

CHAPTER 919
Sanitary Services

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CROSS REFERENCES

Collection and disposal of garbage—see Ohio R.C. 715.43, 717.01
Employment of scavengers—see Ohio R.C. 3707.39
Vehicle loads dropping or leaking—see TRAF. 339.08
Shifting loads; loose loads—see TRAF. 339.09
Littering— ee GEN. OFF. 521.08
Private refuse collectors—see S.U. & P.S. Ch. 921
Solid waste disposal regulations—see OAC Ch. 3745-27

919.01 DEFINITIONS.

As used in this chapter and in Chapters 921, 922 and 923:

- (a) "Solid waste" means garbage, rubbish and such other unwanted residual solid and semisolid materials as result from industrial, commercial, agricultural and domestic operations; but excludes dangerous substances and demolition matter.
For purposes of this definition, solid wastes includes bulky items such as automobiles, furniture, bed springs and large appliances. For purposes of this definition, "semisolid" means that the material in question, while cohesive and viscous, slowly flows or loses its shape when unconfined, and does not readily release liquids, under normal climatic conditions.
- (b) "Garbage" means all waste matter, solid, liquid or mixed, which attends, exists, is created or accumulates within the City from the preparation, cleaning,

cooking, use, storage or sale of or dealing in meats, fish, fowl, fruits, vegetables, cereals, grain or other animal, vegetable or mineral matter designed or intended as foodstuff for human consumption; but does not include dangerous substances.

- (c) "Rubbish" means all natural refuse resulting from the use of any premises as a residence, such as furniture, appliances, parts of furniture or appliances, ashes, paper, tin cans, bottles, brush, grass, leaves or other similar substances, or containers, and also sweepings, dirt, paper and other debris resulting from the use of any premises as a mercantile establishment or place of business, but does not include any demolition matter or any dangerous substances.
- (d) "Dangerous substance" means controlled substances, hazardous substances, excrement (human or animal), septic tank cleanings and all other substances that are harmful or inimical to public health.
- (e) "Demolition matter" means those items affixed to a structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation material.
- (f) "Person" means an individual or group or association of individuals; a firm or any member thereof; a corporation, or any executive officer, manager, person in charge or employee thereof; and the use of a pronoun specifying the masculine gender shall include the feminine and neuter genders.
- (g) "Premises" means real property, whether private or public, along with the structures thereon and that portion of any waterways thereon or contiguous thereto.
- (h) "Owner" means the legal owner of a freehold estate in real property.
- (i) "Calendar year" means a twelve month period beginning January 1 and ending December 31.
- (j) "Year" means a period of twelve consecutive calendar months.
- (k) "Quarter" or "quarterly" means a period of three consecutive calendar months in any given year.
- (l) "Residential unit" means a dwelling within the corporate limits of the City occupied by an individual or group of individuals living together in common living quarters. A residential unit shall be deemed occupied when domestic water services are being supplied thereto.
- (m) "Residential premises" means premises used as a dwelling within the corporate limits of the City and containing not more than six residential units.
- (n) "Sanitation services" means the collection and disposal of solid waste and the sweeping of streets.
- (o) "Sanitation services public utility" means an entity to which the City has granted a franchise to supply sanitation services to residential premises.
- (p) "Rear door" means any point located behind the front line of a building on a residential premises.
- (q) "Controlled substance" means any drug or other substances, or immediate precursor, which as a potential for abuse and:
 - (1) Abuse may lead to any physical or psychological dependence, or
 - (2) The drug or other substance has no currently accepted medical use in treatment in the United States and there is a lack of accepted safety for use of the drug or other substance under medical supervision. The term does not include distilled spirits, wine, malt beverages, or tobacco.
- (r) "Hazardous substances" means any substance or mixture of substances which:
 - (1) Is toxic,

- (2) Is corrosive,
 - (3) Is an irritant,
 - (4) Is a strong sensitizer,
 - (5) Is flammable or combustible,
 - (6) Is radioactive and has a capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface, or
 - (7) Generates pressure through decomposition, heat or other means, if such substances or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.
- (s) "Residential hauler" means an entity to which the City has issued a residential solid waste collectors license pursuant to Chapter 922.
 - (t) "Commercial hauler" means an entity to which the City has issued a private solid waste collectors license pursuant to Chapter 921.
 - (u) "City" means The City of Springfield, Ohio.
 - (v) "Tenant" means any person, other than an owner, occupying or with the right to occupy a premises by virtue of any form of tenancy recognized in Ohio.
(Ord. 90-639. Passed 12-4-90.)

