

EXHIBIT "A" TO ORDINANCE NO. 53-17

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

EDITOR'S NOTE: Resolution R-41-07, passed October 29, 2007, approved and adopted the Lorain County Solid Waste Management Plan. Copies of this resolution and of such Plan may be obtained, at cost, from the Clerk of Council.

1060.01	Collection, Charges and Insurance.	1060.04	Removal of recyclable materials by unauthorized parties prohibited.
1060.02	Waste materials from outside City prohibited.	1060.99	Penalty.
1060.03	Storage and disposal of garbage and refuse.		

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
Employment of scavengers - see Ohio R.C. 3707.39
Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
Department of Public Service - see ADM. Ch. 252
Vehicle loads dropping or leaking - see TRAF. 440.06
Nuisance conditions - see GEN. OFF. 650.02(d), (e)
Littering and deposit of garbage and rubbish - see GEN. OFF. 660.03
Noxious odors; filthy accumulations; polluting and diverting watercourses - see GEN. OFF. 660.04
Landfills - see B.R. & T. Ch. 824
Garbage and rubbish at building sites - see B. & H. Ch. 1465

1060.01 COLLECTION, CHARGES AND INSURANCE.

Any person contracting with a resident to collect and transport rubbish, garbage, recyclables and yard waste within the City for the purpose of disposal and/or disbursement outside the City shall carry, in full force and effect, public liability insurance protecting against damages from injury to the person in the amount of at least one hundred thousand dollars (\$100,000) per person and at least three hundred thousand dollars (\$300,000) per occurrence and protecting against damages from injury to property in the amount of at least fifty thousand dollars (\$50,000). Said person shall comply with all provisions of State law regarding workers' compensation insurance. Evidence of compliance with the requirements of this section shall be exhibited to the Mayor, the Director of Public Service or the Law Director upon request. (Ord. 304-66. Passed 12-14-66; Ord. No. 127-08. Passed 10-27-08)

1060.02 WASTE MATERIALS FROM OUTSIDE CITY PROHIBITED.

No person shall deliver, dispose of or otherwise use within the City any garbage or other refuse, including glass, crockery, tin cans, paper, boxes, rags and other similar waste materials, which was made, collected or accumulated outside the City limits. (Ord. 254-66. Passed 1-26-66.)

1060.03 STORAGE AND DISPOSAL OF GARBAGE AND REFUSE.

Garbage and other refuse shall be stored and disposed of in strict compliance with the following regulations:

(a) Garbage and other refuse shall not be permitted to accumulate upon the premises of public or private establishments and residences, except in containers as set forth in subsection (b) hereof.

(b) Every dwelling unit and/or occupiable structure shall establish and maintain garbage and other refuse storage facilities or containers adequate to hold all of the garbage and other refuse accumulated on the premises which results from the use or occupancy of the building or structure. Garbage and other refuse ~~stored outdoors~~ shall be stored in flytight, rodentproof nonflammable and reasonably waterproof containers **on the premises so as not to be in plain view from the street. Said containers shall be furnished by the private waste hauler weighing not more than fifty pounds full, except as stored in accordance with an agreement entered into by the City with a the waste hauler for pickup of garbage, refuse, recyclables, yard waste and other debris in compliance with the Solid Waste Management Plan as authorized by the most recent City Council Ordinance No. 4-17. Resolution R-41-07.** Garbage, other refuse, grass clippings and other debris **shall be placed on the tree lawn area, the driveway apron or other suitable area of the public right-of-way for collection by the City of a third party waste hauler independent contractor. No items shall block the public sidewalk, bike trail or be located upon the pavement portion of the City's Right of Way. Containers and bulk trash shall not be placed outside for collection until 6:00 p.m. on the evening before the scheduled collection date,** except that if a hardship would occur requiring the deposit of garbage or other refuse prior to **the time set forth hereintwenty four hours preceding a scheduled collection on any street,** a free permit shall first be obtained from the ~~Service Director of the Service Department.~~

(c) Containers for garbage or other refuse, **shall be removed from the right of way and stored on the premises so as not to be in plain view from the street** after collection of such garbage or other refuse, and no later than 7:00 p.m. on the day of collection ~~shall be returned by the property owner or occupant from the right of way to the storage area not later than twenty four hours after the scheduled time of pick-up.~~ (Ord. 87-99. Passed 5-24-99; Ord. 127-08. Passed 10-27-08.)

1060.04 REMOVAL OF RECYCLABLE MATERIALS BY UNAUTHORIZED PARTIES PROHIBITED.

(a) No person, other than the current resident of the property on which the items are placed, or an authorized carrier, shall remove, pick up, or transfer recyclable materials left at curbside. Materials left at curbside in either specifically marked recovery containers or any other type of container are to be picked up by a designated carrier for the purpose of removal of recyclable materials. Materials referred to, and to be left at curbside in specifically marked containers, will include recyclable materials included in the City's Recycling Program.

(b) Each removal of items from a location shall constitute a separate violation of this section. ~~Unauthorized persons removing materials or bins other than those persons designated in subsection (a) hereof shall be fined as follows:~~

~~(1) Upon first conviction of violation of this section, the person shall be fined~~

~~twenty-five dollars (\$25.00) for each such violation.~~

~~(2) Upon second conviction of violation of this section, the person shall be fined one hundred dollars (\$100.00) for each violation.~~

~~(3) Upon third and subsequent convictions of violation of this section, the person shall be fined two hundred dollars (\$200.00) for each such violation.~~
(Ord. 149-01. Passed 9-24-01.)

1060.99 PENALTY.

(a) Whoever violates or fails to comply with Section 1060.01, **1060.02 or 1060.03** is guilty of a fourth degree misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. **Each separate delivery, use or disposal of waste materials, as set forth in Section 1060.02, shall constitute a separate offense. In addition to such penalty, an offender shall be liable for the expense of removal of the garbage or other refuse.**

(b) Whoever violates Section 1060.034 is guilty of a **minor** misdemeanor, **except that upon a third and subsequent conviction for a violation of this section within a year, said offender is guilty of a misdemeanor of the fourth degree.** ~~of a the fourth degree — and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. Each separate delivery, use or disposal of waste materials, as set forth in Section 1060.02, shall constitute a separate offense. In addition to such penalty, an offender shall be liable for the expense of removal of the garbage or other refuse.~~

(c) See §698.02 for “Penalties for Misdemeanors”.