

Title 13 - REFUSE COLLECTION CODE

Chapter 1301 – DEFINITIONS

For the purposes of Title Thirteen the following definitions shall apply. The provisions in this chapter shall become effective upon enactment of this ordinance.

1301.01 – Abandoned Property.

“Abandoned property” means items including, but not limited to personal property left by a previous owner, property manager, tenant or occupant.

1301.02 - Acceptable Waste.

"Acceptable waste" means that portion of the residential waste stream that is normally disposed of by occupants of residential dwelling units including common household waste, yard waste, recyclables, food waste, and bulk.

1301.03 - Agent in Charge.

“Agent in charge” is a person or entity responsible for the development and maintenance of a new or existing multiple dwelling unit or multiple dwelling development.

1301.04 – Authorized, Licensed Waste Hauler.

"Authorized, licensed waste hauler" means any private person, firm, corporation, association, or partnership, regardless of its legal form or structure, whose primary occupation involves the regular or systematic collection and transportation of acceptable or unacceptable waste to a facility for disposal, treatment, reprocessing and/or recycling and who has been approved by and obtained a license from the Franklin County Board of Health or appropriate government agency.

1301.05 - Bagging Up.

"Bagging up" means placing acceptable common household waste into tied or securely sealed plastic or paper bags prior to placement in the applicable authorized collection container.

1301.06- Bulk.

"Bulk" consists of items which are acceptable waste, with the exclusion of yard waste, that require special collection arrangements due to size, weight or shape including but not limited to carpet, white goods, furniture, mattresses and box springs. Bagged items or boxed items are not classified as bulk.

1301.07 - Code Enforcement Officer.

"Code enforcement officer" means a property maintenance inspector, property maintenance trainee or other designated representative that is a duly authorized representative of the director of the Department of Development.

1301.08 - Collection Containers.

"Collection containers" are refuse and recycling containers designated by the city that are made available to, or purchased by residents of the city which meet the standards for size, strength, durability, and pressure, and the specifications established by the director.

1301.09 - Common Household Waste.

"Common household waste" means acceptable waste, with the exclusion of yard waste, recyclables, and bulk.

1301.10 - Compactor Container.

"Compactor container" is a self-contained roll-off compactor collection container with a minimum 4 to 1 compaction ratio, not exceeding twenty-three (23) feet in length or eight (8) feet in width, that is made of metal or material approved by the director, and is collected primarily by railed tilt-frame waste collection vehicles.

1301.11 - Construction, Remodeling and Demolition Waste.

"Construction, remodeling, and demolition waste" is, including but not limited to, roofing, concrete, cinder block, plaster, drywall, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows, doors, interior finishing materials such as woodwork and cabinets, siding, sheathing, fencing, and railroad ties, resulting from the construction, demolition, remodeling and repair of, including but not limited to, buildings, dwelling units, places of business, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations, and other structures.

1301.12 - Director.

"Director" means the director of public service or their designee unless otherwise specified.

1301.13 - Dumpster.

"Dumpster" is a type of collection container ranging in size from four (4) to ten (10) cubic yards that is made of metal or material approved by the director and is collected at a designated point of collection by front-loading waste collection vehicles.

1301.14 - Dwelling Unit.

"Dwelling unit" means one (1) or more rooms designed and used solely for independent residential occupancy by an individual or group of individuals for living purposes and containing sanitation and cooking facilities within the unit for the occupants' use.

1301.15 - Exempted Person.

"Exempted person" means a person who has been approved by the director to be exempted from complying with certain refuse and recycling collection procedures.

1301.16 - Exemption Service.

"Exemption service" is the collection of properly contained refuse and recyclables provided to persons who are exempt from complying with certain refuse and recycling procedures.

1301.17 - Existing.

"Existing" means any residential units that have received a building permit on or before the effective date of this ordinance codified in this chapter.

1301.18 - Hazardous Waste.

"Hazardous waste" means any chemical, compound mixture, substance, or article which has been designated by the United States Environmental Protection Agency or an appropriate agency of the state to be hazardous, including, but not limited to flammables such as paint, gasoline, lacquer thinner, or any container that once contained these materials, as well as propane tanks, gun powder and other explosives, and automobile batteries.

1301.19 - Illegal Dumping.

"Illegal dumping" includes open dumping, illegal use of collection containers, improper use of collection containers, littering, and unauthorized use of collection containers as defined in this chapter.

1301.20 - Illegal Use of Containers.

"Illegal use of containers" occurs when a person disposes of any unacceptable waste in a collection container.

1301.21 - Improper Use of Containers.

"Improper use of containers" occurs when a person fails to use a collection container for its intended purpose.

1301.22 - Lawn and Leaf Bag.

"Lawn and leaf bag" means a bag constructed of material which is biodegradable paper and used exclusively for yard waste materials.

1301.23 - Littering.

"Littering" means the improper placement of acceptable or unacceptable waste into the waterways or onto public or private property of this city.

1301.24 - Medical Waste, Infectious Waste.

If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not as-of-yet medical waste, are in fact medical waste, then any such substances or materials should thereafter constitute medical waste. "Medical waste" includes but is not limited to:

- a. Cultures and stocks of infectious agents and associated biologicals;
- b. Laboratory wastes that were, or are likely to have been, in contact with infectious agents that may present a substantial threat to public health if improperly managed;
- c. Pathological wastes;
- d. Waste materials generated from humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents;
- e. Human and animal blood specimens and blood products that are being disposed of, but not including patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids;
- f. Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals, and carcasses and bedding of animals otherwise infected that may present a substantial threat to public health if improperly managed;
- g. Sharp wastes such as hypodermic needles, syringes, scalpel blades used in the treatment, diagnosis, or inoculation of human beings or animals or that have, or are likely to have, come in contact with infectious agents in medical research or industrial laboratories and which shall be placed into puncture-resistant containers before disposal;
- h. Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that the public council created in the Ohio Revised Code 3701.33;
- i. Any other waste materials the generator designates as infectious waste.
- j. Any waste materials generated in the treatment of humans or animals that has or has been exposed to radiation. Waste shall be stored until it is no longer radioactive.

1301.25 - Multiple Dwelling Development.

"Multiple dwelling development" means a development of five (5) or more dwelling units, either with shared walls or free standing, including complexes of mobile homes, apartments, townhomes, condominiums, and attached single family residences.

1301.26 - Multiple Dwelling Unit.

"Multiple dwelling unit" means a building with two (2), three (3), or four (4) units contained within the same structure and under a common roof system which is not a part of a multiple dwelling development.

