



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0033-2019

File Number: ORD-0033-2019

TO AMEND CHAPTER 941- GARBAGE AND RUBBISH COLLECTION, OF PART FIVE-OTHER PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

WHEREAS, In January 2019, the City entered into agreement with SWACO and the Recycling Partnership to take advantage of a unique grant opportunity that will allow the City to purchase recycling carts at a greatly reduced cost; and

WHEREAS, in order to charge the necessary fees to recover the cost of the cart purchase, it is necessary to update the Codified Ordinances of the City of Gahanna, specifically Chapter 941- Garbage and Rubbish Collection of Part Five- Other Public Services, to include the applicable fees for the cart based recycling program; and

WHEREAS, changes to the fee schedule will include the monthly cart fee and the fees associated with the purchase of additional carts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That City Code, Section Chapter 941- Garbage and Rubbish Collection of Part Five- Other Public Services, of the Codified Ordinances of the City of Gahanna, is hereby amended as set forth in EXHIBIT A, attached hereto.

Section 2. That existing City Code, Section Chapter 941- Garbage and Rubbish Collection of Part Five- Other Public Services, of the Codified Ordinances of the City of Gahanna, or any Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

Section 3. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature approval by the Mayor.

At a meeting of the City Council on 4/15/2019, a motion was made by Stephen A. Renner, seconded by Michael Schnetzer, that this Ordinance be Adopted. The motion passed.


President


Brian Metzbower

Date

4/15/19

Attest by


Krystal Gonchar
Deputy Clerk of Council

Date

4/15/19

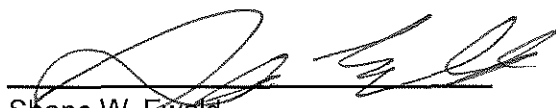
Approved by the Mayor


Thomas R. Kneeland

Date

4/16/19

Approved as to Form


Shane W. Ewald
City Attorney

Date

4/16/19

EXHIBIT A

TITLE FIVE - Other Public Services

CHAPTER 941 - Garbage and Rubbish Collection^[15]

Sections:

Footnotes:

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Cross reference— 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) *Director* means the City of Gahanna's Director of Public Service and Engineering.
- (b) *Garbage* means any household waste, putrescible animal or vegetable waste, including kitchen refuse, vegetable discard, and animal offal and refuse resulting from the handling, preparation, cooking and consumption of food. All waste materials accumulated in the construction, remodeling or repairing of buildings is excluded in this definition.
- (c) *Receptacle* means a watertight, rust-resistant container with a fitted 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 proper containment of all waste materials between collections.
- (d) *Recyclable material* means plastic bottles and jugs, glass bottles and jars, cartons, aluminum and steel cans, paperboard, cardboard, paper, printed matter and newspaper.
- (e) *Yard waste* means grass clippings, leaves, weeds, twigs, brush or branch clippings, small limbs and shrubbery.
- (f) *Rubbish* means solid waste that cannot be decomposed by biological methods (excluding ashes) which consist of either:
 - (1) Combustible waste such as paper, cardboard, plastic containers, yard clippings, and wood; or
 - (2) Noncombustible waste such as tin cans, glass and crockery.

(Ord. 0160-2014. Passed 11-17-14; Ord. No. 0085-2017, § 1(Exh. A), 11-20-17.)

941.02 - GARBAGE RECEPTACLES REQUIRED.

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 of Gahanna 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, so long as such garbage 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.

(Ord. 0160-2014. Passed 11-17-14.)

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 and Engineering. All containers shall be as close to the collection point as possible.
- (b) No person shall throw, place, or deposit any garbage whatsoever in any trash burner.
- (c) No person shall throw or deposit any rubbish/garbage whatsoever in or upon any street, alley, or public place, or place or maintain any receptacle for rubbish/garbage 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 the regular collection day. Following collection, the garbage/rubbish receptacle shall be removed from the point of collection and stored in an inconspicuous area within 24 hours.
- (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.
- (g) No person, being the owner or occupant of any premises shall permit, household waste or rubbish/garbage to be stored or to accumulate about residential, commercial or industrial buildings or on the lots or land upon which such structure may be situated or upon vacant lots. Any and all rubbish/garbage that is loose shall be cleaned up and premises shall be maintained free of any rubbish/garbage. It shall be unlawful to either keep, maintain or use premises within the city for the open storage of any rubbish/garbage.

