

ORDINANCE NO. C-69-79

AN ORDINANCE TO REPEAL THE PRESENT CHAPTER 725 AND TO ENACT NEW CHAPTER 725 OF THE GROVE CITY CODE OF ORDINANCES RELATIVE TO THE COLLECTION OF GARBAGE AND REFUSE WITHIN THE CITY AND TO DECLARE AN EMERGENCY

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WHEREAS, an emergency exists that affects the health, safety and welfare of the Citizens of the City that makes it necessary to regulate the collection of garbage and refuse within the city; and

WHEREAS, it is necessary to change the Code of Ordinances to allow for a franchise with a private hauler of garbage and refuse for residential service;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT

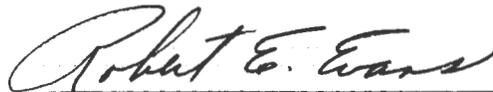
SECTION 1. Chapter 725 of the Grove City Code of Ordinances entitled "Waste Collector" is hereby repealed in its entirety and there is hereby enacted the attached Chapter 725 entitled "Garbage and Refuse Collection". Said Chapter being attached as exhibit "A" and made a part hereof.

SECTION 2. For reasons stated in the preamble and made a part hereof, this ordinance is declared an emergency measure and shall take effect and be in force from its passage and the approval of the Mayor.

Submitted: 10/24/79

Passed: 10/24/79

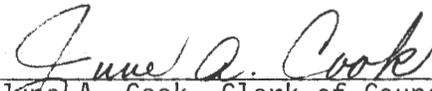
Effective: 10/24/79



Robert E. Evans, President of Council

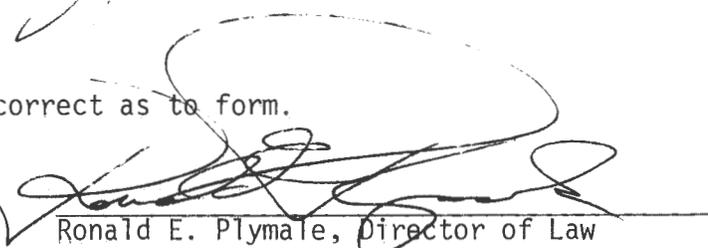


Michael T. Brandt, Mayor

Attest: 

June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.



Ronald E. Plymale, Director of Law

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25 and

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EXHIBIT A

## CHAPTER 725

### Garbage and Refuse Collection

- 725.01 Definitions
- 725.02 Franchises for Private Haulers
- 725.03 Insurance Required for Private Hauler
- 725.04 Equipment Specifications for Private Hauler
- 725.05 Performance Bond Required from Private Hauler
- 725.06 Landfill Provision
- 725.07 Container Regulations
- 725.08 Weekly Collection Mandatory for Private Haulers
- 725.09 Routes and Schedule of Collection by Private Hauler
- 725.10 Rates for Collection of Garbage and Refuse of Residential Households
- 725.11 Regulations for Multiple Dwellings and Commercial
- 725.12 Regulations for Trash Haulers; License; fee; Insurance
- 725.99 Penalty

#### 725.01 DEFINITIONS

The following definitions are hereby adopted for the purpose of this chapter:

(a) "Garbage" includes all putrescible wastes, except sewage and body waste, and includes vegetable and animal offal, but excludes recognizable industrial by-products.

(b) "Refuse" or "Rubbish" includes nonputrescible, non liquid wastes, such as ashes, cinders, tin cans, glass, bottles, rags, wastepaper, wood and paper boxes, grass, trees and shrub trimmings, leaves, furniture, rugs, refrigerators, stoves, washers, hot water heaters, Christmas trees, and miscellaneous household items.

(c) "Householder" means one who maintains separate living quarters, whether owner or tenant, and distinguishable from a commercial user as defined in subsection (d) hereof.

(d) "Commercial User" means a firm or corporation operating a commercial or industrial establishment or institution, public or private. It excludes a household as defined in subsection (c) hereof.

(e) "Commercial Hauler" means any person, firm or corporation holding a contract from the city to collect, transport and dispose of garbage and refuse of householders of this City.

725.02 FRANCHISES FOR PRIVATE HAULERS

(a) The Director of Public Service is hereby authorized and directed to prepare specifications and to authorize the issuance of a franchise to a person, firm or corporation after advertising and receiving bids as required by law, for the collection, transportation and disposal of garbage and refuse of householders of the City for a period not to exceed three years, subject to the provisions of this chapter.

(b) The franchise shall entitle the holder thereof to be the only collector of refuse and rubbish for hire from private residences in the City.

(c) A franchise may be terminated by the Director of Public Service if any franchisee fails to comply with the provisions of this chapter or any rule or regulation promulgated by the Director of Public Service.

725.03 INSURANCE REQUIRED FOR PRIVATE HAULER

The private hauler shall secure a comprehensive liability policy of insurance to be approved as to form by the City Law Director insuring against the liability of such private hauler in operating his motor equipment and in operations other than automotive exposure in the amount of One Hundred Thousand Dollars (\$100,000.00) per person and fifty Thousand Dollars (\$50,000.00) property damage and Three Hundred Thousand Dollars (\$300,000.00) per accident. Copies of all insurance policies, endorsements thereto, and receipts for payment of premiums shall be deposited by the private hauler with the Director of Public Service.