1301.27 – Notice of Violation.

"Notice of violation" means a written notice served to the owner, advising that a code violation exists.

1301.28 - Occupant.

"Occupant" is a person who resides in, or has actual possession of a dwelling unit or premises that may or may not be the owner.

1301.29 - Open Dumping.

"Open dumping" means the deposition of acceptable or unacceptable waste into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under ORC 3734.05.

1301.30 - Opting Out of City Service.

"Opting out of city service" means that an agent in charge chooses to decline city refuse collection services, including but not limited to residential household waste, recycling, yard waste and bulk. Single family dwelling units are not eligible to opt out of service.

1301.31 - Owner.

"Owner" means the owner of record as shown on the current tax list of the county auditor; the mortgage holder of record, if any, as shown in the mortgage records of the county recorder; and any purchaser under a land contract. "Owner" also means any person who has a freehold or lesser estate in the premises; a mortgagee or vendee in possession; or any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

1301.32 - Pedestrian Recycling Receptacle.

"Pedestrian recycling receptacle" means the waste containers authorized by the city that are placed along sidewalks in designated business corridors for the containment of recyclables disposed of by pedestrian traffic.

1301.33 - Pedestrian Waste Receptacle.

"Pedestrian waste receptacle" means the waste containers authorized by the city that are placed along sidewalks in designated business corridors for the containment of non-recyclables disposed of by pedestrian traffic.

1301.34 - Person.

"Person" means any owner, lessor, tenant, agent, lessee, or occupant of any building, dwelling unit, mobile home, apartment, townhouse, condominium, or complex(es) thereof, or premises in the city.

1301.35 - Place of Business.

"Place of business" means any nonresidential facility or premises or those not-for-profit organizations recognized as such by the Internal Revenue Service in accordance with section 501 [C] of the Internal Revenue Code or organization or institution deemed to be a business.

1301.36 - Plastic Bag.

"Plastic bag" means a plastic sack that can be tied or securely sealed that is used to contain acceptable waste and which maintains its physical integrity when lifted. Contents shall not exceed fifty (50) pounds in weight.

1301.37 - Plastic or Metal Container.

"Plastic or metal container" means a container of suitable material, as approved by the director, with handles that is no more than thirty-two (32) gallons in size, and with contents weighs no more than fifty (50) pounds.

1301.38 - Point of Collection.

"Point of collection" means the area of right-of-way adjacent to or within one (1) foot of paved or traveled roadways (including alleys), a location within a multiple dwelling development or an exempted person's property, or other designated location as determined by the director.

1301.39 - Premise or Premises.

"Premise" or "premises" means land(s) and everything of a permanent nature attached thereto as part of the realty, a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon.

"Premise" or "premises" shall, for purposes of this code, include all land(s) to the centerline of the street, alley, or right-of-way which this code designates certain responsibilities to a person.

1301.40 - Public Nuisance.

"Public nuisance" means any structure, vehicle, yard, or field which is in any of the following conditions:

- a. In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare or well-being of the surrounding area;
- b. A fire hazard;
- c. Any vacant building that is not secured and maintained in compliance with C.C. Chapter 4707;
- d. Any structure, vehicle, real or personal property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health, sanitation or refuse ordinance of the Columbus City Code or Columbus City Health Code;
- e. Real or personal property of any kind which is used in violation of any division of Section 2925.13, Ohio Revised Code;
- f. Any real property upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment.

1301.41 - Public Right-of-Way.

"Public right-of-way" means the street, sidewalk, alley, and areas which are government owned or controlled and upon which the public may travel without trespassing.

1301.42 - Radioactive Waste.

"Radioactive waste" means any substance that spontaneously emits ionizing radiation.

1301.43 - Recyclable Materials.

"Recyclable materials" means materials that have been separated out of common household waste that have been defined as recyclables by the director.

1301.44 - Recycling Bins/Containers.

"Recycling bins/containers" are metal or plastic receptacles, approved by the director, used exclusively for designated recyclable materials.

1301.45 - Refrigerants and Items Containing Chlorofluorocarbons or their Substitutes.

"Refrigerants and items containing chlorofluorocarbons or their substitutes" including but not limited to refrigerators, freezers, dehumidifiers, air conditioners, and other devices utilizing either chlorofluorocarbons as a coolant or the substitutes for chlorofluorocarbons which are subject to special handling requirements.

1301.46 - Residential Unit.

"Residential unit" includes any dwelling unit built as a single dwelling unit, multiple dwelling unit, or multiple dwelling development.

1301.47 - Rules and Regulations.

Division of Refuse Collection "rules and regulations" are additional operating guidelines not defined in Title XIII for residents, property owners, developers, and agents in charge.

1301.48 – Single Dwelling Unit.

"Single-dwelling unit" means a residential building consisting of one (1) dwelling unit which is arranged, intended, or designed and used for one (1) family.

1301.49 - Solid Waste Investigator. "Solid waste investigator" means a duly authorized representatives of the City of Columbus responsible for investigating and enforcing compliance with this title.

1301.50 - Unacceptable Waste.

"Unacceptable waste" means that portion of the waste stream that shall not be collected by the city and which may or may not be collected by an authorized, licensed commercial waste hauler as defined herein. If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not as of yet considered harmful, toxic, or dangerous, are in fact harmful, toxic, or dangerous or are hazardous or harmful to health, then any such substances or materials should thereafter constitute unacceptable waste. "Unacceptable waste" includes but is not limited to:

1. Medical waste, infectious waste (defined herein);
2. Radioactive waste (defined herein);
3. Hazardous waste (defined herein);
4. Explosive materials;
5. Liquid waste including motor oil;
6. Asbestos;
7. Whole and shredded tires;
8. Lead acid batteries;

9. Drums and barrels;
10. Motor vehicles or major parts thereof;
11. Equipment or machinery;
12. Construction, remodeling, and demolition waste (defined herein);
13. Refrigerants or items containing chlorofluorocarbons (CFCs) or their substitutes (defined herein);
14. Ashes of any kind;
15. Offal or animal wastes, byproducts, or hide trimmings;
16. Human waste
17. Nonresidential waste;
18. Animal carcasses other than those that are in the public right-of-way;
19. Soil and sod;
20. Shredder fluff from shredding automobiles, light duty trucks, motor vehicle engines, household appliances, white goods (defined herein), and other miscellaneous metal parts;
21. and other items determined by the director.

1301.51 - Unauthorized Use of Containers.