(Ord. 0160-2014. Passed 11-17-14; Ord. No. 0085-2017. § 1(Exh. A). 11-20-17.)

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 and Engineering (or their designee) shall cause written notice to be served upon the owners, lessees, agents or tenants having charge of such lots and lands, 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 by the date specified in 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. 0199-2012. Passed 11-5-12; Ord. No. 0085-2017. § 1(Exh. A). 11-20-17.)

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, to comply with the notice within the period of time stipulated under the provisions of

Section 945.02, the Director of Public Service and Engineering (or their designee) 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 of Gahanna.

(Ord. 0160-2014. Passed 11-17-14; Ord. No. 0085-2017, § 1(Exh. A), 11-20-17)

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 and Engineering 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. 0199-2012. Passed 11-5-12.)

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. 0199-2012. Passed 11-5-12.)

941.15 - PICKUP AND DISPOSAL FEES.

- (a) The Director of Public Service and Engineering 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 (In USD)	Quarterly (In USD)
<i>Effective January 1, 2015:</i>		
Curb pickup	\$16.73	\$50.19
Carryout service	36.73	110.19
<i>Effective January 1, 2019:</i>		
Curb pickup	\$17.31	\$51.93
Carryout service	\$37.31	\$111.93
<i>Effective June 1, 2019:</i>		

<u>Recycling Cart Fee</u>	<u>\$0.44</u>	<u>\$1.32</u>
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- (b) The City of Gahanna adopts the refuse hauler's Low Income and Senior Discount programs and the Director of Public Service and Engineering 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.
- (c) In cases other than normal weekly pickup where household pickup is necessary or pursuant to Section 941.12 the Director shall charge, and every household or the owner or tenant of such household shall pay, \$50.00 per one-half hour minimum and a charge of \$100.00 per hour.
- (d) If included as a part of the City of Gahanna's refuse agreement, there may be a fuel price adjustment to the base rate.
- (e) The Director of Public Service and Engineering shall charge the following one-time fees for additional recycling containers requested by residents, or for the replacement of recycling containers that need replaced for reasons unrelated to normal use in addition to the monthly recycling cart fee listed above in 941.15 (a):

<u>Recycling Cart Size</u>	<u>Purchase/Replacement Fee</u>
<u>32 gallon</u>	<u>\$41.81</u>
<u>48 gallon</u>	<u>\$44.52</u>
<u>64 gallon</u>	<u>\$45.02</u>
<u>96 gallon</u>	<u>\$48.96</u>

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Please note that the cart remains the property of the City of Gahanna and shall remain at the assigned residence unless removed by the City. Should the cart be removed by anyone other than the City, the replacement cost of the cart will be billed to the property owner.

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(Ord. 0160-2014, Passed 11-17-14.)

941.16 - PAYMENT SCHEDULE.

Each household or the owner or tenant of such household shall pay in installments as determined by the Director of Public Service and Engineering 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. The bill, including all penalties shall be due and payable 30 days from the date of mailing. A ten percent (penalty shall be assessed to all accounts paying after the due date. The Director of Public Service and Engineering or the Director's designee has the authority under this chapter to waive the above ten percent penalty after review of the facts presented.

(Ord. 0160-2014, Passed 11-17-14; Ord. No. 0085-2017, § 1(Exh. A), 11-20-17.)

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/Miscellaneous;
- (c) Stormwater management;
- (d) Sewer improvement;
- (e) Water improvement;
- (f) Columbus Consent Order;
- (g) Sewer; and
- (h) Water.

(Ord. 0160-2014. Passed 11-17-14.)

941.18 - UNPAID BILLS.

- (a) 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 of Gahanna. If the same is not paid within 60 days after said refuse charge becomes due and payable, in addition to any other remedies available to the City of Gahanna, 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.
- (b) It shall be the responsibility of the buyer and seller, where property is sold or transferred, 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.

(Ord. 0160-2014. Passed 11-17-14.)

941.19 - SEPARABILITY OF PROVISIONS.

Each section and each part of each section of this chapter is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

It is hereby declared to be the legislative intent that these sections or parts of sections would have been adopted independently of such sections or parts of a section so held to be invalid.

(Ord. 0160-2014. Passed 11-17-14.)