725.04 EQUIPMENT SPECIFICATIONS FOR PRIVATE HAULER

The private hauler shall use covered, leak proof, sanitary, packer type trucks with distinctive lettering identifying the owner or lessee for the performance of the service to be rendered. The private hauler shall cause all employees to be equipped with a uniform shirt, or jacket identifying the name of the employer. All trucks and other equipment shall be inspected periodically by the Director of Public Service or his authorized representative to insure the safe and sanitary condition of such equipment.

725.05 PERFORMANCE BOND REQUIRED FROM PRIVATE HAULER

The private hauler shall furnish a performance bond, or a letter of credit from a chartered bank, in the amount of Fifty Thousand Dollars (\$50,000.00) which shall be forfeited to the City for failure to comply with the provisions of the ordinance. Such bond shall be approved by the City Law Director and deposited with the Director of Public Service.

725.06 LANDFILL PROVISION

It shall be the responsibility of the private hauler to dispose of garbage and refuse collected in the City. The lack of availability of landfill facilities shall not excuse the

private hauler's performance under this chapter.

#### 725.07 CONTAINER REGULATIONS

(a) Each householder shall provide a sufficient number of metal or other leakproof containers with tight fitting lids with a maximum capacity of not more than thirty gallons for storage or garbage. Refuse shall be placed in containers which shall not exceed fifty (50) pounds in weight when filled. Newspapers, magazines, and other loose materials shall be placed in closed containers or securely bundled. All such containers shall be taken to the curb no sooner than the day before collection unless because of sanitary, safety or other factors, the Director of Public Service by rule or regulations, designates that such containers shall be placed at the rear, or elsewhere on the lot. After collection of garbage and refuse, the householder shall within twelve (12) hours return such containers to the rear or other inconspicuous location on the lot.

(b) Plastic disposal bags may be used in place of metal or leakproof containers at the option of the householder. These plastic bags must have a minimum thickness of one and one-half millimeters (.015) inches; have no holes or openings except for the filling of the bag; must be securely tied and shall not exceed fifty pounds in weight when filled.

(c) All large household items such as washers, dryers, refrigerators, hot water tanks, furniture, bedding, Christmas trees, etc. must be placed at the curb. All brush and tree limbs must be tied in four (4) foot bundles and not exceed fifty (50) pounds in weight.

#### 725.08 WEEKLY COLLECTION MANDATORY FOR PRIVATE HAULERS

The private hauler shall make at least one regular weekly collection of garbage and refuse at all residences within his prescribed territory.

#### 725.09 ROUTES AND SCHEDULE OF COLLECTION BY PRIVATE HAULER

The private hauler shall submit his routes and schedules for the collection of garbage and refuse to the Director of Public Service, for the Director's approval or modification.

#### 725.10 RATES FOR COLLECTION OF GARBAGE AND REFUSE OF RESIDENTIAL HOUSEHOLDS

(a) The franchisee will do its own billing and collecting. The rate per month will be that which is established by the bid of the successful franchisee. The bid may contain an escalation clause entitling the franchisee to an annual increase, upon approval of Council, on the anniversary of the franchise to adequately compensate the franchisee for 1) increases in the cost of fuel for motorized equipment; and 2) increases in land fill charges.

(b) The private hauler may discontinue service if an account remains unpaid longer than forty-five (45) days after the due date.

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725.11 REGULATIONS FOR MULTIPLE DWELLINGS AND COMMERCIAL

(a) No person, firm or corporation shall haul garbage, trash or other debris from multiple type dwellings or commercial establishments without first obtaining a license as hereinafter provided.

(b) Applications for a license under this section shall be made with the Director of Public Service and shall include such data and information as the Director may prescribe.

(c) The fee for such license shall be one hundred dollars (\$100.00) per year, and the term of the license shall be for a period of one year commencing on January 1.

(d) The licensee shall obtain liability insurance in the amounts and under the conditions specified in Section 725.03.

(e) The licensee shall only use that type of vehicle specified in Section 725.04 or other vehicles which are approved by the Director of Public Service.

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725.12 REGULATIONS FOR TRASH HAULERS; LICENSE; FEE; INSURANCE

(a) No person, firm or corporation shall haul trash or other debris for compensation or hire without first obtaining a license as hereinafter provided.

(b) Applications for a license shall be made with the Director of Public Service and shall include such data and information as he may prescribe.

(c) The fee for such license shall be twenty-five dollars (\$25.00) per year, and the term of such license shall be for a period of one year commencing January 1.

(d) The licensee shall obtain liability insurance in the amounts and under the conditions specified in Section 725.03.

(e) The licensee shall use vehicles constructed and maintained in such a manner to prevent their contents from falling or spilling on the roadway, and such vehicles shall be inspected and approved by the Director of Public Service before being used by the licensee.

(f) Persons licensed under the provisions of Section 725.02 and 725.11 shall not be required to obtain a license by this section.

725.99 PENALTY

(a) Whoever violates any provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during on or which the offense occurs or continues.

(b) Any licensee, in addition to being subject to the provisions of subsection (a) hereof, may have their license revoked by the Director of Public Service for any violation of the provisions herein or of the rules and regulations established by the Director of Public Service.