“Unauthorized use of containers” occurs when a person uses a container that is not assigned to their residence.

1301.52 - Variance.

"Variance" means relief from compliance with this title as determined and granted upon appeal to the director pursuant to 1303.03.

1301.53 - White Goods.

"White goods" are a type of bulk that may be recycled or resold including, but not limited to large, enameled appliances such as clothing washers and dryers, dish washers, electrical heaters, hot water heaters, stoves and ovens.

1301.54 - Yard Waste.

"Yard waste" means all plants, plant residues, leaves, needles, grass clippings, shrubby tree prunings, and holiday trees.

1301.55 – Yard Waste Container.

“Yard waste containers” are metal or plastic containers, or paper lawn and leaf bags that are clearly labeled for yard waste materials.

Chapter 1303 - PURPOSE, DUTIES AND POWERS

1303.01 – Purpose, Validity, and Scope.

The provisions of this section shall become effective upon enactment of this ordinance.

1303.011 - Purpose.

This refuse collection code is enacted to preserve and promote the public health, safety and welfare by establishing minimum standards for the storage, collection, transportation, and disposal of acceptable and unacceptable waste in order to maintain a sanitary environment for the residents of the city. Whenever this chapter conflicts with any other portion of the Columbus City Code, this chapter shall prevail with respect to any matters relating to acceptable or unacceptable waste generated at residential units or places of business. All provisions of Title 13 are enforceable by any law enforcement officer or law enforcement agency.

1303.012 - Validity.

If any portion, section, or part of a section of this code is declared by a court of competent jurisdiction to be invalid, illegal, or void such declaration shall be limited to that portion, section, or part of a section that was directly involved in the controversy before the court upon which judgment was rendered, and shall not affect or impair the validity of the remainder of the waste code.

1303.013 - Scope.

The Division of Refuse Collection will only collect acceptable waste generated at residential units as defined in 1301.46. Other than bulk and yard waste, all acceptable waste must be contained in authorized collection containers. Any person placing waste other than acceptable waste generated at a residential unit into said container shall be in violation of this title and shall be penalized according to Section 1313.01.

1303.02 - Duties.

1303.021 - Duties of the Public Containment, Access, Storage, Collection and Disposal of Waste.

A. General Duty to Request New Service.

1. It shall be the duty of any person requesting city service at a single dwelling unit where said person did not previously have service to notify the Division of Refuse Collection as outlined in the rules and regulations that such service is requested.
2. It shall be the duty of the agent in charge of any new or existing multiple dwelling units and multiple dwelling development where said property did not previously have service to notify the Division of Refuse Collection as outlined in the rules and regulations that such service is requested.

B. General Duty for Exemption service.

In order to qualify for exemption service, a resident shall meet the following criteria:

1. The resident shall be unable to place their residential household waste and recycling at the designated point of collection due to medical or physical reasons.
2. The resident shall have no one who may be of assistance in placing their residential household waste and recycling at the designated point of collection.
3. To request exemption service, the resident shall notify the Division of Refuse Collection as outlined in rules and regulations.
4. Exemption service shall not be provided to residents with dumpster or compactor service.
5. Exemption service shall not be provided for bulk or yard waste collection.

C. General Duty for Containment and Storage of Acceptable Waste.

Acceptable waste generated at residential units shall be contained for collection and disposal by the Division of Refuse Collection or an authorized, licensed commercial waste hauler in a manner that does not violate this title.

1. The city designated refuse and recycling collection containers shall be the exclusive means for receiving and holding all acceptable waste, other than bulk and yard waste, generated at dwelling units, and shall be used only for the intended purpose.
2. All collection containers, dumpsters and compactor containers owned or provided by the city, property owner, or authorized, licensed commercial waste hauler shall comply with required specifications and markings.
3. Use of Containers.
 - a) The use of single dwelling unit collection containers is limited to those residing at the assigned address.
 - b) The use of three hundred (300) gallon collection containers is limited to persons living in the residential block in which said containers are located and are serviced by alley collection.
 - i. Three hundred (300) gallon containers shall only be repositioned or relocated by Division of Refuse Collection personnel.
 - c) The use of dumpster and compactor containers is limited to persons living in residential units for which the property owner is responsible for providing adequate onsite waste containment and storage.
4. Bagging up. All acceptable common household waste generated at residential units, other than bulk, recyclables or yard waste, shall be placed into plastic or paper bags (bagging up) and then disposed of in the appropriate container for the applicable collection method.
5. Keeping the Collection Area Free of Debris and Spillage. It shall be the duty of the property owner, to keep the designated point of collection and the surrounding area free from debris, spillage, and other overflow pursuant to Sections 705.03 and 707.03 of the Columbus City Codes.
6. Storage of acceptable waste. In the event that a person's refuse container, dumpster, compactor container, lawn and leaf bag, or recycling container is full, all acceptable waste generated at residential units must be properly contained and stored, until such time that it can be placed into the refuse container, dumpster, compactor container, lawn and leaf bag, or recycling container without the risk of overflow.
7. Container Placement. Collection containers shall be placed at the point of collection designated by the Division of Refuse Collection, and shall be placed at least four (4) feet from any parked vehicle or other obstruction.
9. Storage of Containers. Collection containers other than three hundred (300) gallon containers, dumpsters, and compactor containers shall be removed from the point of collection (public right-of-way) by 2:00 p.m. on the day following the scheduled collection day and stored until 6:00 p.m. on the day prior to the next scheduled collection day.

D. General Duty Containment, Storage and Disposal of Unacceptable Waste.

Unacceptable waste, as defined in 1301.50, at residential units shall be contained for collection and disposal by an authorized, licensed commercial waste hauler in a manner that does not violate this title or any city, county, or state applicable law.

Construction, Remodeling and Demolition Materials. It shall be the duty of the owner to provide for the proper storage, collection, and disposal by an authorized, licensed waste hauler for any construction, remodeling and demolition waste as defined in 1301.11, generated at or incident to any construction, remodeling, or demolition process. In addition, said owner

shall provide storage capacity which is sufficient to contain the construction, remodeling and demolition waste between disposal services, and shall keep such storage capacity for the duration of the project.