919.02 SOLID WASTE CONTAINERS.

Every person, being an owner or tenant of a premises, shall have all solid waste accumulating on such premises properly prepared for collection by depositing it in one or more metal or plastic, watertight containers, securely tied and of sufficient strength to support the weight of the contents. All containers shall at all times, except when necessarily removed for use of such container, be covered with a tight, closefitting lid or cover of a type sufficient to prevent animals or insects from having access thereto.

(Ord. 90-639. Passed 12-4-90.)

919.03 PLACEMENT OF CONTAINERS FOR COLLECTION.

Every person with the duty of properly preparing solid waste pursuant to Section 919.02 shall place the properly prepared solid waste at the line of the public street or service strip along the collection route at such times as are scheduled by the sanitation services public utility, the residential hauler, the commercial hauler serving the premises or the City. No person shall place any solid waste in the curb area prior to one hour before sunset on the day before the scheduled collection, nor shall any person, with the responsibility of properly preparing solid waste pursuant to Section 919.02, permit an empty container to remain at the line of the public street, alley or service strip after sunset on the day the collection is made.

(Ord. 87-740. Passed 12-29-87.)

919.04 FREQUENCY OF COLLECTION.

Except as otherwise provided in the City's Codified Ordinances, every person who is the owner or tenant of a premises shall have all solid waste, demolition matter and dangerous substances accumulating on his premises collected and disposed of, in accordance with the law, on at least a weekly basis; unless, solid waste collection by the sanitation services public utility, the residential hauler, the commercial hauler serving the premises or the City has been delayed during the week. No person who is an owner or tenant of a residential premises shall permit solid waste accumulating on his residential premises to be collected or disposed of by anyone other than a sanitation services public utility, the residential hauler serving the

premises or the City. No person who is an owner or tenant of a premises shall allow any solid waste accumulating on his premises, other than residential premises, not collected and disposed of by a sanitation services public utility or the City to be collected and disposed of by any person other than a commercial hauler.

(Ord. 90-639. Passed 12-4-90.)

919.05 UNLAWFUL ACCUMULATION OF SOLID WASTE.

Except as otherwise provided in the City's Codified Ordinances, no owner or tenant of any premises shall knowingly allow solid waste, demolition matter or dangerous substances to accumulate in or on his premises, or upon any alley, street or other public way adjacent to his premises, for a period in excess of one week. Solid waste and demolition matter accumulated from engaging in clearing land, building, rebuilding or otherwise erecting or altering a building or other structure shall be removed by the person or licensed building contractor generating such solid waste, demolition matter or both; provided, however, that an owner or tenant of a residential premises may employ a residential hauler to remove and dispose of such solid waste and demolition matter and that a licensed building contractor or the owner or tenant of the premises, other than a residential premises may employ a commercial hauler to remove and dispose of such solid waste and demolition matter.

(Ord. 90-639. Passed 12-4-90.)

919.051 SOLID WASTE COLLECTION SERVICES; PROVIDED BY OWNER.

On and after January 1, 1997, no owner of real property within the City upon which living quarters are, or have been, maintained and in which garbage or refuse, or both, are created shall fail to provide, by written contract or otherwise, for the collection of all such garbage or refuse from the premises by solid waste collectors licensed by the City pursuant to Chapters 921 and 922 of the Codified Ordinances of The City of Springfield, Ohio.

(Ord. 96-319. Passed 9-24-96.)

919.06 DISPOSAL OF SOLID WASTE, DEMOLITION MATTER AND DANGEROUS SUBSTANCES.

(a) Except as otherwise provided in this chapter, no person shall bury or otherwise dispose of any solid waste by depositing it or causing it to be deposited upon any property, public or private, other than those properties licensed by the State as a solid waste disposal site or facility pursuant to Ohio R.C. Chapter 3734.

(b) No person shall deposit their solid waste, demolition matter or dangerous substances upon the property of another for any purpose, including the purpose of having such solid waste, demolition matter or dangerous substances collected by a residential hauler or commercial hauler, except as otherwise provided in this chapter.