941.99 - VIOLATIONS.

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.

(Ord. 0199-2012. Passed 11-5-12.)

CHAPTER 943 - Sanitary Regulations

Sections:

943.01 - ADOPTED.

The Sanitary Regulations, Regulations 701 through 719, and 800 passed by Franklin County District Board of Health with all amendments thereto, are hereby incorporated by reference and adopted in this chapter.

(Ord. 59-2001. Passed 4-2-01.)

943.02 - DISPOSITION OF SANITARY SEWAGE.

- (a) Sewage, including wastes from water closets, urinals, lavatories, sinks, bathtubs, showers, laundries, cellar floor drains, garage floor drains, bars, soda foundations, cuspidors, refrigerator drips, drinking fountains, stable floor drains and other objectionable wastes shall be discharged into a sanitary or combined sewer and in no case into a stormwater sewer.
- (b) Industrial waste shall not be discharged into a storm sewer but may be discharged into a sanitary sewer if the waste is of such character as not to be detrimental to the sewer system or to the Sewage Treatment Works. Where such waste is detrimental to the sewer system or Sewage Treatment Works, it shall be otherwise disposed of in a satisfactory manner or so improved in character as not to be detrimental to the sewer system or Sewage Treatment Works.

(Ord. 59-2001. Passed 4-2-01; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

943.03 - TRAPS.

- (a) A trap for the interception of grease, oil and mud shall be provided on a connection from a hotel, restaurant, club, food and bakery preparation establishment, commercial or institutional kitchen and from a public garage, automobile washing station, slaughter or packing house. Such trap shall be installed to the satisfaction of the Director of Public Service and Engineering or the Director of Public Service and Engineering's designee.
- (b) Grease, oil and mud interceptors and traps shall be inspected frequently and pumped and cleaned as often as necessary to retain the waste. The materials collected during cleaning shall be removed from the premises for disposal and not deposited in the plumbing or sewage systems. A confirming report shall be forwarded by the business operator to the Director of Public Service and Engineering every six months.

(Ord. 59-2001. Passed 4-2-01; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

943.04 - ENFORCEMENT.

Such Sanitary Regulations shall also be the Gahanna Sanitary Regulations, but shall be enforced by the Franklin County District Board of Health.

(Ord. 59-2001. Passed 4-2-01.)

943.05 - RESERVED.

Editor's note— Ord. No. 0086-2017, § 1(Exh. A), adopted Nov. 20, 2017, repealed § 943.05, which pertained to copies and derived from Ord. 59-2001. Passed 4-2-01; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16.

CHAPTER 945 - Weeds and Grass¹⁷¹

Sections:

Footnotes:

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Cross reference— Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.; Destruction of weeds - see Ohio R.C. 971.33 et seq.

945.01 - DEFINITIONS.

As used in this chapter:

- (a) *Grass* means any of a large family (gramineae) of monocotyledonous, mostly herbaceous plants with hollow, jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.
- (b) *Noxious* designation can be given to weeds for several reasons including: toxicity to humans or animals, invasiveness, negative impact to abutting properties or natural areas, potential to cause economical loss, or threat to public health and safety.
- (c) *Noxious weed* means any type or species that have been included on the official list of noxious plants for the State of Ohio under Ohio Revised Code (901:5-37).
- (d) *Weed* means a plant that is considered undesirable, unattractive or troublesome. A plant that is not grown in an ornamental bed, is not valued where it is growing and tends to overgrow more desirable plants.

(Ord. 0156-2003. Passed 8-4-03; Ord. No. 0087-2017, § 1(Exh. A), 11-20-17.)

945.02 - DETERMINATION OF NUISANCE; ABATEMENT.

When determined by the Director of Public Service and Engineering through the Zoning Administrator that weeds and other undesirable vegetation exceeding the height specified in Section 945.06 exist upon any lots and lands within the City, and constitute a nuisance or endanger the public health, it shall be the duty of the Director of Public Service and Engineering through the Zoning Administrator to see that such noxious weeds and grass are removed or such nuisance abated. The City or its designee shall have the right to enter any property in order to carry out such nuisance abatement.

(Ord. 0156-2003. Passed 8-4-03; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

945.03 - SERVICE OF NOTICE.