E. General Duty to Provide Access to Acceptable or Unacceptable Waste.

1. The passage of Division of Refuse Collection vehicles through the streets and alleys of the city shall not be obstructed in any manner, including, but not limited to obstructions caused by the placement of parked vehicles, obstructing vegetation, or improperly strung wires or cables.
2. Any owner, lessor, tenant, agent, or lessee in charge of the obstructing vehicles, vegetation, wires, or cables, shall cause to be removed, or cause to be set at an appropriate height, such obstruction when the director determines that such removal or height adjustment is reasonable and necessary.
3. The city accepts no responsibility for damage resulting from obstructing vegetation, vehicles, or improperly strung wires or cables.
4. Where it is necessary for the Division of Refuse Collection or an authorized, licensed commercial waste hauler under contract to the city to drive on private roads or driveways to reach designated points of collection on private property, it shall be the duty of any person, developer, architect, or agent in charge of the construction or maintenance of said private roads to ensure that the same are constructed and maintained so as to accommodate fully loaded waste collection vehicles.
5. Duty for New Construction Turning Area. It shall be the duty of any person, developer, architect, or agent in charge of the construction or maintenance of new private roads which are dead-end, continuous, or driveways upon which waste collection vehicles shall travel to reach designated points of collection, to ensure that a turning area with a radius of not less than thirty (30) feet is provided such that waste collection vehicles can drive through the property without backing.
6. The city shall not be held liable for any damage done to the curbs, roadway, driveway, or other access routes.

F. General Duty for Bulk Collection.

It shall be the duty of any person to notify the Division of Refuse Collection, as outlined in the rules and regulations, to schedule a date for bulk collection as defined in Section 1301.06.

1. Bulk shall not be placed out more than 3 calendar days (72 hours) prior to the scheduled collection.
2. Bulk placed out for collection must be maintained in an orderly manner until collected.
3. Bulk shall only be scheduled at an occupied dwelling.
4. Only bulk items generated on the property shall be scheduled for pick up.
5. The owner shall be responsible for the proper disposal of any abandoned property as defined in 1301.01. Abandoned property shall not be placed at a curb, alley, or in the public right-of way for collection without the director's express permission.
6. If for any reason a notice of violation has been issued on a property, scheduled bulk collection shall not be permitted until the violation(s) has been resolved unless otherwise approved by a solid waste investigator. The owner shall utilize a licensed private hauler and provide documentation of proper disposal.

G. General Duty to Remove and Dispose of Items After an Eviction.

1. It shall be the duty of any owner or lessor of any dwelling unit where a court supervised setout is performed as a result of any eviction action, to arrange for the collection and disposal through an authorized licensed commercial waste hauler.
2. Acceptable or unacceptable waste resulting from any court supervised set out as a result of any eviction action shall not be placed in the public right-of-way.

H. General Duty for Yard Waste Collection.

1. Occupants of dwelling units must follow yard waste requirements as outlined in Division of Refuse Collection rules and regulations.
2. Non-residential properties and multiple dwelling developments shall be responsible for the removal and disposal of all yard waste collected from said property.
3. Entities providing yard waste cutting and pruning services on public or private property are responsible for the removal and disposal of said yard waste.

I. General Duty for Multiple Dwelling Developments.

1. All newly constructed multiple dwelling developments shall plan and design for residential waste collection as defined in rules and regulations.
2. Multiple dwelling developments that currently comply with this chapter, regardless of when such units or developments were built, may not make changes which would cause them to be out of compliance with this chapter.
3. All dumpster, compactors, and bulk enclosures must be located within the multiple dwelling development.
4. It shall be the duty of any owner, lessor, developer, architect, or agent in charge of any existing or newly constructed multiple dwelling development to provide a minimum of one-half (½) cubic yard of dumpster capacity for residential waste for each unit, that meets the Division of Refuse Collection rules and regulations specifications.
5. Multiple dwelling development compactor-container requirements. It shall be the duty of any owner, lessor, developer, architect, or agent in charge of any existing or newly constructed multiple dwelling development to provide onsite a minimum capacity per dwelling unit based on the following formula for any mobile home unit, apartment unit, townhouse unit, or condominium unit, that meets the Division of Refuse Collection rules and regulations specifications.

$$\underline{(\# \text{ of units} \times .5 \text{ cubic yards/unit}) / 4 = \text{minimum cubic yard compactor capacity}}$$

Example: (100 units x .5 cubic yards /unit) / 4 = 12.5 cubic yards

Note: ** A 4 to 1 compaction ratio shall be used to calculate the required capacity.

6. On-Site Dumpster Variance. A form shall be completed by any property owner who requests a variance from the dumpster capacity requirements set forth above and who has arranged to share a dumpster with another property owner. Said dumpster shall be within thirty (30) feet of the property for which a variance is sought. The director shall determine if a variance should be granted in accordance with the variance criterion set forth in 1303.03.
7. Dumpster, pad, approach apron, and screening and maneuvering requirements. In order to protect the safety of waste collection employees and to avoid undue wear and possible

damage to waste collection equipment, it shall be the duty of any owner, lessor, developer, architect, or agent in charge of any multiple dwelling development which receives city dumpster or compactor service to provide and maintain a concrete pad, approach apron, and screening for each dumpster as defined in rules and regulations.

8. Development construction site plans. Any multiple dwelling development completed on or after the effective date of this ordinance title shall submit to the director for approval a development construction site plan that includes the number, placement, and capacity of containers for the multiple dwelling development.
9. Opting out of city service. A multiple dwelling development using private residential waste service does not need to comply with the dumpster or compactor requirements in this Title, however they shall comply with residential waste capacity requirements. A multiple dwelling development requesting a change from private to city service must comply with this section in its entirety before city collection will begin.

J. General Duty for Noncompliance.

Any person disposing of acceptable or unacceptable waste generated at residential units in violation of this title shall be subject to enforcement under Chapter 1307 and, in addition, may be penalized according to Chapter 1313. Such person shall retain ownership of and responsibility for such waste until such waste is properly disposed.

1303.022 – Duties of Places of Business.

It shall be the duty of any owner, agent, or person in charge of any place of business to arrange for the proper storage of all waste generated by the particular place of business, and the timely collection and disposal of said waste by an authorized, licensed commercial waste hauler as required by this title. (Columbus Health Code 221)

1303.023 - Duties of the Division of Refuse Collection.

A. General Duty for Acceptable Waste.

It shall be the duty of the Division of Refuse Collection to collect and dispose of acceptable waste generated at eligible residential units. Any residential waste set out for collection shall become the property of the city upon collection.

B. General Duty for Unacceptable Waste. The Division of Refuse Collection does not accept unacceptable waste.

1. Unacceptable waste in the right-of-way. If unacceptable waste has been placed in the right-of-way, the Division of Refuse Collection shall investigate the matter.
2. Unacceptable waste collected. If in order to protect public health and safety the city collects and disposes of unacceptable waste, efforts will be made to identify, charge and fine any and all responsible parties.