(c) No person shall dispose of any demolition matter by depositing it or causing it to be deposited upon any premises other than those designated by the City Manager as a demolition dump pursuant to Chapter 923.

(d) No person shall deposit solid waste accumulated from a private premises, in a public litter receptacle.

(e) No person other than a sanitation services public utility, residential hauler or the City shall collect and dispose of solid waste generated at a residential premises in the City, except as otherwise provided for in this chapter.

(Ord. 87-740. Passed 12-29-87.)

919.07 PERMITTING VEHICLE TO STAND.

No person shall cause or permit any vehicle containing solid waste to stand upon any street, alley or thoroughfare, or public or private property within the City for more than one hour, except when in actual use in receiving or loading solid waste.

(Ord. 90-639. Passed 12-4-90.)

919.08 NUISANCE PROHIBITED.

(a) No person shall maintain, collect, receive, remove, transport, convey or dispose of any solid waste, demolition matter or dangerous substances in such manner or by such means to constitute a public or private nuisance, or to constitute a source of injury or damage to the person or property of another.

(b) In the event the Board of Health determines that the public health, safety and welfare of the residents of the City will be threatened by the continuance of the condition of the public nuisance described in this section, and determines that the public nuisance must be removed immediately to prevent injury to the life or property, or both, of the residents of the City, the Board of Health shall cause the immediate abatement of such public nuisance at the expense of the property owner. The Board of Health shall conduct such nuisance abatement actions and shall recover the costs of such nuisance abatement actions in accordance with the provisions of Ohio R.C. Chapter 3707.

(c) The enforcement measures contained in this section shall be in addition to other methods of enforcing the provisions of Chapters 919, 921, 922 and 923, which the City may have.

(Ord. 87-740. Passed 12-29-87.)

919.09 POWERS AND DUTIES OF CITY MANAGER.

It shall be the duty of the City Manager to supervise, see to and provide for the control of the keeping, collection, removal and disposal of all solid waste, demolition matter and dangerous substances which accumulate within the City, and to enforce or cause the enforcement of the provisions of Chapters 919, 921, 922 and 923, and any rules, regulations and orders promulgated by him pursuant thereto. For the purpose of carrying out the spirit and intent of Chapters 919, 921, 922 and 923, and in furtherance thereof, the City Manager is authorized and directed to promulgate and record in his official journal such rules, regulations and orders, not inconsistent with the provisions of this chapter and on behalf of the City, relating to the keeping, collection, removal and disposition of solid waste, demolition matter and dangerous substances and the sweeping of the streets, as he shall deem necessary for the health, safety and sanitary requirements of the public. Such rules, regulations and orders, without limitations on the generality thereof, may include or relate to the subject matter of the places or points on or about premises where containers, bags or bundles prescribed by this chapter, may be kept or placed for collection purposes; schedules, whether daily or otherwise, for collection; types of containers which may be utilized for keeping solid waste, demolition matter and dangerous substances on any premises and types of vehicles and containers in which solid waste, demolition matter and dangerous substances may be collected and transported over the streets and public ways of the City, places and methods of disposal of solid waste, demolition matter and dangerous substances; the designation of solid waste dumps and the operation and maintenance thereof. Every such rule, regulation and order when recorded in his official journal by the City Manager shall have the same force and effect as if specifically set forth in Chapters 919, 921, 922 and 923.

(Ord. 90-639. Passed 12-4-90.)

919.10 SUITABILITY OF SANITATION SERVICE PUBLIC UTILITY.

Any prospective franchisee shall provide an officer's certificate to the City certifying, under oath, and documenting any and all adjudicated or pending actions or matters brought or filed against it or any of its affiliates or subsidiaries by any governmental authority, whether federal, state, administrative, local or otherwise, which involve compliance or noncompliance with environmental rules or regulations, the violation of which did or could result in criminal or civil penalties being assessed or settlements in excess of five thousand dollars (\$5,000), or of a criminal or civil nature filed by such a governmental authority which involves allegations including, but not limited to, antitrust matters, price-fixing, bid rigging, fraud or bribery, covering a period of five years prior to the first reading of the ordinance establishing the prospective franchisee as a sanitation services public utility.
(Ord. 87-240. Passed 7-17-87.)

