

TEMPORARY ORDINANCE NO. 20-23

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE FIVE – OTHER PUBLIC SERVICES, CHAPTER 937 – WASTE REMOVAL OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster Sanitation Department desires to update the Lancaster Codified Ordinances (“LCO”) to reflect current practices; and

WHEREAS, there is a need to increase rates for services provided at the transfer station, as well as for commercial and residential accounts due to increased operational costs, including a ten (10) year loan for the construction of the Sanitation Transfer Station Replacement Project; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That Part Nine – Streets, Utilities and Public Services Code, Title Five – Other Public Services, Chapter 937 – Waste Removal, be repealed and replaced pursuant to Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. That City Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Municipality and its inhabitants, and for the further reason that this new infrastructure is crucial to finance the construction of the Sanitation Transfer Station Replacement Project; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Service Committee

EXHIBIT A (additions in red)~~Changes strike-through~~**CHAPTER 937
Waste Removal**

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CROSS REFERENCES

Collection and disposal - see Ohio R.C. 715.43, 717.01

Employment of scavengers - see Ohio R.C. 3707.39

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

Obstructing streets with building construction refuse - see BLDG. 1311.01

937.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply:

- (a) "Acceptable waste" means that portion of the residential and commercial stream that is normally disposed of by occupants of a residential dwelling or commercial establishment including only common household waste and refuse.
- (b) "Acceptable waste container" means only the trash carts provided and assigned by the City that may be used for acceptable waste disposal pursuant to the requirements in Section 937.05. An acceptable waste container does include a sealed plastic bag or box.
- (c) "Common household waste" means waste originating from a residential unit or commercial entities and includes, but is not limited to fiber material, paper, cardboard, packaging, cans, bottles, jars, food wastes and other similar materials.
- (d) "Commercial business" means any business that requires a dumpster for their trash needs that can be serviced multiple times per week.
- (e) "Condemned products" means any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind, that may be a health hazard as determined by the Health Commissioner and which has been seized, tagged or labeled by the Health Commissioner as a hazard and which may not be used in any manner until the Health Commissioner determines the hazard has been abated.

- (f) "Construction, remodeling and demolition waste" means all waste building materials, rubble and spoils resulting from construction, remodeling, repair, and demolition operations on buildings, dwelling units, places of business, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations, and other structures including, but not limited to roofing, concrete and cinder block, plaster, insulation, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as woodwork and cabinets, siding, sheathing and aged railroad ties.
- (g) "Double or duplex family residence" means the grouping together of two residential units under a common roof.
- (h) "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.
- (i) "Industrial business" means any business that requires a roll-off container or compacting roll-off container that the City cannot service.
- (j) "Medical waste, infectious waste" shall include:
- (1) Cultures and stocks of infectious agents and associated biologicals;
 - (2) 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;
 - (3) Pathological wastes;
 - (4) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents;
 - (5) Human and animal blood specimens and blood products that are being disposed of not including patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids;
 - (6) 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;
 - (7) Sharp wastes such as hypodermic needles, syringes, or 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 must be placed into puncture resistant containers before disposal;
 - (8) 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 Ohio R.C. 3701.33;
 - (9) Any other waste materials the generator designates as infectious waste.
- (k) "Multiple family residence" or "apartment" means the grouping together under a common roof of three or more residential units.
- (l) "Normal business" means any business that does not require a dumpster but needs ~~one or more than one~~ (1) ~~ninety-five (95)~~ ~~six~~ (96) gallon provided and assigned trash cart of service per week. These businesses shall be provided and assigned up to three (3) ~~ninety-five (95)~~ ~~six~~ (96) gallon trash carts that will be serviced one time per week.