C. General Duty for Residential Collection. Only the Division of Refuse Collection or an authorized, licensed waste hauler under contract with the city shall have the right to collect, transport, or dispose of acceptable or unacceptable waste from any designated point of collection.

D. General Duty for Dead Animals. The Division of Refuse Collection shall provide for the collection and disposal of animal carcasses within the city right-of-way.

E. General Duty for Container Management. It shall be the duty of the Division of Refuse Collection to deploy, repair, replace or remove, on public or private property, city issued refuse and recycling containers.

1303.024 - Duties of Authorized, Licensed Waste Haulers.

- A. **General Duty for Authorized, Licensed Waste Hauler's.** The authorized, licensed waste hauler's rights are subject to all powers of the city under the Charter of the City of Columbus and the laws and constitution of the state of Ohio to adopt and enforce ordinances necessary to protect the health, safety, and welfare of the public or which the city deems necessary or convenient in exercising its authority under the laws and Constitution of Ohio. The authorized, licensed waste hauler shall comply with all applicable laws.
- B. **General Duty to Obtain Authorization and License.** It shall be the duty of any waste hauler desiring to collect acceptable or unacceptable waste generated within the city to become an authorized, licensed waste hauler by applying for and receiving a license from the Franklin County Board of Health.
- C. **General Duty to Obtain Authorization to Collect Acceptable Waste.** It shall be the duty of any waste hauler desiring to collect acceptable waste within the city to get written permission from the Director.
- D. **General Duty of Liability.** The city shall not be liable for damage caused by an authorized, licensed waste hauler under contract with the city.

1303.03 - Powers

1303.031 - Powers of the Director.

The Director is authorized to promulgate operating rules and regulations to protect the health, safety, and welfare of the public, and shall have control and direction over refuse collection and the abatement of public nuisances, and the power and duty to administer and enforce the provisions of this Refuse Collection Code by means of forfeitures, injunctive actions, criminal complaints and other remedies available by law.

The director shall have, but not limited to, the authority to determine the following:

1. Defining acceptable and unacceptable waste
2. Authorizing acceptable waste stream collection
3. Defining recyclable material
4. Defining yard waste material
5. Frequency and/or volume of collection
6. Type of collection container
7. Method of collection
8. Point of collection
9. Multi-family specification requirements
10. Safety of collection
11. Hours of collection
12. Suspension of service for cause
13. Granting and/or revoking exemption service
14. Granting and/or revoking variances
15. The existence of a public nuisance
16. Establish penalties and fees for a specific purpose
17. Assessment of civil fines
18. Notice of violation and enforcement
19. Institute pilot projects regarding the waste stream

Chapter 1305 - PROHIBITED ACTIVITIES

The provisions of this chapter shall become effective upon passage.

1305.01 - Accumulating Waste.

No person shall store or accumulate, or permit to be stored or accumulated, any acceptable or unacceptable waste generated at residential units and/or upon premises under their control, except such waste that is stored in approved containers and bulk areas as required and authorized by this Title.

1305.02 – Bulk.

- A. No person shall place bulk out more than 3 calendar days (72 hours) prior to the scheduled collection as outlined in 1303.021 (F) (1) of this Title.
- B. No person shall fail to maintain bulk that has been placed out for a scheduled collection in an orderly manner, until it has been collected, as specified in 1303.021(F) (2) of this Title
- C. No person shall schedule bulk at an unoccupied dwelling as defined in 1303.021(F) (3) of this chapter.
- D. No person shall place or cause to be placed personal property abandoned by a tenant or person occupying a property at a curb, alley or in the public right-of-way for collection as defined in 1303.021(F) (4).
- E. No person shall schedule bulk collection at a property that is the subject of an unresolved notice of violation as defined in 1303.021(F) (7).
- F. No person shall knowingly schedule or cause to be scheduled bulk items for collection that were not generated on the property.

1305.03 - Burning of Acceptable and Unacceptable Waste Prohibited.

No person shall burn acceptable or unacceptable waste within the city limits.

1305.04 – Containment and Storage.

- A. Use of containers. No person shall use a container other than the city designated collection container for receiving and holding all acceptable waste generated at dwelling units, other than bulk and yard waste that has been separated from acceptable waste to be collected from the dwelling unit or premises by the city or authorized, licensed commercial waste hauler as specified in 1303.021(C) (1) of this Title.
- B. No person shall move a three hundred (300) gallon containers other than Division of Refuse Collection personnel as specified in 1303.021 (C) (3) (b) of this Title.
- C. Bagging up. No person shall fail to place acceptable common household waste other than bulk, recyclables or yard waste into plastic or paper bags before placing it the designated collection container as specified in 1303.021(C) (4) of this Title.
- D. Keeping the collection area free of spillage. No property owner, tenant or occupant shall fail to keep the designated point of collection and the surrounding area free from debris, spillage, and other overflow as specified in 1303.021 (C) (5) of this Title, or Sections 705.03 and 707.03 of the Columbus City Codes.
- E. Storage of acceptable waste. No person shall fail to properly store acceptable waste as specified in 1303.021(C) (6) of this Title.

- F. Storage of containers. No person shall place a refuse or recycling container out for collection prior to 6:00 p.m. on the day prior to the scheduled collection day or fail to remove any refuse or recycling container from the point of collection (public right-of-way) by 2:00 p.m. on the day following the scheduled collection day as specified in 1303.021 (C) (9) of this Title.

1305.05 – Evictions.

- A. No owner or lessor of any residential unit or premises in the city where a court supervised setout is performed in any eviction action shall fail to arrange for the collection and disposal of acceptable or unacceptable waste resulting from the eviction through an authorized licensed commercial waste hauler.
- B. No owner or lessor of any residential unit or premises in the city where a court supervised setout is performed in any eviction action shall place acceptable or unacceptable waste resulting from the eviction in the public right-of-way.

1305.06 – Illegal Dumping, Disposal of Acceptable and Unacceptable Waste.

