

CHAPTER 719 – RUBBISH HAULERS

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SECTION 719.01 PURPOSE AND POLICY

The purpose of this Chapter is to protect the public, health, safety, and welfare by regulating the accumulation, storage, transportation, and disposal of refuse and recyclable materials to prevent conditions that may create fire, health, or safety hazards, harbor undesirable pests, or impair the aesthetic appearance of the neighborhood. The City Council shall use every means at its disposal, including its police powers, for the enforcement of this Chapter.

SECTION 719.02 DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section:

- (a) “City” means the City of North Canton.
- (b) “Collector” means the person or entity providing collection services.
- (c) “Commercial Customers” means any premises utilizing collection service where a commercial, industrial or institutional enterprise is carried on, including, without limitations,

retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches, and public facilities.

(d) “Curbside” means at or near the perimeter of the premises, whether or not there is a curb, but does not mean or permit placement on the sidewalk or in the street. If the curb and any sidewalk are of unitary construction, the term means behind the sidewalk.

(e) “Curbside Collection” means the collection of solid waste or recyclables placed at the curbside location or within the dumpster site.

(f) “Hazardous Waste” means solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or,
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

(g) “Household Recycling Container” means any bag, bin-type containers, carts, or bulk-volume dumpsters, and plastic receptacles used for storing and setting out recyclable materials.

(h) “Recyclable Materials” means materials which have been separated from solid waste and can be recovered as useful materials and are properly prepared for the purpose of recycling, provided that such materials have been designated by the Director of Administration as recyclable.

(i) “Recycling” means the process of recovering useful materials from solid waste, including items for reuse.

(j) “Refuse” means solid waste.

(k) “Residential Customers” means residential properties for which there is a curbside collection system for the collection of solid waste.

(l) “Service” means collecting, transporting or disposing of solid waste or recyclable materials.

(m) “Solid Waste” means all putrescible and nonputrescible waste, excluding discarded or abandoned vehicles or parts thereof, sewage, sludge, septic tank, and cesspool pumpings or other sludge, paint, household chemicals, hazardous wastes, demolition and construction debris, and recyclable materials which have been source separated for collection.

(n) “Solid Waste Collector” mean the person or entity who provides solid waste and recyclable materials collection service on a regular, recurring schedule.

(o) “Source Separation” means to separate recyclable materials from solid waste at the waste source.

(p) “Storage Area” means the interior of a garage, shed, commercial building, or a location to the rear of a residential or commercial building that is shielded from the view of adjoining property owners by natural buffering, or a constructed enclosure.

SECTION 719.03 LICENSE REQUIREMENT

(a) License Required. No person shall operate as a solid waste collector within the corporate limits of the City without first obtaining a collection license for such activity.

(b) Exceptions. The following persons or entities are not required to obtain a solid waste collection license:

- (1) A civic, community, benevolent, or charitable nonprofit organization that collects, transports, and markets recyclable materials solely for the purpose of raising funds for a charitable, civic, or benevolent activity.
- (2) A person who transports solid waste or recyclable materials produced by himself/herself.
- (3) A property owner or agent thereof who transports solid waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide solid waste collection service for compensation for tenants on a regular or continuing basis.
- (4) A demolition or construction contractor or landscaper who produces and transports solid waste in the course of such occupation, where the solid waste is merely incidental to the particular demolition or construction work being performed by such person.

SECTION 719.04 APPLICATION FOR LICENSE

Any person, firm, or corporation desiring to obtain a license to engage in the business of solid waste collection shall make written application to the Superintendent of Permits and Inspection on forms provided by the City. The application shall include, without limitation, the following information:

- (a) The name, address, phone, and email of the applicant.
- (b) Name, address, phone, and email of business (if different).
- (c) A list of vehicles owned and/or operated by the applicant directly in the collection of solid waste and/or recyclables within the City, including vehicle make, year, cubic yard capacity, Ohio license plate number, and empty tare weight.
- (d) A list of commercial customers for whom the applicant has provided, or is currently providing solid waste, or recyclable materials collection services.

SECTION 719.05 LICENSE REQUIREMENTS; FEES AND INSURANCE

Upon approval of a license application, but prior to issuance, the collector shall furnish to the Superintendent of Permits and Inspection the following:

- (a) A license fee in the sum of one hundred fifty dollars (\$150.00) for each vehicle to be used in the business for the purpose of the collection of solid waste or recyclable materials.
- (b) Proof that the collector has obtained a general comprehensive liability/vehicle insurance policy protecting the collector from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with this license and providing limits of coverage of not less than five hundred thousand (\$500,000) dollars for bodily injury and property damage per occurrence or in the aggregate.
- (c) A bond in the amount of ten thousand (\$10,000) dollars payable to the City of North Canton and conditioned upon full performance of the provisions of this Chapter, and further conditioned that the licensee will hold the City of North Canton harmless of all claims, by reason of any refuse being thrown or deposited on the streets, or any place within the City by the licensee, his agents or employees.

SECTION 719.06 TERM OF LICENSE

All licenses issued pursuant to this Chapter shall run from the date of the issuance until the 31st of December of the year in which such license is issued. All licenses shall expire on December 31 of each year. Licenses are not transferable.

SECTION 719.07 EQUIPMENT

(a) Each vehicle in the solid waste or recyclable materials collection business shall bear the name and phone number of licensed collector providing said service.

(b) All commercial solid waste containers shall bear the name and phone number of the contracted collector.