- (m) "Radioactive waste" means any substance that spontaneously emits ionizing radiation.
- (n) "Recyclables" means aluminum cans, glass bottles and jars, plastic containers, tin cans, newspaper and any other material designated by the Sanitation Department as recyclables.
- (o) "Refrigerants and items containing chlorofluorocarbons (CFC) or their substitutes" means items that contain chlorofluorocarbons which contribute to the depletion of the ozone layer. This includes refrigerators and other devices utilizing either chlorofluorocarbons as a coolant or the substitutes for chlorofluorocarbons which may not cause ozone depletion but which are subject to special handling requirements.
- (p) "Refuse" means paper, boxes, baskets, rags, old shoes, broken glass, tin cans, ashes and similar discarded materials. It does not include construction, remodeling, and demolition waste.
- (q) "Residential unit" means the place of abode of persons living separately or together as an independent family in a "dwelling unit" as defined in Section 1161.01(37) of the Codified Ordinances.
- (r) ~~"Small business" means any business that only needs only one (1) ninety-five (95) gallon provided and assigned trash cart of service per week.~~
- (s) (r) "Trash cart" means a ~~thirty-five (35)~~ **forty-eight (48)** gallon or a ~~ninety-five (95)~~ **six (96)** gallon wheeled trash container with a closable lid approved, provided, and assigned by the Sanitation Department. The Sanitation Department Superintendent, or his/her designee, will designate approved trash carts with the concurrence of City Council.
- (t) (s) "Unacceptable waste" means that portion of the waste stream that will not be picked up by the City of Lancaster and is further defined in Section 937.14.
- (u) (t) "Volume", as used in Section 937.12, means average volume.
- (v) (u) "White goods" are a type of bulk refuse that may be recycled or resold including, but not limited to large, enameled appliances such as clothing washers and dryers, dish washers, furnaces and electrical heaters, hot water heaters, stove and ovens.
- (w) (v) "Yard waste" means solid waste that included only grass clippings, brush, garden waste, tree trunks, holiday trees, tree trimmings, and/or prunings. (Source: EPA definition from The Municipal Solid Waste Landfill Regulations OAC 3745-27).
(Ord. 9-21. Passed 3-22-21.)

937.02 PURPOSE.

This waste 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 of Lancaster. Whenever this chapter conflicts with any other portion of the Codified Ordinances, this chapter shall prevail with respect to any matters relating to acceptable or unacceptable waste generated by residential units or places of business.
(Ord. 9-21. Passed 3-22-21.)

937.03 RATES FOR COLLECTION.

(a) Monthly Rates. Monthly rates for the collection and disposal of acceptable waste by the City are hereby established as follows:

- (1) Class 1. Any one or two persons, sixty-two (62) years of age or older, occupying a residential unit will be provided and assigned by the Sanitation Department, at no charge, one (1) ~~thirty-five (35)~~ **forty-eight (48)** gallon trash cart in which all trash for pick-up must be placed. All trash must be placed in the trash cart with the lid closed. No bags, boxes or trash of any

kind shall be placed on top of the trash cart or on the ground. Class 1 occupants must sign an application at the Utilities Collection Office.

- A. Rate - ~~nine dollars (\$9.00)~~ **thirteen dollars (\$13.00)** per month.
- (2) Class 2. Residential units will be provided and assigned by the Sanitation Department, at no charge, one (1) ~~ninety-five (95)~~ **six (96)** gallon trash cart. All trash must be placed in the trash cart with the lid closed. No bags, boxes, or trash of any kind shall be placed on top of the trash cart or on the ground.
- A. Rate - ~~thirteen~~ **seventeen** dollars and fifty cents (\$137.50) per month.
- B. Any residential unit needing more than one (1) trash cart may request a second trash cart provided and assigned by the Sanitation Department for a one-time non-refundable fee of twenty-five dollars (\$25.00) and an additional three dollars per month service fee for a total monthly rate of ~~sixteen~~ **twenty** dollars and fifty cents (\$1620.50) per month.
- (3) ~~Class 3.~~ Small businesses will be provided and assigned by the Sanitation Department, at no charge, one (1) ~~ninety-five (95)~~ gallon trash cart.
- A. ~~Rate - thirteen dollars and fifty cents (\$13.50) per month.~~
- (4) (3) Class 4. Normal businesses will be provided and assigned by the Sanitation Department, at no charge, **up to no more than three (3) ninety-five (95) six (96)** gallon trash carts per week.
- A. Rate - ~~twenty-four~~ **eight** dollars (~~\$24.00~~) (**\$28.00**) per month.
- (5) (4) Class 5a. Commercial, industrial, multiple-family residences and businesses using dumpsters per uncompacted cubic yard, with minimum of two (2) cubic yards.
- A. Rate - ~~eighteen~~ **nineteen** dollars and ~~seventy~~ **twenty** -five cents (~~\$18.75~~) (**\$19.25**) per month.
- (6) (5) Class 5b. Commercial, industrial, multiple-family and businesses using dumpster per compacted cubic yard.
- A. Rate - ~~sixty-eight~~ **nine** dollars and ~~fifty cents~~ (~~\$68.50~~) (**\$69.00**) per month.

