

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2013-O-2026

PROVIDING FOR A SINGLE TRASH HAULER FOR RESIDENTIAL DWELLINGS WITHIN THE CITY AND AMENDING PART 5 "GENERAL OFFENSES", CHAPTER 521, "HEALTH, SAFETY, AND SANITATION"; SECTION 521.08(d), "LITTERING AND DEPOSIT OF GARBAGE AND TRASH" OF THE HUBER HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, as a valid exercise of its police power over sanitation and public health, and in order to help protect the public health safety and general welfare, City Council has decided to provide a solid waste collection and disposal program for the City; and

WHEREAS, City Council has determined that providing a single trash hauler for solid waste and recycling for all residential dwellings is in the best interest of the City for reasons, which include but are not limited to: providing for the public health safety and general welfare; being able to provide, in many cases, a less expensive trash removal service for citizens; and limiting the wear on public roads by cutting down on multiple trash haulers; and

WHEREAS, as a result of the single trash hauler program certain changes are required to Section 521.08(d) of the City's Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City of Huber Heights, Ohio that:

Section 1. A weekly solid waste collection and disposal program and a separate bi-weekly curbside recyclable collection and reclamation program for recyclable material are hereby established in the City.

Section 2. For purposes of this Ordinance the following terms shall be defined as follows:

"Authorized Collection Agent" means an owner of collection and transportation vehicles which has been approved for Waste Material and/or Recycle collection and transportation under a contract with the City of Huber Heights.

"Residential Dwelling" means all single family and two family properties within the corporate limits of the City.

"Waste Material" shall include all municipal solid waste originating from the use of a Residential Dwelling including but not limited to the following:

- A. All solid waste material that size will allow to be placed in a standard front load, rear load or side load hopper;
- B. Large trash items, including, but not limited to, refrigerators, dishwashers, dryers, sofas, chairs, carpet and mattresses;
- C. Garbage as defined as organic waste of animal, fish, fruit, or vegetable matter arising from or attendant to the storage, dealing in, preparation or cooking of food for human consumption;
- D. Cold ashes placed in a separate container;
- E. All brush in small piles or tied in bundles not more than 4 feet in length, grass clippings, leaves, and other yard trimmings.

Section 3. No person, other than the Authorized Collection Agent, shall collect or receive, for hire, and thereafter convey or transport on the streets and alleys or public thoroughfares of the City of Huber Heights, Waste Material from any Residential Dwelling. Each such activity in

violation hereof from one or more locations shall constitute a separate and distinct offense. The foregoing shall in no way limit the City from using its own forces, or other authorized agents to remove Waste Material at Residential Dwellings from time to time.

Section 4. Collection of Waste Material for Residential Dwellings shall be made at least once a week, at announced days, no earlier than 7:00 a.m. and no later than 6:00 p.m., Monday through Friday. The following shall be holidays for purposes of this Ordinance: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Collections for the Holiday and the following days of the week shall be delayed by one (1) day.

Section 5. All Waste Material shall be placed for collection in plastic bags or watertight metal or plastic containers with lids with a maximum capacity 45 gallons if resident owned. Waste material other than garbage may be placed in open containers with handles or in bundles set at the curb. Wooden and paper boxes shall be broken down and/or tied in small bundles. Whole waste tires and lead acid batteries are not to be contained with the Waste Material.

Section 6. Recyclable pick up shall be biweekly. Recyclable material shall be separated from other waste and set upon the curb in front of the Residential Dwelling unit in a recycling bin provided by the Authorized Collection Agent. Recyclable materials may be commingled in the recycling bin. Recyclable materials to be collected shall include, but not be limited to, newspapers, magazines, catalogs, telephone books, junk mail, paper cartons, #1, #2, and #6 plastics, and all glass food and drink containers (clear or colored), and aluminum and bi-metal beverage cans.

Section 7. No person other than the Authorized Collection Agent or owner of the recyclable materials shall remove recyclable material which has been placed at curbside for collection. Each removal of recyclable material in violation hereof from one collection bin or one collection location shall constitute a separate and distinct offense. Nothing in this section shall limit the right of any person, organization or other entity to donate, sell or otherwise dispose of recyclable material prior to its being placed at the designated collection point.

Section 8. All Residential Dwellings shall use the City Authorized Collection Agent for its Waste Material collection and are required to pay the cost for the collection and disposal of Waste Material and recyclables. Such cost may be billed directly and collected by the Authorized Collection Agent. The cost assessed to service to each Residential Dwelling shall be as established from time to time by City Council.

Section 9. Whoever violates Section 3, 5, or 7 of this Ordinance shall be guilty of a minor misdemeanor. Any person convicted of a second or additional offense of said section within two years of the first offense shall be guilty of a misdemeanor of the fourth degree.

Section 10. For the effective administration and enforcement of the provisions of this Ordinance, the City Manager is authorized and directed to establish and publish reasonable rules and regulations, which are consistent with this ordinance, governing the collection, transportation, removal and disposal of solid waste, and the collection, transportation and reclamation of recyclable material. Any regulations so established shall have the full force of law and any violation of any regulation promulgated pursuant to this ordinance shall be penalized in the same way as a violation of this ordinance.

Section 11. Effective July 1, 2013, Chapter 521. "Littering and Deposit of Garbage and Trash", Section 521.08(d), "Placement of Receptacles" is amended to read as follows:

(d) Placement of Receptacles.

(1) All approved residential **recycle bins**, garbage containers, including receptacles, cans and plastic bags, shall be placed at the curb for pickup **pursuant to the City's solid waste collection and disposal ordinance unless prior arrangements have been made with the trash hauler for pickup at another location**. No such **recycle bins, garbage containers, including receptacles, cans and plastic bags, garbage or trash receptacle** shall be placed at the curb prior to 5:00 p.m. on the day preceding the pickup and all containers shall be returned to the original storage place within twenty-four hours after the contents have been

removed. When not at the curb for pickup, all garbage receptacles and recycle bins shall be in an enclosed building or in the rear or side yard placed upright against the principal building or an accessory building. Dwelling units containing ~~four~~ three or more units which use unitized single containers shall be exempt from this section.

Section 12. This Ordinance and each section and provision hereof are hereby declared to be independent sections and subsections and, notwithstanding any other evidence of legislative intent, the Council of the City of Huber Heights, by adoption of the legislation containing this section, hereby states that it is the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently if such section or provision were so known to be invalid. The adoption of this ordinance in a single legislative act is merely for convenience. It is the intent that each and every separate part hereof be severable so as to leave in effect as much of this ordinance as is not found invalid so as to provide as much benefit to its citizens as possible.

Section 13. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 14. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health safety and welfare of the citizens of Huber Heights and for the further reason that the City needs to establish its city wide single hauler program at the earliest possible time to give citizen time to transition to the new service which is targeted to begin July 1, 2013; therefore, this Ordinance shall take effect immediately upon its adoption by Council.

Passed by Council on the 14th day of March, 2013;
8 Yeas; 0 Nays.

Effective Date: March 14, 2013

AUTHENTICATION:

Anthony C. Russ
Clerk of Council

Ronald A. Fisher
Mayor

3-18-13
Date

3-19-13
Date