obtaining a permit from the Village Administrator.
- L. In addition to receiving a permit all applicants shall provide to the Village Administrator or his/her designee satisfactory evidence of current commercial motor vehicle liability insurance covering all vehicles and equipment used for the purpose of conveying solid waste, with limits of liability not less than twenty-five thousand dollars (\$25,000) per person, twenty-five thousand dollars (\$25,000) per accident and twenty-five thousand dollars

(\$25,000) for property damage. Said policy shall include a provision that requires the Village to be provided with written notice at least ten (10) days prior to the proposed cancellation of any such policy. In the event that a hauler proposes to operate additional vehicle(s) or equipment after the start of the license year, said hauler shall provide an endorsement that the additional vehicle(s) and/or equipment is covered by the commercial motor vehicle liability insurance policy current in effect.

- M. Permitted solid waste hauler permits are not transferable from one person and or company to another.

#### **721.04 COLLECTION**

- A. Solid waste produced and accumulated in connection with the use or occupation of a residence shall be collected and conveyed from the premises at least once each week.
- B. All disposal will be at an approved and licensed solid waste facility, or site licensed for the purpose of salvaging or recycling, as provided by regulations of the Ohio Environmental Protection Agency.
- C. The collection and conveyance of solid waste within the Village of Crestline by permitted solid waste hauler shall be effected and completed between the hours of 5:00 a.m. and 5:00 p.m., Mondays through Fridays. However, a licensed solid waste hauler shall be permitted to effect such collection, conveyance and disposal on Saturdays between 6:00 a.m. and 11:00 a.m. if a legally recognized holiday occurs between Monday and Friday of that week, or if a mechanical failure or other circumstance verified by the Village Administrator in advance makes collection, conveyance and disposal impracticable or impossible on a weekday from Monday through Friday. Licensed solid waste haulers shall not collect, convey or dispose of solid waste within the Village of Crestline on any Sunday, unless expressly authorized by the Village Administrator.
- D. The collection and conveyance of solid waste in relation to the use or occupation of a residence shall be conducted in compliance with the current collection map adopted by Village Council.

- E. Solid waste produced and accumulated in connection with the use or occupation of a commercial or industrial establishment shall be collected, conveyed and disposed at such frequency as the Village Administrator may determine based upon a review of the types and quantities of solid waste produced.
- F. For residential pickup no permit holder shall charge a fee greater than twenty two dollars (\$22.00) per month for five thirty-gallon garbage cans, or fewer, weekly. All permit holders must make available, at their place of business, individual thirty-gallon bags for a price not to exceed three dollars (\$3.00) per bag for a residential pickup. A permit holder may make an additional charge for heavy or bulky items not to exceed fifty cents (\$.50) per item that can be loaded by one person or one dollar (\$1.00) if the same can be loaded by two persons.

#### **721.05 VEHICLES AND EQUIPMENT**

- A. All vehicles and other equipment used for residential and or commercial collection activities shall be of an approved type.
- B. The name of the solid waste hauler or company shall be displayed on both sides of the vehicles in letters at least two (2) inches in height.
- C. All vehicles and other equipment used for Residential and or Commercial Collection Activities shall be maintained in good repair and condition, and be safe to operate on public roadways at all times. Vehicles and other equipment used by solid waste haulers shall be in full compliance with all vehicle code requirements of the State of Ohio and the Village of Crestline during the periods of use in the Village of Crestline.
- D. That a permit holder hauls all materials picked up in a covered, leak-proof truck and shall further abide by all regulations of the State, County or Health District and shall abide by any agreements the Municipality may enter into pertaining to landfills or other matters covered by this Ordinance.
- E. An annual vehicle safety inspection by the Ohio State Highway Patrol or a qualified mechanic is required as proof of roadworthiness for

vehicles and other pieces of equipment used for Commercial Collection Activities.

- F. Each solid waste hauler is responsible for the proper cleanup of all spillage of solid waste or fluids resulting from Residential and or Commercial Collection Activities.
- G. An appropriate spill kit shall be carried at all times on board vehicles and equipment used for Residential and or Commercial Collection Activities. Spill kit contents may include a broom or shovel, garbage bags, and absorbent materials (aggregate material, pads or blankets).
- H. All individuals conveying solid waste in their own vehicles shall secure the load so as to prevent any debris or items from blowing out during transportation.
- I. No person shall keep, or permit or suffer the keeping of solid waste in a vehicle or in any piece of equipment that is parked or placed upon the public streets, alleys, rights-of-way and grounds of the Village of Crestline.
- J. No person shall keep, or permit or suffer the keeping of solid waste in a vehicle or in any piece of equipment that is kept within the Village of Crestline outside of a fully enclosed structure for a period in excess of forty-eight (48) hours.
- K. No person shall keep, or permit or suffer the keeping of solid waste within the Village of Crestline in such a manner as to cause or create a nuisance to others as a result of the condition, odor, or appearance of same.