(b) Dumpsters. Dumpsters shall be approved by the Sanitation Department.
(Ord. 9-21. Passed 3-22-21.)

937.04 PRIVATE WASTE DISPOSAL.

No person shall throw, dump or deposit acceptable or unacceptable waste upon the ground or bury the same upon any premises, public or private, within the City, and no person shall permit any acceptable or unacceptable waste to stand or lay on the premises occupied by him, as tenant or owner, for a period of longer than one (1) week or burn the same in any place except a heating plant or incinerator so designed as to thoroughly consume the same without causing nuisance or smoke, fly ash or offensive odors. Whenever a landlord assumes responsibility for utility services for a tenant, such landlord shall be equally responsible with the tenant for sanitation services as provided herein.

(Ord. 9-21. Passed 3-22-21.)

937.05 ACCEPTABLE WASTE CONTAINER REGULATIONS.

Acceptable waste containers in the City of Lancaster shall be only the following:

- (a) ~~Ninety-five (95)~~ **six (96)** or ~~thirty-five (35)~~ **forty-eight (48)** gallon trash carts provided and assigned by the Sanitation Department. Should a resident already own a trash cart and wish to use it as a second trash cart they still must pay an additional

fee of three dollars (\$3.00) per month, but the one time twenty-five dollars (\$25.00), non-refundable fee will be waived.

(b) Dumpsters approved by the Sanitation Department.

(c) Any other garbage can, or trash can, plastic bag, box or container is not an acceptable waste container.

(Ord. 9-21. Passed 3-22-21.)

937.06 COLLECTION BUSINESS PROHIBITED.

(a) No person, business, firm or corporation, except the City, shall engage in or carry on the business of collection, hauling and disposing of waste in the City.

(b) An exception to this section is permitted if such person, business, firm or corporation received permission in writing from the Superintendent of Sanitation and Service-Safety Director.

(Ord. 9-21. Passed 3-22-21.)

937.07 VEHICLES OF PRIVATE HAULERS.

Industrial or other producers of waste herein granted the right to convey waste to the waste disposal site shall accomplish the same in trucks or vehicles so constructed as to prevent the leakage or scattering of the contents thereof, and all such conveyances shall be provided with a suitable tarpaulin which shall at all times cover the contents thereof, except when being loaded or unloaded.

(Ord. 9-21. Passed 3-22-21.)

937.08 COLLECTION REGULATIONS.

(a) It is the intention of this chapter that each family or person occupying a separate residential unit, or each business or firm, shall make a separate provision for the collection and removal of acceptable waste. There shall be no doubling up. Any multiple family residence and/or three (3) separate businesses shall, if deemed necessary, be required to have a dumpster.

(b) No acceptable waste shall be placed or allowed to be placed for removal except in the acceptable waste containers provided and assigned by the Sanitation Department for that purpose. Acceptable waste containers shall not be placed for pick-up until the night before or the day of pick-up service and no later than 7:30 a.m. on day of pick-up. All trash must be placed inside the trash cart, with the lid completely closed. Additional trash cannot be stacked on top of the trash cart. Failure to abide by these regulations will result in additional fees as set forth in subsection below.

(c) Collection shall be made at the street curb or alley property lines as determined by the Superintendent of the Sanitation Department. Trash carts must be placed within three (3) feet of the curb or alley with lid opening facing the street or alley and the wheels toward the residence. Trash carts must be placed at least three (3) feet from any tree, pole, mailbox, etc., and at least ten (10) feet from parked cars. Multiple trash carts must be spaced three (3) feet apart.