(c) The Director of Administration shall reserve the option to cause periodic inspection of all licensed collectors' equipment, including vehicles and refuse containers, utilized within the City, to insure their safe, sanitary, and aesthetic condition. It shall be the responsibility of collectors to maintain their equipment in a safe, sanitary, and slightly condition.

SECTION 719.08 HOURS OF OPERATIONS

No collector shall operate any vehicle for the purpose of collection of solid waste or recyclable materials between the hours of 7:00 p.m. and 6:00 a.m.

SECTION 719.09 COLLECTION AND DISPOSAL OF SOLID WASTE

(a) The occupant and the owner of any premises wherein any refuse is produced or accumulated shall be jointly and severally responsible to provide for collection service and removal of refuse to the degree of service necessary to maintain the premises in a clean and orderly condition. They shall not contract or arrange for such collection and removal except with solid waste collectors licensed by the City. An individual may dispose of his or her own refuse, provided that it is disposed of at any disposal site which is approved by the State, in conformity with all City and County regulations.

(b) All moveable refuse containers and recyclable materials shall be kept in the storage area except on collection day, or within twenty-four (24) hours preceding the time of regularly scheduled collection from the premises, when they may be placed at the curb or upon the edge of the alley. Following collection, they shall be returned to the storage area the same day. Refuse containers and recyclable materials shall not, at any time, be placed on the sidewalk or in the street, or in a manner as to impair or obstruct pedestrian, bicycle or vehicle traffic.

(c) If plastic bags are used as refuse containers, they must be securely tied and sealed to prevent emission of odors, be of a material impenetrable by liquids and grease, and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling.

(d) Participants in the Curbside Leaf Recycling Program will not be subject to the twenty-four (24) hours preceding the time of regularly scheduled collection from the premises clause, pursuant to Section 719.09(b).

SECTION 719.10 TAMPERING WITH REFUSE CONTAINER PROHIBITED

(a) No person other than the owner, or the agents or employees of such owner, or a person holding a license from the City for the collection and disposal of refuse, or law enforcement personnel, shall tamper with any refuse container, or its contents, or remove the contents of any refuse container, or remove a refuse container from the location where the same has been placed by the owner.

(b) No owner of any dog, cat or other pet shall permit, whether by act or omission, that pet to damage or open any refuse container or scatter the contents.

SECTION 719.11 HAZARDOUS WASTE DISPOSAL

No person shall place hazardous waste in solid waste containers for collection, or bury or otherwise dispose of hazardous waste in or on private or public property within the City. Residents may contact the County Solid Waste District for recommendations on disposal of hazardous waste. Highly flammable or explosive materials shall be stored and disposed of in accordance with the North Canton Fire Department regulations at the expense of the owner or possessor of such materials. Except in response to an emergency and under order and direction of the North Canton Fire Department, in no event shall toxic or flammable liquids, or any waste liquid containing crude petroleum or its products, be disposed of by discharge into or upon any gutter, street, alley, highway, or storm water facility, lake, or other watercourse, or upon the ground.

SECTION 719.12 REFUSE CONTAINMENT IN TRANSIT

No person shall collect, transport or receive any solid waste within the City except in leak proof containers or vehicles so constructed that no refuse can leak or sift through, fall out or be blown from such containers or vehicle. Any person collecting or transporting any refuse shall immediately pick up all refuse which drops, spills, leaks or is blown from the collecting or transporting container or vehicle and shall otherwise clean the place onto which any such refuse was so dropped, spilled, leaked or blown.

SECTION 719.13 PROPERTY OWNERS HAVE ULTIMATE RESPONSIBILITY FOR VIOLATIONS

Each property owner remains liable for violations of responsibilities imposed upon an owner by this Chapter, even though an obligation is also imposed on the occupant of the premises, and even though the owner has, by agreement, imposed on the occupant, the duty of maintaining the premises or furnishing required refuse containers and collection.

SECTION 719.14 IMPLEMENTATION

The Director of Administration may adopt such other rules and regulations concerning the collection, removal, and hauling of refuse, recyclables, and yard waste as may be necessary to implement the provisions of this Chapter and not in conflict with such provisions.

SECTION 719.15 AUTHORIZED COLLECTION OF GARBAGE

(a) No person or persons other than duly authorized employees of the City or its duly authorized agents, or agents by franchise agreement with the City, shall collect, remove, appropriate, convey, or transport any garbage within the corporate limits of the City.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 18-2021 eff. 05/13/2021)

SECTION 719.16 STORING GARBAGE IN PROPER CONTAINER; 2-HOUR LIMIT

(a) No occupant or owner of any premises shall permit the accumulation or storage of garbage on any premises, improved or vacant, within the Municipal corporation, for more than two hours, except garbage contained in duly authorized containers approved by the City Administrator, required for residential and commercial use by the City.

(b) No occupant or owner of any premises who is engaged in the business of collecting garbage or rubbish, or both, shall permit the accumulation on or storage of garbage on any premises, improved or vacant, or upon or in any motor vehicle used for collection of garbage and rubbish, within the Municipal corporation for more than two hours.

(c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense, such person is guilty of a misdemeanor of the fourth degree.

(Ord. 18-2021 eff. 05/13/2021)

SECTION 719.99 VIOLATIONS AND PENALTIES

Violation of any provision of this Chapter constitutes a minor misdemeanor unless otherwise specifically stated. In addition, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.