- A. Open dumping. No person shall engage in open dumping as defined in 1301.29 of this chapter.
- B. Illegal use of containers. No person shall engage in illegal use of containers as defined in 1301.20 of this chapter.
- C. Improper use of containers. No person shall engage in improper use of containers as defined in 1301.21.
- D. Littering. No person shall engage in littering as defined in 1301.23 of this chapter.
- E. Depositing acceptable and unacceptable waste. No person shall bury, dump, throw, abandon or deposit, or cause to be buried, dumped, thrown, abandoned or deposited, acceptable or unacceptable waste upon any street, alley, premises, public place, or vacant lot.
- F. Disposal of Acceptable and Unacceptable Waste. No authorized, licensed waste hauler shall dispose of acceptable and unacceptable waste collected within the city except at an appropriate facility in accordance with the applicable federal statutes, the State of Ohio Solid Waste Management Plan, the Ohio Administrative Code, and the Solid Waste District Plan.
- G. Improper Disposal of Acceptable or Unacceptable Waste. No person shall improperly dispose of acceptable or unacceptable waste as defined in this Title.
- H. Any person violating this section shall be in violation of this title and shall be penalized according to Chapter 1313.
- I. Unauthorized use of containers. No person shall engage in unauthorized use of containers as defined in 1301.51 of this Title and as specified in 1303.021 (C) (3) (a) (b) (c) of this Title.
- J. No owner shall fail to provide for the proper storage, collection, and disposal by an authorized, licensed waste hauler for any construction, remodeling and demolition waste as defined in 1301.11, generated at or incident to any construction, remodeling, or demolition process. In addition, said owner shall not fail to provide storage capacity which is sufficient to contain the construction, remodeling and demolition waste between disposal services, and keep such storage capacity for the duration of the project.

1305.07– Multiple Dwelling Development Requirements.

- A. No owner, lessor, developer, architect, or agent in charge of any existing or newly constructed multiple dwelling development shall fail to provide the minimum dumpster or compactor capacity required for residential waste for each unit.
- B. No owner, lessor, developer, architect, or agent in charge of any existing or newly constructed multiple dwelling development shall fail to meet dumpster, compactor or bulk storage pad, approach apron, and screening and maneuvering requirements.

- C. No owner, lessor, developer, architect, or agent in charge of any existing or newly constructed multiple dwelling development which receives city dumpster or compactor service shall fail to provide and maintain a concrete pad, approach apron, and screening for each dumpster as defined in rules and regulations.

1305.07 - Obstructing Access to Acceptable Waste Out for Collection.

No person shall obstruct access to acceptable waste, which has been made available for collection-by the city or authorized, licensed waste hauler under contract to the city. Should such an obstruction, including but not limited to, the placement of a truck, automobile, trailer, or any other type of vehicle or object, occur, it is within the power of the director to cause the removal of the obstruction from the streets, sidewalks, alleys, or public grounds at the owner's expense.

1305.08 - Obstructing Passage of City Waste Collection Vehicles.

- A. No person shall obstruct the passage of Division of Refuse Collection vehicles or the of an authorized, licensed waste hauler collection vehicles, on any street or alley, including but not limited to obstructions caused by the placement of parked vehicles, obstructing vegetation, or improperly strung wires or cables.
- B. No owner, lessor, tenant, agent, lessee, or person in charge shall fail to remove or cause to be removed, or cause to be set at an appropriate height, such obstruction when the director determines that such removal or height adjustment is reasonable and necessary.

1305.09 – Place of Business.

No owner, agent, lessee, or person in charge of any place of business shall fail to arrange for the proper storage of all waste generated by the particular place of business, and for the timely collection and disposal of said waste by an authorized, licensed waste hauler as required by this title.

1305.10 - Pushcarts Prohibited.

No person shall transport or haul acceptable or unacceptable waste through the streets and public ways of the city with a pushcart or container propelled by man power.

1305.11 - Scavenging.

No person shall remove any acceptable or unacceptable waste set out for collection by the Division of Refuse Collection or an authorized, licensed waste hauler under contract with the city unless such person has been authorized to do so by the city, the owner of such waste, or the authorized, licensed waste hauler.

1305.13– Unacceptable Waste

- A. No person shall fail to dispose of unacceptable waste properly, as specified in 1303.021(D) of this Title.
- B. No person shall place unacceptable waste in a collection container.

1305.14 – Yard Waste

- A. No person shall fail to properly contain and/or bundle yard waste when placing it at the point of collection for scheduled collection, as specified in Division of Refuse Collection rules and regulations.
- B. No person shall place yard waste in a container that is designated for refuse or recycling collection.
- C. No person shall place yard waste out for collection prior to 6:00 p.m. on the day prior to the scheduled collection day or fail to remove any yard waste collection container from the point of collection (public right-of-way) by 2:00 p.m. on the day following the scheduled collection day, as specified in 1303.021 (H) (2) of this Title.
- D. No owner or property manager of a non-residential property or multiple dwelling development shall fail to arrange for the proper removal and disposal of all yard waste collected from said property, as specified in 1303.21(H) (3) of this Title.
- E. No entity providing yard waste cutting and/or pruning services on public or private property shall fail to remove and dispose of said yard waste, as specified in 1303.021 (H) (4) of this Title.

Chapter 1307 – ENFORCEMENT

1307.01 - Inspection, Right of Entry, Evidence.

- A. The director is authorized to make inspections when there is a valid reason to believe a violation exists of this code or applicable rules and regulations.
- B. Upon presentation of proper credentials, the director is authorized, where permission is granted, to enter any dwelling, dwelling unit, multiple dwelling, business, building or premises in the city of Columbus at reasonable times to perform any duty imposed on the individual by this code. If any owner of a building or premises subject to the provisions of this code fails or refuses to permit free access and entry to the dwelling, dwelling unit, multiple dwelling unit, business building or premises under their control or any part thereof, the director may apply to a judge of a court record, pursuant to Ohio Revised Code 2933.21(F) for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided in Ohio Revised Code Section 2933.22.
- C. Every occupant of a premises or structure shall give the owner or operator thereof, or keeper, agent or employee, access to any part of such structure or its premises at all reasonable times for the purposes of making such inspection, maintenance, repairs or alterations as are necessary to comply with the requirements of this code.
- D. All records pertaining to the identification of a complainant shall be kept confidential, to the extent allowed by law, from the public record of inspection and notice of violation.
- E. The director may collect evidence during inspections.

1307.02 - Notice of Violation.

- A. Issuance of Notice of Violation. Whenever the director determines there exists a condition that violates any provisions or requirements set forth in this Refuse Collection Code, the director may issue a notice setting forth the alleged violations, the assessment of any civil penalties as provided for in section 1307.03, and advising the owner that such violations shall be corrected.
- B. Content of Notice of Violation.
 - 1. All notices of violation, except emergency orders, shall be in writing and shall be served on the person from whom action, forbearance or compliance is required.
 - 2. All notices of violation shall identify the sections of the Refuse Collection Code to which the order applies.

