

2010-9-5

April 6, 2010

ORDINANCE AMENDING CHAPTER 939 OF THE
CODIFIED ORDINANCES REGARDING
GARBAGE AND REFUSE DISPOSAL

WHEREAS, Chapter 939 of the Village of Greenhills Codified Ordinances provides for garbage and refuse disposal provisions, regulations, and enforcement, as established by ordinance of Council; and

WHEREAS, Chapter 939 of the Greenhills Codified Ordinances currently governs the procedures for garbage and refuse disposal by our Village residents; and

WHEREAS, Council for the Village of Greenhills has determined that it is in the best interest of the Village to amend the regulations regarding garbage and refuse disposal to provide additional flexibility for Village residents.

NOW, THEREFORE, be it ordained by the Council of the Village of Greenhills, Ohio,
6 members elected thereto concurring:

Section 1. That the Council of the Village of Greenhills hereby amends Chapter 939 of the Codified Ordinances as provided for in the "Attachment A".

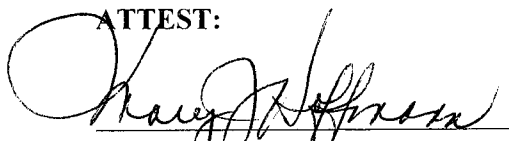
Section 2. That the remaining provisions of Chapter 939 shall remain in full force and effect.

Section 3. That this Ordinance shall be and is effective from and after the earliest period allowed by law.

PASSED THIS 6 DAY OF April, 2010.

PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL

APPROVED:



MAYOR

CHAPTER 939
Garbage and Refuse Disposal

939.01 PURPOSE.

The purpose of this Chapter is to establish reasonable and uniform regulations for the collection and disposal of garbage and refuse within the Village and to promote the health, safety and general welfare of the citizens of Greenhills by providing a clean and safe environment for the citizens of the Village. (Ord. 99-12S. Passed 3-22-99.)

939.011 TREATMENT OF GARBAGE.

All garbage shall be drained of moisture and wrapped in paper or other combustible material and promptly placed in containers. All non-combustible cans or bottles shall be rinsed before disposal. (Ord. 99-12S. Passed 3-2-99.)

939.02 HAZARDOUS WASTES.

The Municipal Manager shall be contacted prior to disposal of combustible liquids, explosive materials, poisons, caustics, acids and other hazardous wastes. (Ord. 78-8S. Passed 2-21-78.)

939.03 DISPOSAL OF YARD WASTE.

Tree trimmings, earth, gravel and stones shall be broken up and reduced in volume, if possible. Trees, rose bushes, branches and trimmings shall be reduced to pieces not more than six feet in length. The combined weight of earth, gravel and stones in any one container shall not exceed seventy pounds. This type of material is to be collected only on Mondays. (Ord. 78-8S. Passed 2-21-78.)

939.04 REGULATION CONTAINERS.

Standard containers for wastes shall be of galvanized steel or other nonrusting material of substantial construction with tight-fitting lids, watertight, and of a capacity of not more than thirty-five gallons or seventy-five pounds total weight. Large capacity waste wheelers may be obtained from the Village at cost. Plastic bags may be used and only can be set out on waste collection day but plastic bags may not be used for outside storage. (Ord. 78-8S. Passed 2-21-78.)

939.05 SETTING OUT, REMOVAL AND CARE OF CONTAINERS.

Containers may be set out after 3:00 p.m. the day before collection. They shall be placed as close to the curb as possible. After emptying, all containers shall be removed from the streets by 11:00 p.m. on the day of the collection. All containers shall be kept clean and disinfected. No garbage shall be set out for collection in open containers. (Ord. 78-8S. Passed 2-21-78.)

939.06 DEPOSITING WASTE ON PUBLIC OR PRIVATE PROPERTY.

No person shall throw, scatter, place or deposit garbage, waste or other refuse in any street or public place or private property. No person shall remove the lid, turn over or upset the contents from any waste container, except in the course of the Municipal pick-up. No person shall remove waste from a container without the owner's consent. (Ord. 78-8S. Passed 2-21-78.)

939.07 SCHEDULE AND RULES AND REGULATIONS; PREPARATION;
PUBLICATION.

Consistent with the purpose of this chapter and the provisions contained in this chapter, the Municipal Manager is authorized to prepare and publish a waste collection schedule and rules and regulations for the effective administration and enforcement of the provisions of this chapter. Any rules shall have the force and effect of law and a violation of any of the rules and regulations adopted by the Municipal Manager shall be punished as a violation of this chapter set forth in Section 939.99. (Ord. 99-12S. Passed 3-2-99.)

939.08 CONTAINER STORAGE.

Except when garbage containers are set out for collection in accordance with the Municipality's waste collection ordinance, garbage containers shall be stored in one of the following manners:

- (a) Next to the rear wall of a dwelling or garage used as part of the dwelling.
 - (b) In a confined area, screened from view of passersby.
- (Ord. 78.8S. Passed 2-21-78.)

939.09 RECYCLING CONTAINER FEE.

The annual fee for recycling containers for curbside recycling to be provided by the Village shall be established by motion of Council for a period of time determined by Council. (Ord. 2003-25S. Passed 6-3-03.)

939.10 NONCOMPLIANCE WITH TIME PERIOD FOR SETTING OUT
CONTAINERS AND GARBAGE.

- (a) No person shall set out containers or other garbage and refuse for collection outside of the time period permitted by this chapter. If any person violates this section, the Municipal Manager shall have the option of enforcing this sections as follows:
 - (1) Leaving a written notice at or mailing a written notice to the property where the violation occurs advising the property owner, tenant or other person in charge of the property of the permitted hours for setting out containers, garbage or refuse and that any future violations may result in a charge for early collection and/or criminal citation; or
 - (2) Order the immediate collection of the garbage or refuse and cause written notice of the additional fee incurred for the pick up to be served upon the owner of the property notifying him that garbage or refuse was set out in violation of this section and that the cost of the additional pick up shall be paid within fourteen days after service of the notice.

If the owner is a nonresident of the Village, the notice shall be sent by certified mail to the owner at the address where he resides. If after a diligent search the owner cannot be ascertained or if the certified mail is returned undeliverable, notice shall be made once in newspaper of general circulation in the Village and the fourteen day time period shall begin on the date the notice is published. The property owner, tenant or other person in charge of the property shall within fourteen days of the notice either pay the fee or contact the Municipal Manager in writing requesting a hearing before the Municipal Manager to rebut the presumption that the garbage or trash which was picked up from the property was left there by the owner,

tenant or other person in charge of the property. The decision of the Municipal Manager concerning such appeal shall be final. In the event no appeal is taken and payment is not made as required, or in the event appeal has been taken but the Municipal Manager has determined that the owner, tenant or other person in charge is still responsible for the fee and the fee remains unpaid, the Municipal Manager is authorized to notify the County Auditor of the fees which the Village has incurred for the additional pick up of the garbage or refuse and such amount shall be entered upon the tax duplicate, and shall be collected as other taxes and returned to the municipal corporation with the general fund.

- (b) Nothing within this section shall be construed to prohibit, either concurrently or in the alternative, any other civil or criminal action based upon any violation of this chapter. (Ord. 94-28S. Passed 7-5-94.)

939.99 PENALTY.

- (a) Whoever violates any provision of this chapter for which no other penalty is otherwise provided is guilty of a minor misdemeanor for each separate offense.
- (b) Whoever violates Section 939.08 is guilty of a minor misdemeanor and each full week of noncompliance shall be considered a separate offense.