(d) When, in the opinion of the Superintendent of the Sanitation Department, an alternate route of collection will better serve the City and the person whose acceptable waste is being collected, the Superintendent may use such an alternate route.

(e) All trash carts shall be returned by the City employees to designated pick-up points set forth in subsection (c) above. Owners shall then return trash carts to the point of origin/storage location and shall not be left at the street curb or alley property line. Trash carts must be removed from the curb or alley by 7:00 p.m. the day of pick-up.

(f) Additional fees shall apply as follows:

- (1) If one (1) cubic yard or less outside of trash cart.
 - A. Trash will be picked-up and a service fee of ten dollars (\$10.00) will be added to the monthly utility bill for each separate offense.
- (2) Bulk items and/or excessive trash in excess of one (1) cubic yard outside closed trash cart, or if too much trash or items that are too large to fit in the trash cart, the bulk items and/or excessive trash will be picked up and bulk pick-up rates will apply pursuant to Section 937.15.
(Ord. 9-21. Passed 3-22-21.)

937.09 OWNERSHIP OF WASTE ON DISPOSAL SITE.

All waste on the disposal site is the property of the City, and no person shall be allowed to separate and collect, carry off or dispose of the same except under the direction of the Sanitation Superintendent.

(Ord. 9-21. Passed 3-22-21.)

937.10 DISCONTINUANCE OF SERVICE; NUISANCE CONDITIONS.

Fermenting, putrefying and odoriferous waste in containers which has not been collected or which has been dumped in the open due to failure to pay waste removal fees shall be declared a nuisance and the person or persons responsible shall be liable to prosecution under Ohio R.C. 3767.13.

(Ord. 9-21. Passed 3-22-21.)

937.11 DUMPSTERS.

(a) It shall be the duty of all commercial businesses and multiple-family residences, where ninety-five (95) ~~six~~ (96) gallon trash carts are not suitable for the amount of acceptable waste accumulated, to maintain a dumpster. Such dumpster shall be constructed and located so as to allow servicing by City equipment by means of a specially designed dumping mechanism.

(b) It shall be the duty of the Superintendent of Sanitation to determine the need, size, number, and frequency of pick-up of dumpsters and require use of same.

(Ord. 9-21. Passed 3-22-21.)

937.12 TRANSFER STATION RATES.

(a) The following rates shall be charged at the Transfer Station for all residents and customers within the Solid Waste District.

- (1) Class 2. Minimum charge per customer, up to 999 lbs. Rate - ~~\$25.00~~ **\$30.00**.
- (2) Class 3. Per ton, if 1,000 lbs. or over. Rate - ~~\$45.00~~ **\$55.00**.
- (3) Class 4. Each appliance, other than refrigerant base. Rate - \$10.00.
- (4) Class 5. Each refrigerant based appliance. Rate - \$15.00.
- (5) Class 5. Tires - each.
 - A. ~~Light truck or passenger care~~ tire. Rate - \$10.00.
 - B. ~~Heavy truck~~ tires (~~Light or Heavy~~). Rate - ~~\$15.00~~ **\$20.00**.
 - C. Tractor tire. Rate - ~~\$25.00~~ **\$100.00**.

(b) The Transfer Station will not accept building materials, yard waste, dirt, liquids, or large automotive parts.

(c) The use of the Transfer Station shall be restricted to the residents and commercial haulers of the Coshocton Fairfield Licking-Perry County Solid Waste District.

(d) Transfer Station Accounts. Customers using charge accounts at the Transfer Station shall be charged a penalty of one and five tenths percent (1.5%) per month (18% APR) on outstanding balances thirty (30) calendar days from the closing date of their statement. Charge

accounts are to be approved at the discretion of the Sanitation Superintendent using volume as one of the criteria. The superintendent has the authority to refuse to open charge accounts.
(Ord. 9-21. Passed 3-22-21.)

937.13 SOLID WASTE DISPOSAL FEES.

The following fees shall be established for the Coshocton, Fairfield, Licking, Perry Solid Waste District:

- (a) One dollar (\$1.00)/ton for waste generated within the District;
- (b) Two dollars (\$2.00)/ton for waste generated outside the District, but inside the State; and
- (c) One dollar (\$1.00)/ton for waste generated outside the State.
(Ord. 9-21. Passed 3-22-21.)