3. All notices of violation shall provide a description of the premises where the violations are alleged to exist or to have been committed; and/or a description of the public nuisance and the premises where the said public nuisance is alleged to exist.
 4. All notices of violation shall specify a reasonable time for compliance with the order.
 5. Notices of violation may include the assessment of a civil penalty as provided for in section 1307.03.
 6. All notices of violation shall advise the owner of the right to appeal in accordance with section 1307.07.
 7. All notices of violation shall advise the owner that if the order is not complied with by the specified date of compliance, the director may initiate a civil and/or criminal complaint against the owner; and/or the director may, by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate.
- C. Service of Notice of Violation. A notice of violation shall be served upon the owner or any person from whom action, forbearance or compliance is required. Such notice shall be served by any one (1) of the following methods:
1. Personal service;
 2. Certified mail;
 3. Residence service;
 4. Publication in a newspaper of general circulation in the county;
 5. Regular mail service to an address that is reasonably believed to be:
 - a. A place of residence of the owner,
 - b. A location at which the owner regularly receives mail;
 6. Posting the notice of violation on the property, except that if a structure or premise is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.
- D. When the notice of violation has been issued, the order shall be effective as to anyone having any interest in the premises whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the director.
- E. Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the owner pursuant to Section 1307.07 shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

1307.03 Civil Penalties

- A. In addition to any other means of enforcement provided for by law, the director may assess civil fines against an owner for the violations of the following sections by the issuance of a notice of violations issued to the owner pursuant to section 1307.02.:
1. Subsection 1305.01 relating to accumulating waste.
 2. Subsection 1305.02 (A), (B), (C), (D), (E), (F), (G), relating to bulk.
 3. Subsection 1305.03 relating to burning of acceptable and unacceptable waste.
 4. Subsection 1305.04 (A), (B), (C), (D), (E), (F) relating to containment and storage
 5. Subsection 1305.05 relating to evictions
 6. Subsection 1305.06 (A), (B), (C), (D)(1), (D)(2), (D)(3), (D)(4), (E) relating to illegal dumping
 7. Subsection 1305.07 (A), (B), (C) relating to multiple dwelling development requirements
 8. Subsection 1305.08 relating to obstructing access to acceptable waste out for collection

9. Subsection 1305.09 (A), (B) relating to obstructing passage of city waste collection vehicles
10. Subsection 1305.10 relating to place of business
11. Subsection 1305.11 relating to pushcarts
12. Subsection 1305.12 relating to scavenging
13. Subsection 1305.13 (A) (B) relating to unacceptable waste
14. Subsection 1305.14 (A), (B), (C), (D), (E) relating to yard waste
15. Subsection 1303.15 relating to general duty for non-compliance

Any person who violates any of the foregoing prohibitions has committed an infraction for which liability is imposed by subsection 1307.03 (B) upon the owner.

- B. Liability Imposed. Each owner of a parcel at which an infraction has occurred is liable to the city in the amounts established in subsections 1307.03 (F) and (G).
- C. Noncriminal Offense; No Conviction. The infractions established by this section are noncriminal. The imposition of liability upon the owner under this section shall not be deemed a conviction for any purpose.
- D. Other Costs and Penalties Not Abrogated. Nothing in this section shall be construed as altering or limiting the effects of any other section of the city codes, the criminal penalties imposed by any such other section, or the ability of a law enforcement officer to enforce those sections.
- E. Notice of Violation. If a violation of any subsection identified in subsection 1307.03 (A) is observed by an employee of the Division of Refuse Collection or any other city employee whose duties include the enforcement of this Refuse Collection Code, then the director shall cause the owner to be assessed a civil penalty in accordance with this section, which penalty shall be included in a notice of violation issued pursuant to section 1307.02.
The notice of violation shall state that failure to appeal the notice of violation in accordance with section 1303.07, or pay the costs imposed not later than twenty (20) days from the date of issuance of the notice of violation, shall constitute a waiver of the right to contest the notice of violation and shall be considered an admission. The notice of violation shall further state that if the notice of violation is not appealed or paid in the required time frame, then a default finding of civil liability shall be imposed upon respondents for the costs established in subsections 1307.03 (F) and (G).
The notice of violation may be in any format that includes all of the elements required by this section.
- F. Penalties Established. The fines imposed upon the owner for the commission of an infraction of a subsection identified in section 1307.03 (A) shall be assessed in accordance with the following schedule:

<u>Section</u>	<u>Civil Penalty</u>
<u>Subsection 1305.01</u>	<u>\$1000</u>
<u>Subsection 1305.02(A)</u>	<u>\$250</u>
<u>Subsection 1305.02 (B)</u>	<u>\$250</u>
<u>Subsection 1305.02 (C)</u>	<u>\$250</u>
<u>Subsection 1305.02 (D)</u>	<u>\$500</u>
<u>Subsection 1305.02 (E)</u>	<u>\$500</u>
<u>Subsection 1305.02 (F)</u>	<u>\$1000</u>
<u>Subsection 1305.03</u>	<u>\$1000</u>
<u>Subsection 1305.04 (A)</u>	<u>\$250</u>

<u>Subsection 1305.04 (B)</u>	<u>\$250</u>
<u>Subsection 1305.04 (C)</u>	<u>\$250</u>
<u>Subsection 1305.04 (D)</u>	<u>\$250</u>
<u>Subsection 1305.04 (E)</u>	<u>\$250</u>
<u>Subsection 1305.04 (F)</u>	<u>\$250</u>
<u>Subsection 1305.05 (A)</u>	<u>\$1000</u>
<u>Subsection 1305.05 (B)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (A)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (B)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (C)</u>	<u>\$500</u>
<u>Subsection 1305.06 (D)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (E)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (F)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (G)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (H)</u>	<u>\$250</u>
<u>Subsection 1305.06 (I)</u>	<u>\$1000</u>
<u>Subsection 1305.06 (J)</u>	<u>\$1000</u>
<u>Subsection 1305.07 (A)</u>	<u>\$500</u>
<u>Subsection 1305.07 (B)</u>	<u>\$500</u>
<u>Subsection 1305.07 (C)</u>	<u>\$500</u>
<u>Subsection 1305.08</u>	<u>\$250</u>
<u>Subsection 1305.09 (A)</u>	<u>\$250</u>
<u>Subsection 1305.09 (B)</u>	<u>\$250</u>
<u>Subsection 1305.10</u>	<u>\$500</u>
<u>Subsection 1305.11</u>	<u>\$100</u>
<u>Subsection 1305.12</u>	<u>\$100</u>
<u>Subsection 1305.13 (A)</u>	<u>\$1000</u>
<u>Subsection 1305.13 (B)</u>	<u>\$1000</u>
<u>Subsection 1305.14 (A)</u>	<u>\$250</u>
<u>Subsection 1305.14 (B)</u>	<u>\$250</u>
<u>Subsection 1305.14 (C)</u>	<u>\$250</u>
<u>Subsection 1305.14 (D)</u>	<u>\$1000</u>
<u>Subsection 1305.14 (E)</u>	<u>\$1000</u>