The Director of Public Service and Engineering through the Zoning Administrator shall cause written notice to be served upon the owners and lessees, agents or tenants having charge of such lots and lands referred to in Section 945.02, notifying them that noxious weeds or weeds and grass of profuse and unmanageable growth growing eight inches or more tall are growing on such lots and lands, and that they

must be cut or destroyed within five days after the service of such notice. The notice shall be either handed to the occupant or placed on the front of the house in clear view from the street. The property shall be re-inspected on the sixth day after the service of such notice. If the violation still exists, a citation shall be issued and the grass cut by the City's designee.

(Ord. 0156-2003. Passed 8-4-03; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

945.04 - FAILURE TO COMPLY; REMEDY.

Upon failure of any owner, lessee, agent or tenant having charge of the lots and lands under the provisions of Section 945.02, to comply with the notice within the period of time stipulated under the provisions of Section 945.03, the Zoning Administrator shall authorize a lawn maintenance contractor to cut the weeds or grass on behalf of the City.

(Ord. 0156-2003. Passed 8-4-03.)

945.05 - RETURN TO COUNTY AUDITOR.

Upon the performance of the labor under the provisions of Section 945.04, the Director of Finance 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. 0156-2003. Passed 8-4-03.)

945.06 - NOXIOUS WEEDS OR GRASS.

Every person owning, leasing, renting, having charge of or being in possession of land within this City shall keep such property, and adjacent right-of-way between such property, and the curb, or edge of pavement where there is no curb, free and clear from all noxious weeds, such as Bamboo, Burdock, Giant Hogweed, Japanese Knotweed, Jimson Weed, Ragweed, Milkweed, Mullein, Poison Ivy, and other vegetation of profuse and unmanageable growth. Noxious weeds and grass grown on such property and adjacent right-of-way shall be maintained in such a manner so as not to exceed eight inches in height.

(Ord. 0156-2003. Passed 8-4-03; Ord. No. 0087-2017, § 1(Exh. A), 11-20-17.)

945.07 - MOWING FEES.

The fee charged by the lawn maintenance company, contracted by the City to cut the grass, shall be presented to the Franklin County Auditor per Section 945.05. In addition, a \$75.00 administrative processing fee shall be charged by the City and added to the tax duplicate of the County.

(Ord. 0156-2003. Passed 8-4-03.)

945.08 - EXEMPTIONS.

Areas cultivated specifically as a wildflower area, vegetable garden, natural area for birds and other wildlife, or other areas determined by the City's designee. Also exempted is land currently used for agricultural purposes, existing naturalized areas along drainage channels on designated scenic roads, and areas posted by the City as do not mow.

(Ord. 0156-2003. Passed 8-4-03.)

945.99 - PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 0156-2003, Passed 8-4-03.)

CHAPTER 947 - Building Contractors' Responsibilities

Sections:

947.01 - BUILDING CONTRACTORS' RESPONSIBILITIES.

- (a) All builders (contractors) shall use care to ensure that any type of debris (rocks, gravel, silt, building materials, etc.) does not find its way into the City of Gahanna sewer system.
- (b) All builders (contractors) shall use care when the landscaping phase of the construction is being accomplished to insure that any manhole cover in the vicinity of the construction site is fully visible and installed at the proper level consistent with the contour of the ground. Any manhole cover found to be below the ground must be raised to the proper level and necessary ring (risers) installed by the contractor.

(Ord. 227-2001, Passed 11-19-01.)

947.02 - INSPECTION.

Prior to allowing the builder (contractor) to install any water meters or leave a job site, an inspection must be conducted by a duly authorized representative of the Department of Public Service and Engineering, serving as a sewer inspector. The purpose of the inspection is to ascertain that the builder did not leave any foreign matter (rocks, gravel, debris, silt, and other items) in the sewer lines while the buildings were under construction. Any such items detected in the sewer lines must be removed by the builder.

The inspector shall check all manhole covers in the vicinity of the building site to insure that the covers are fully visible and are installed at the proper level consistent with the contour of the ground.

(Ord. 227-2001, Passed 11-19-01.)

947.99 - PENALTY.

Any person or any officer of any firm or corporation who violates the provisions of this chapter shall be fined not more than \$100.00. Each day the violation continues or occurs may be considered a separate and new offense.

(Ord. 227-2001, Passed 11-19-01.)