937.14 UNACCEPTABLE WASTE, RECYCLABLES AND YARD WASTE.

(a) Unacceptable Waste, and Yard Waste and Exclusions.

(1) Unacceptable waste.

A. "Unacceptable waste" means that portion of the waste stream that will not be collected by the City of Lancaster. 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.

B. "Unacceptable waste" includes but is not limited to:

- 1. Medical waste, infectious waste (defined in Section 937.01.)
- 2. Radioactive waste (defined in Section 937.01.)
- 3. Hazardous waste (defined in Section 937.01.)
- 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. Fecal matter, other than human fecal matter contained in a diaper or other sanitary garment, pad or napkin and wrapped separately in plastic before it is placed into a container or receptacle
- ~~13.~~ ~~Construction, remodeling and demolition waste (defined in Section 937.01.)~~
- 14. 13. Refrigerants or items containing chlorofluorocarbons (CFCs) or their substitutes (defined in Section 937.01.)
- ~~15.~~ 14. Ashes of any kind
- ~~16.~~ 15. Offal or animal wastes, byproducts or hide trimmings
- ~~17.~~ 16. Nonresidential waste
- ~~18.~~ 17. Shredder fluff from shredding automobiles, light duty trucks, motor vehicle engines, household appliances, white goods, (defined in Section 937.01) and other miscellaneous metal parts
- ~~19.~~ 18. Condemned products (defined in Section 937.01)
- ~~20.~~ 19. And other items as may be determined by the Sanitation Superintendent.

(2) Yard waste.

- A. Yard waste will be collected at the curb line, on a seasonal basis as determined by the Superintendent, only in an approved container at no additional cost.
- B. Yard waste must be:
 - 1. Tied in bundles not exceeding four (4) feet in length and two (2) feet in diameter or fifty (50) pounds; or
 - 2. Placed in acceptable bio-degradable paper bags weighing no more than fifty (50) pounds each when loaded with waste.
 - 3. Co-mingling of yard waste within the same container as acceptable waste is prohibited.
- (3) Any exclusion or exception to any part of this chapter shall be approved by the Superintendent or his designated representative.
(Ord. 9-21. Passed 3-22-21.)

937.15 BULK PICK-UP RATES AND REGULATIONS.

(a) Bulk Pick-Up. Any resident or business within Lancaster City limits may call the Sanitation Department to make an appointment for bulk pick-up of items not picked up with normal waste for an additional fee.

- (1) Minimum twenty-five dollars (\$25.00) charge per bulk pick-up, with minimum of one (1) cubic yard.
- (2) Each additional yard will have a fee of ~~eighteen~~ **nineteen** dollars and ~~seventy~~ **twenty-five** cents (~~\$18.75~~ **19.25**) per cubic yard.
(Ord. 9-21. Passed 3-22-21.)

937.16 CHARGES A LIEN.

Each charge or rental levied by or pursuant to this chapter is made a lien upon the corresponding lot, land or premises served by the Sanitation Department of the City, and if the same is not paid within thirty (30) days after it shall become due and payable, it shall be certified to the County Auditor who shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and shall be collected.
(Ord. 9-21. Passed -3-22-21.)

937.17 APPEAL.

Any customer shall have the right to appeal surcharges or penalties assessed, pursuant to this chapter, to their city utilities monthly billing statement using the appeals process set forth in the City of Lancaster Utilities Collection Office's "General Rules and Regulations" which is available on-line at their City's website and/or at the Utilities Collection Office during normal business hours.
(Ord. 9-21. Passed 3-22-21.)

937.18 RULES AND REGULATIONS.

The Sanitation Department Superintendent, with the approval of the Service-Safety Director, shall have authority to make such other rules and regulations, not inconsistent herewith, pertaining to the handling, collection and disposal of refuse, waste, recyclables, and yard waste, as well as the administration thereof, as he/she deems necessary, proper or convenient to facilitate their collection and disposal.
(Ord. 9-21. Passed 3-22-21.)

937.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). Each day's violation shall constitute a separate offense.
(Ord. 9-21. Passed 3-22-21.)