919.11 SANITARY SERVICE FUND.

The funds received from the collection of the service charges authorized by this chapter shall be deposited daily with the Director of Finance and shall be accounted for and be known as the Sanitary Service Fund and when appropriated by the City Commission, subject to the provisions of any ordinance or indenture of mortgage authorizing issuance of any securing mortgage revenue bonds for the sanitary service system, shall be available for the payment of the costs and expenses of the management, maintenance and repair of the City sanitary service system and any surplus in such fund following such payment shall be used for the payment of the interest on bonds issued and outstanding or which may be issued to provide funds with which to pay the City's portion of the costs of construction of the sanitary service system, or part thereof, and to retire such bonds when they mature, and for costs incurred in the enlargement or replacement of the City's sanitary service system.
(Ord. 87-240. Passed 7-17-87.)

919.12 NOTICES.

Whenever the Health Commissioner determines that there has been a violation of any provision of this chapter, except where a violation citation tag has been issued pursuant to Section 919.13, he shall give notice of such violation to the person responsible therefor and order compliance with this chapter as hereinafter provided. Such notice and order shall:

- (a) Be put in writing on an appropriate form;
- (b) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
- (c) Specify a reasonable time for performance;
- (d) Be served on the owner or agent in person. However, this notice and order shall be deemed to be properly served upon the owner or agent if a copy thereof is sent by registered or certified mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the dwelling affected. If a registered or certified mail envelope is returned with an endorsement showing that service was refused, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. If the registered or certified mail envelope is returned with an endorsement showing that services was unclaimed, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on

the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.

- (1) The notice and order may, in the alternative, be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof.
- (2) If service is not accomplished by any of the above means, then a notification of the existence of the notice and order may be published at least once in a local newspaper of general circulation.
(Ord. 90-626. Passed 11-27-90.)

919.13 VIOLATION CITATION TAGS.

The Health Commissioner is authorized and directed to provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of Sections 919.01 through 919.04 and 919.06 through 919.08 of this chapter.

- (a) Such citation tag shall be put in writing on an appropriate form, describe the offense charged, refer to the section of the chapter violated, order the defendant to appear at a stated time and place, and it shall be made on oath before any person authorized by law to administer oaths.
- (b) The citation tag shall be served on such person in accordance with the provisions of Section 919.12.
- (c) The citation tag shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within that stated time, appear personally at the office of the Clerk of Municipal Court and on signing a plea of guilty and a waiver of trial pay a stated fine and stated costs, if any. The citation shall inform the defendant that he may be arrested if he fails to appear either at the Clerk's office or at the time and place stated in the citation.
- (d) When the defendant fails to appear within the stated time, a warrant may be issued for the arrest of that person.
- (e) When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with Rule 5 of the Ohio Rules of Criminal Procedure.
- (f) The citation tag as herein provided shall be sufficient notice, summons and legal service thereof for the purpose specified thereon, provided that the use of such tags shall not prohibit the issuance of either additional citation tags or a legal notice of violation as provided by Section 919.12, in the event such violation is continued or repeated.
(Ord. 90-626. Passed 11-27-90.)

919.99 PENALTY.

(a) Whoever violates Sections 919.06(a) through 919.06(c) shall be guilty of a misdemeanor of the first degree, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding six months or both.

(b) Whoever violates any provision of Sections 919.02 through 919.05, 919.06(d), 919.06(e), 919.07, or 919.08 of this chapter or any rule, regulation, or order made by the City Manager pertaining to the enforcement of such sections shall be guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of any of the provisions of the sections set forth in this paragraph, or any rule, regulation, order made by the City Manager pertaining to the enforcement of such sections, a violation of any such section,

rule, regulation, or order is a misdemeanor of the fourth degree.

(Ord. 96-137. Passed 4-16-96.)

(c) On and after January 1, 1997, whoever violates Section 919.051 of this Chapter or any rule, regulation, or order made by the City Manager pertaining to the enforcement of such section shall be guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of Section 919.051, or any rule, regulation, or order made by the City Manager pertaining to the enforcement of that section, a violation of such section, rule, regulation, or order is a misdemeanor of the fourth degree.

(Ord. 96-319. Passed 9-24-96.)