The fines established by this subsection are imposed upon the owner both as civil penalties and to reimburse the city for a portion of the costs incurred by it in the enforcement of infractions, and for some infractions, the increased costs of solid waste disposal.

G. Late Penalties. Late penalties shall be assessed in accordance with the following schedule:

1. If the fines established in subsection 1307.03 (F) remain unpaid twenty (20) days after the notice of violation is issued or twenty (20) days after the conclusion of all appeals, an additional twenty dollars (\$20.00) shall be assessed; and
 2. If the fines established in subsection 1307.03 (F) remain unpaid forty (40) days after the notice of violation is issued or forty (40) days after the conclusion of all appeals, an additional forty dollars (\$40.00) shall be added to the twenty dollars (\$20.00) assessed under subsection 1307.03 (G) (1) for a total additional penalty of sixty dollars (\$60.00) in such a case.
- H. Collection. The costs imposed by this section may be enforced and collected by means of a civil action or any other means provided for in these city codes or the Ohio Revised Code.

1307.04 - Emergencies.

- A. Whenever the director finds that an emergency exists which requires immediate action to protect the health and safety of any person, the director may issue an oral or written order reciting the existence of such an emergency and requiring that such action as that director deems necessary be taken to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately and complied with immediately.
- B. If necessary to protect the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that it shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the appropriate director.
- C. In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition of such emergency condition. The director shall further cause the cost of such abatement to be charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.
- D. The owner shall, upon request pursuant to Section 1307.07, be granted a hearing before the property maintenance appeals board on the matter. Such request for appeal shall not stay the requirement for compliance.

1307.05 - Prohibition Against Failure to Comply With Notice of Violation.

- A. No owner or authority over a violation of this Refuse Collection Code shall fail to comply with any notice of violation of this Refuse Collection Code, obstruct or interfere with the execution of such order, or omit to obey such notice of violation.
- B. No person shall fail to comply within the time specified in a notice of violation for a violation after receiving notification of being in violation of this Refuse Collection Code.

1307.06 - Procedure Upon Failure to Comply With Notice of Violation.

Upon inspection, whenever the director determines there are reasonable grounds to believe that there is a violation of this Refuse Collection Code resulting in the existence of an actual or imminent threat of a public nuisance, or when notices issued pursuant to this code or other notice sections of city codes do not alleviate such an actual or imminent threat of a public nuisance or condition, the director may:

- A. Cause the acceptable or unacceptable waste to be removed from any premises and may employ the necessary labor to perform the task; and/or

- B. Cause the correction or abatement of any condition which violates any section of the Refuse Collection Code in regards to the sanitary maintenance of premises and the control and abatement of public nuisances and may employ the necessary labor to perform the task; and/or
- C. Cause appropriate legal action to recover costs against the owner and/ or premises where the work pursuant to division (A) and (B) was required. Costs incurred in the performance of work may be charged as a municipal lien, or recovered in a civil suit against the owner; and/or
- D. Cause to be filed a civil complaint for injunctive relief seeking abatement of the public nuisance in a court of jurisdiction. The procedures to be followed will be pursuant to the Ohio Rules of Civil Procedure; and/or
- E. Cause to be filed a criminal complaint in a court of competent jurisdiction.

1307.07 - Notice of Violation Appeal to the Property Maintenance Appeals Board.

Any person who is the subject of a notice of violation in connection with this Refuse Collection Code, or any rule or regulation, or policy and procedure adopted pursuant thereto, may request and shall be granted a hearing before the property maintenance appeals board on all matters set forth in such notice of violation. Appeals of any notice of violation for an alleged violation of this Refuse Collection Code shall be made in writing to the department of development within fifteen (15) calendar days of the date of service of the notice of violation. This petition shall be limited to the notice of violation which has been issued and shall set forth the factual reasons why a particular violation or violations is being appealed. Upon the receipt of such petition, the development department director, acting as secretary to the board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice of violation relating to the finding of facts regarding the violation should be modified or withdrawn. The scope of the board's authority shall be limited to a review of the notice of violation to determine whether the notice of violation is supported by substantial, reliable, probative evidence, and shall not permit or allow any use or requirement not otherwise permitted. Subsequent requests for variances from the requirements of this code shall be determined as prescribed. The board may postpone the date of hearing for a reasonable time if in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.

The board shall be constructed, action of the board completed, and notification of the petitioner made pursuant to Columbus City Code Chapters 4505 and 4509.

Chapter 1309 – COLLECTION OF ADDITIONAL MATERIALS

1309.01 - Pedestrian Recycling Receptacles and Pedestrian Waste Receptacles.

At the discretion of the director, pedestrian waste receptacles and pedestrian recycling receptacles may be placed on sidewalks in commercial corridors with high levels of pedestrian traffic.

1309.02 - Special Events.

The director shall establish operating rules and regulations for special events in the city as related to refuse containment, collection, and disposal.

Chapter 1311 - LITTERING AND ILLEGAL DUMPING PENALTY

No person shall improperly dispose of acceptable or unacceptable waste as described in ORC Sections 3767.32; 4511.82; 4513.31; 1531.29; 1547.49; 3767.14; 3767.16; 3767.18; 3767.29; 4513.6; and C.C. 902.01 and 2329.01. Any violation of these sections will result in a violation of state law and shall be punishable as stated therein.

Chapter 1399 - NONCOMPLIANCE PENALTY

1399.01 - Violation-Penalty.

Unless otherwise provided in the Ohio Revised Code, whoever violates any section of this Refuse Collection Code may be deemed guilty of a third degree misdemeanor and fined not more than one thousand (\$1000) dollars, imprisoned for not more than sixty (60) days and shall be responsible for court costs.