#### **721.06 COLLECTION SCHEDULE**

For the purpose of limiting and restricting Residential Collection Activity involving solid waste created or accumulated as a result of residential occupation and use, the Village of Crestline is hereby divided into four (4) geographic zones as illustrated in the "Collection Zone Map" which is incorporated herein by reference. Copies of the Collection Zone Map shall

be continuously maintained on file and available for public inspection in the office of the Mayor.

A. Residential Activity shall be permitted and allowed within each collection zone on the days of each week as set forth below, and otherwise in full compliance with this Chapter.

(1) Zone 1 - Monday and Tuesday

(2) Zone 2 - Tuesday and Wednesday

(3) Zone 3 - Wednesday and Thursday

(4) Zone 4 - Thursday and Friday

B. The provisions of this section shall not be applicable to the collection or conveyance of solid waste created or accumulated as a result of commercial or industrial uses.

#### **721.07 DUMPSTERS**

All dumpsters used by solid waste haulers for the storage of solid waste shall be of watertight construction, have tight-fitting lids, and be maintained in a state of repair by said hauler(s).

A. Solid waste haulers shall ensure that the lids of dumpsters are closed after the completion of removal of solid waste, and the occupant of the premises shall ensure that the lids of dumpsters are otherwise kept closed, except as may be necessary for the deposit of solid waste.

B. Dumpsters shall be emptied at least once weekly, and shall be cleaned by the solid waste hauler as often as is necessary to maintain them in a clean condition free from odor.

C. Dumpsters shall not be stored or kept in the front yard of any property. A solid waste hauler has the duty and responsibility to place dumpsters in the rear or side yard of any premises in a position that is not visible from a village street. However, the Village Administrator may authorize temporary placement of a dumpster in a front yard of a premises or within the Village right-of-way in



conjunction with major household clean up and/or reconstruction, repair and/or demolition.

#### **721.08 CURBSIDE PLACEMENT OF SOLID WASTE**

- A. All solid waste placed at or upon a curb for collection shall become the property of the licensed solid waste hauler charged with responsibility for collecting and conveying same, and no person other than said hauler or his/her authorized agents and employees shall collect or remove same. However, the occupant of the premises upon which or within which said items were produced or accumulated may remove any items previously placed at or upon the curb of the premises prior to the initiation by said hauler of the actual collection or removal of waste.
- B. All solid waste which is stored or kept any place outside of a fully enclosed structure shall be placed within a plastic or non-corrosive metal can which is watertight, rustproof, and easily handled, with a tight-fitting lid which shall be removed only when necessary for the deposit or removal of material.
- C. Containers within which solid waste has been deposited may be placed at or upon the curb for curbside collection no earlier than 6:00 p.m. on the evening prior to the scheduled collection of said materials. Any materials and containers that remain after collection shall be removed from the curb no later than 8:00 p.m. on the date of collection.

#### **721.09 COLLECTION OF RECYCLABLE WASTE MATERIALS**

- A. Recyclable waste material" means discarded materials which may include, but are not limited to, newspaper and newsprint, glass, aluminum cans, other metal cans, cardboard, plastics, aluminum, scrap material, and plastic milk jugs, which are separated from other garbage or refuse for the purpose of recycling.
- B. Upon placement of properly separated recyclable waste material at a designated recycling collection location for collection by an authorized recycling contractor, the person, firm, partnership, corporation, or other entity generating such recyclable waste

material shall relinquish ownership and control of same and such recyclable waste material shall become the property of the authorized recycling contractor.

- C. No person, firm, partnership, corporation, or other entity, other than an authorized recycling contractor, shall remove recyclable waste material which has been placed at a designated recycling collection location.
- D. Whoever violates this section shall be guilty of an unclassified misdemeanor and fined not more than two hundred fifty dollars (\$250.00) for a first offense, fined not more than five hundred dollars (\$500.00) for a second offense within a period of two years, and fined not more than one thousand dollars (\$1,000) for third and subsequent offense(s) within a period of two years. Each unauthorized collection shall constitute a separate and distinct offense.

#### **721.99 PENALTY**

Whoever violates any provisions of this chapter is guilty of a minor misdemeanor on the first offense, and on each subsequent offense such person is guilty of a fourth degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The prosecution for a violation of this chapter shall always be for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a subsequent offense.

SECTION 2. That the original Chapter 721 of the Crestline Codified Ordinances and all other ordinances contrary thereto are repealed.

SECTION 3. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

DATE: \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_ Abstain \_\_\_\_\_

\_\_\_\_\_  
Gloria McDonald, Mayor

Attest:

\_\_\_\_\_  
Annette Johnston, Clerk of Council

Approved as to form:

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Jon K. Burton, Law Director