

## **Chapter 13**

### **GARBAGE AND RUBBISH**

#### **13.01.00 Garbage and Rubbish Collection**

##### **13.01.01 Definitions**

- A) “Garbage” means the putrescible and vegetable wastes resulting from the handling preparation, cooking and consumption of food.
- B) “Rubbish” means the miscellaneous waste material resulting from housekeeping and ordinary mercantile enterprises, trades, manufactures, offices and store, including ashes, cartons, tin cans, metal, small packing boxes and waste papers, including discarded materials from building construction or repair or refuse from industrial plants. (amd 7/23/99)
- C) “Supervisor” mean the supervisor of the division of sanitation of the department of public works, or other duly appointed representatives of the City Council.
- D) “Inhabited Residential Dwelling” means any room or combination of rooms in which one or more people are residing. When structure is being utilized by more than one person or family as a multiple dwelling the Supervisor shall determine whether or not it shall be assessed as more than one inhabited dwelling. Except in those cases where sleeping rooms are rented, it is the intent of this chapter to assess all structures used as multiple dwellings. Anyone protesting the Supervisor’s determination may within 20 days following receipt of their billing protest the ruling to the City Council who is empowered to make a determination.

##### **13.01.02 Purpose and Intent**

It is the intent of the City Council that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of collecting and disposing of wastes generated and/or accumulated within the City of Sandusky. The Supervisor is authorized to make such rules and regulations as from time to time appear to him to be necessary to carry out this intent; provided, however, that such rules do not conflict with this or other ordinances of the City.

##### **13.01.03 Garbage and Rubbish Collection**

Garbage and rubbish shall be collected by City approved contractors or City personnel at such times and pursuant to rules and regulations established by the supervisor. Such rules and regulations shall be published in a newspaper in general circulation in the City at least once before such rules and regulations become effective, and as often as the supervisor shall deem necessary.

##### **13.01.04 Receptacles Required**

- A) The owner, occupant or lesser, or any agent thereof, of every premise where garbage and rubbish accumulate, shall cause to be provided for said premises sufficient and proper receptacles as herein prescribed.  
Receptacles that are broken, without handles, or which otherwise fail to

comply with the requirements of this chapter, may be classed as “rubbish” and, after due notice to the user, may be collected as rubbish.

B) The receptacle for garbage shall be kept on the premises in the rear thereof within an approved distance of the rear entrance to the dwelling or premises. Containers shall be placed at the curb on pick up days and readily accessible to the collectors. Where approved liners are used, it will only be necessary to place the liner and contents at the curb securely bound at the top.

C) Garbage receptacles shall be up to standard as specified by the garbage contractor.

D) Rubbish receptacles shall be up to standard as specified by the garbage contractor.

E) Accumulations of rubbish larger than can be contained in a receptacle shall be securely tied in compact bundles not to exceed 50 pounds in weight and placed in a location designated by the supervisor.

F) Empty containers shall not be left at the curb more than 24 hours.

G) Ashes will be removed only when placed in rubbish containers as herein specified and shall not be hot or smoking.

H) No person shall disturb the contents of any garbage or rubbish receptacle or bundle, or leave the receptacle or contents in a condition other than this chapter provides.

I) Fixed or stationary garbage or rubbish receptacles may be used only upon the approval by the supervisor as to size, location and construction.

#### **13.01.05 Construction and demolition materials**

The owner of premises and the builder of structures in all use districts on which residual construction and/or demolition materials are generated shall be responsible for the efficient consolidation and prompt removal of such debris.

A) Commercial collection containers

Construction wastes which can not be consolidated in standard 25 to 35 gallon containers shall be deposited into commercial collection containers (i.e. “dumpsters” or “roll-offs”).

B) Periodically emptied

No commercial collection container shall remain full (i.e. level with or higher than the rim) for a period in excess of one week.

C) Permits

i) All commercial collection containers placed on premises other than commercial, business and industrial districts require a permit issued by the City ordinance enforcement officer.

ii) All commercial collection container permits shall be clearly displayed on the container, or in the nearest window of the structure under construction.

iii) The owner of the collection container, the builder and the property owner shall be jointly and severally responsible for obtaining the permit.

iv) Permits shall be effective for an initial period of six months. A one time extension may be granted for an additional six months if the builder and/or owner exhibit evidence of due diligence and substantial progress toward the completion of the project. Lack of substantial progress will be exhibited by the waste container not having been emptied for a period of 4 weeks or more.

v) Containers shall be removed by the waste collector whenever such collection container is located on premises in the absence of valid permit, upon termination of valid permit or in violation of the terms of this ordinance.

D) Useable construction materials shall be stored within structures. Construction materials may be stored outside for up to six months if covered.

#### **13.01.06 Industrial and Commercial Rubbish and Trash**

It shall be the duty and responsibility of all Industrial and Commercial Firms in the City to make satisfactory arrangements for disposal of rubbish and trash at their expense and in compliance with all federal, state and local laws.

