

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2019-O-2376

TO APPROVE AN AMENDMENT TO CHAPTER 521 OF THE CITY CODE OF THE CITY OF HUBER HEIGHTS, INCLUDING SECTION 521.08 – LITTERING AND DEPOSIT OF GARBAGE AND TRASH - TEMPORARY LARGE CAPACITY DUMPSTERS (GENERAL OFFENSES CODE).

WHEREAS, the citizens of Huber Heights require City Codes to be current, up-to-date, and reflect the current practices of the City; and

WHEREAS, the City Council has considered the issue.

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

Section 1. Section 528.01 of the Codified Ordinances is amended to read as follows:

521.08 Littering and Deposit of Garbage and Trash.

(a) Definitions. As used in this section, "garbage" and "trash" mean all trash, rubbish, garbage and other refuse or discarded material required to be removed from the premises including:

(1) Putrescible wastes including every refuse accumulation of animal, fruit and vegetable matter used or intended for food, or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(2) Combustible and noncombustible waste ordinarily produced in households, including, but not limited to, rags, glass, crockery, bottles, tin cans, paper, grass cuttings, leaves, hedge cuttings, household refuse, newspapers, magazines, cardboard (broken down and bundled), and other similar items; exclusive of discarded household goods, furniture, springs and mattresses, appliances, refuse from repairs, alterations and new construction of buildings and sidewalks.

(b) Unlawful Deposits.

(1) No person shall knowingly or recklessly deposit any garbage, trash, rubbish or other refuse on any vacant lot, public road, street or highway or upon the property of another within the City limits.

(2) No person in possession or control of real property shall collect or store any garbage or trash on such property for more than ten days. This section does not apply to any commercially operated trash or refuse operator.

(c) Receptacles Required.

(1) Every owner, occupant, tenant or lessee using or occupying any building, structure or dwelling unit for residential, church, school, commercial, industrial or institutional purposes, shall provide and maintain cans or receptacles of sufficient number and type as hereinafter specified, to contain the garbage and trash that normally accumulates on the premises.

(2) All garbage and trash except tree and brush trimmings properly bundled shall be placed in containers constructed of hard plastic, galvanized iron, or other nonrusting metal of substantial construction. In no case shall the combined weight of the container and contents exceed sixty pounds. Containers shall be provided with a handle or handles on the outside by which they may be lifted and emptied; they shall be watertight and shall be provided with a watertight lid or cover. The lid shall be equipped with a handle and it shall be kept in place except when necessarily removed in the use of that container. Plastic bags may be used when the garbage or trash is placed at the curb for pickup as long as the garbage and trash is contained in the plastic bag(s) and properly tied. When garbage and trash is placed outside in the rear or side yard and not at the curb for pickup, the garbage and trash shall be placed in garbage receptacles constructed of hard plastic, galvanized iron, or other nonrusting metal of substantial construction.

(3) All grass and leaves set out by residential household users for pickup by trash collectors shall be placed in plastic bags as heretofore authorized.

(4) All nonresidential garbage and trash shall be placed in containers of a size and construction that may be required by a private contract hauler, subject to the approval of the City Engineer and Director of Public Service.

(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. No such recycle bins, garbage containers, including receptacles, cans and plastic bags, 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 three or more units which use unitized single containers shall be exempt from this section.

(2) Temporary Large Capacity Dumpsters for Residential Use

(a) Definition. A Temporary Large Capacity Dumpster (TLC Dumpster) is a commercially available rental dumpsters typically used and intended for collection and disposal of construction and landscaping debris.

(b) Restrictions. TLC Dumpsters are allowed in any zoning district when a permit has been issued by the City. Permits shall be issued based on the following criteria:

(1) Only one (1) TLC Dumpster may be permitted on any property at any time for a maximum of 60 days, not more than two (2) times per calendar year.

(2) Each use requires a separate permit. Permits can be issued, and TLC Dumpster onsite, consecutively, but not concurrently.

(3) TLC Dumpster must be placed on a driveway or other hard surface.

(4) TLC Dumpster must be placed behind the sidewalk.

(5) TLC Dumpster must maintain 2 feet of separation from any building located on the same parcel as the Unit.

(6) TLC Dumpster doors shall remain closed when not actively being loaded.

(7) No substance may escape the TLC Dumpster. No putrescible waste may be placed in TLC Dumpster unless it is contained in sealed "contractor grade" plastic bags. If damaged, the TLC Dumpster shall be removed.

(8) No TLC Dumpster shall be located in a public right-of-way.

(9) No TLC Dumpster shall be located in such a manner on any property as to create a public nuisance.

(c) The Director of Public Services or his/her designee is authorized to grant temporary exceptions to or modifications of this Section in special circumstances where a necessity exists for the use. Such permission shall be limited to the time during which the use is reasonably necessary for the project for which such exception was granted.

(d) A TLC Dumpster used in conjunction with new construction sites may be permitted for longer than 60 days, but not longer than seven days after construction is complete.

Section 2. 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 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 10th day of June, 2019;
__6__ Yeas; __1__ Nays.

Effective Date: July 10, 2019

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date