#### **13.01.07 Garbage, rubbish, depositing, burning, etc., prohibitions.**

A) No person shall bury or burn any garbage, or deposit garbage or rubbish upon any public way or upon any property owned by another or in any body of water within the City, nor shall any person deposit or place any garbage upon any premises owned or occupied by him unless the garbage be enclosed in a suitable container as herein required.

B) No garbage, waste material, or rubbish shall be burned within the city, contrary to the health or fire regulation, or in such a manner as to cause offensive smoke, objectionable odors or to create a fire hazard pursuant to Public Act 451 of 1994 as amended or any other applicable federal, state and local laws. No burning of garbage, waste material or rubbish shall be permitted under any circumstances, except in an incinerator of a design and construction approved by the designated city agent.

C) It shall be unlawful for any person, firm, or corporation to accumulate paper, rubbish, cardboard, cartons, waste material, or garbage within the City of Sandusky in such manner as to endanger public health or safety, create a nuisance or a fire hazard.

#### **13.01.08 Responsibility for collection**

Every owner, occupant or lesser, or any agent thereof, of any building where garbage or rubbish accumulate, shall arrange with the supervisor for garbage and rubbish collection.

#### **13.01.09 Rates, charges; penalty**

A) The rates for garbage and rubbish collection shall be established by Council resolution and amended at such times as deemed necessary by the City Council to defray the cost of collection.

B) Statements shall be rendered at such times and in such manner as shall be established by resolution of the City Council.

C) All charges for garbage and rubbish services shall be payable on or before the due date shown on the statement. If any garbage or rubbish charges shall not be paid on or before the due date shown on the statement, they shall be subject to a late fee. Such collection fee shall be charged to the account of the customer and added to the next succeeding statement and payment shall be enforced in the same manner as the original charges.

D) The charges for garbage and rubbish service are hereby made a lien on all premises served thereby. Whenever any such charge against any premise shall be delinquent as of July 1, the City official in charge of collection thereof shall certify such delinquency to the city assessor and such charges shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as special assessments against such premises.

#### **13.01.10 Violation and Penalty**

Any person, firm or corporation violating any of the provisions of this chapter shall be responsible for Grade A civil infraction penalties for each day of violation.

### **13.02.00 Collection and Incineration in Community Business Districts**

#### **13.02.01 Prohibitions**

##### **13.02.01A Burning**

It shall be unlawful for any person, corporation or firm to do any burning of trash, paper, garbage or other waste material in the designated Community Business I/II areas of the City unless done in accordance with the provisions hereinafter contained.

##### **13.02.01B Storage**

It shall be unlawful for any person, firm or corporation to accumulate paper, rubbish or other waste materials within the designated Community Business I/II areas of the City of Sandusky in such a manner as to endanger public health or safety or in such a manner as to become a fire hazard under penalty of law.

##### **13.02.01C Noxiant**

It shall be a nuisance and unlawful for any person, firm or corporation to burn or allow to be burned at any time or place in the designated Community Business I/II areas of the City of Sandusky any materials of any kind which exude intense or heavy smoke or obnoxious odors, or when such fire emits sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.

### **13.02.02 Removal by the City**

In the event any person, firm, or corporation shall violate Section 2 of this chapter, the City after giving 3 days written notice of its intention so to do, may cause the removal of such accumulated paper, rubbish or other waste material and charge the cost thereof to the owner, occupant or lessee of such premises. If such charges are not paid within thirty days after such owner, occupant or lessee of said premises is served with a written notice of the amount of such charges the city shall levy a special assessment for the amount of such charges against the parcel of real estate from which such paper, rubbish, or other waste material was removed. The collection of such charges or the levying of such special assessment shall in no manner affect the liability of such owner, occupant or lessee to criminal prosecution for violation of the provisions of the ordinance or to the criminal penalties herein provided for.

### **13.02.03 Incineration Conditions**

#### **A) Outside**

No such burning shall be permitted on private property outside of a building or structure in the designated Community Business I/II areas of the City unless the following conditions prevail:

- i) All such burning must be done in a suitable incinerator approved by the Fire Chief of the City.
- ii) No such burning shall be done unless under the charge or supervision of a person of mature years and discretion.
- iii) No such fire shall be ignited within 10 feet of any existing building or within 2 feet of any property line, and in no case shall a fire be permitted to burn between the hours of 9:00p.m. and 7:00a.m.
- iv) No burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof.

#### **B) Inside**

It shall be unlawful to burn any waste materials, refuse, leaves, paper, or other combustible debris in the designated Community Business I/II areas of the City of Sandusky unless the same is done in suitable incinerators approved by the Fire Chief of the City.

### **13.02.04 Violation, Penalty**

Any and all persons who shall violate or attempt to violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made hereunder, or who shall prevent or interfere with any person in the charge of his duty under this chapter shall be responsible for a Grade B civil infraction.