

CODIFIED ORDINANCES OF MARTINS FERRY

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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TITLE ONE - Street and Sidewalk Areas

Chap. 905. Street Excavations.

Chap. 909. Sidewalks, Driveways and Curbs.

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TITLE ONE - Street and Sidewalk Areas

- Chap. 905. Street Excavations.  
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CHAPTER 905  
 Street Excavations

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| <p>905.01 Permit required.<br/>         905.02 Application; insurance; fee; deposit.</p> | <p>905.03 Backfill; surface.<br/>         905.99 Penalty.</p> |
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CROSS REFERENCES

- Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01  
 Openings by municipality - see Ohio R.C. 723.02  
 Excavation liability - see Ohio R.C. 723.49 et seq.  
 Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10  
 Barricades and warning lights - see GEN. OFF. 521.03  
 Curb cutting - see S.U. & P.S. 909.03  
 Service excavations - see S.U. & P.S. 925.02  
 Widening streets - see P. & Z. 1165.11
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**905.01 PERMIT REQUIRED .**

No person shall dig, trench, excavate, grade, tunnel or do any work in or over or under any public street within the City without first obtaining a permit from the Director of Public Service. (Ord. 4871. Passed 11-6-58.)

**905.02 APPLICATION; INSURANCE; FEE; DEPOSIT.**

No permit shall be issued by the Director of Public Service for doing any of the work referred to in this chapter unless the applicant has complied with the following requirements:

- (a) Application. An appropriate application must be filed with the Director of Public Service for permission to do the work referred to in Section 905.01 which, in addition to such other information as the Director may request, shall contain:
- (1) The area where the work is to be done;
  - (2) The name and address of the owner;
  - (3) The name of the person who will be doing the work.
- (b) Insurance Policy. A public liability insurance policy must be deposited with the City insuring the City as well as the person doing the work against any loss or damage to persons or property resulting from the work being done, the policy having limits of liability in the amount of five thousand dollars (\$5,000) for injury to one person; ten thousand dollars (\$10,000) for injury to more than one person and five thousand dollars (\$5,000) for property damage in any one accident and be in a form acceptable to the Solicitor. The insurance policy shall be in force while the work is being done and for a period of six months thereafter.
- (c) Permit Fee. A permit fee of ten dollars (\$10.00) shall be paid for each one of the various work projects for which a permit from the Director of Public Service is being requested.
- (d) Deposits. The following deposits shall be made in connection with the various types of work for which a permit application is filed:
- (1) One hundred dollars (\$100.00) with each application for permission to excavate in any dedicated but unpaved street in the City;
  - (2) Two hundred dollars (\$200.00) with each application for permission to excavate any dedicated and paved street if the excavation is to be made in the paved portion thereof.
- These deposits shall be held and used by the City to cover the cost of maintaining, reconditioning and repaving that portion of the dedicated street which may have been disturbed when the excavation was made, or to reimburse the City for any other expenditure in connection with the excavation. Any unused part of the deposit shall be returned within six months.  
(Ord. 4871. Passed 11-6-58.)

#### 905.03 BACKFILL; SURFACE.

An excavation shall be replaced in six inch layers and heavily rammed by a tamper not to exceed six inches square. If the excavation is dry it shall be made wet while being tamped. This process shall be continued until the excavation is full to street level. The top or cap of the excavation shall be made and constructed of the same material and to the same thickness as exists in the roadway.  
(Ord. 4871. Passed 11-6-58.)

#### 905.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than two hundred dollars (\$200.00), and each day's violation shall be considered a separate offense.  
(Ord. 4871. Passed 11-6-58.)

**CHAPTER 909**  
Sidewalks, Driveways and Curbs

- |        |   |        |                                   |
|--------|---|--------|-----------------------------------|
| 909.01 | Construction or repair; permit and fee. | 909.04 | Street paving to include curbing. |
| 909.02 | Specifications and inspections.         | 909.99 | Penalty.                          |
| 909.03 | Curb cutting; permit and fee.           |        |                                   |

**CROSS REFERENCES**

- Construction or repair of sidewalks and gutters - see Ohio R.C. 729.01
- Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
- Use and maintenance of sidewalks - see GEN. OFF. 521.04
- Access roadways; curbs - see P. & Z. 1169.02

**909.01 CONSTRUCTION OR REPAIR; PERMIT AND FEE.**

No person shall construct or repair any sidewalk, driveway or curb without first obtaining a permit from the Director of Public Service. The fee for the permit shall be one dollar (\$1.00).  
(Ord. 4871. Passed 11-6-58.)

**909.02 SPECIFICATIONS AND INSPECTIONS.**

Sidewalks and curbs shall be repaired or constructed to conform to the sidewalks or curbs which they adjoin, unless such adjoining sidewalks or curbs are not in conformity with the specifications of the Director of Public Service, in which event so much of the sidewalk or curb which is to be constructed or repaired shall be made to conform with the specifications of the Director. The construction or repair of sidewalks, driveways or curbs is subject to the inspection and approval of the Director.  
(Ord. 4871. Passed 11-6-58.)

**909.03 CURB CUTTING; PERMIT AND FEE .**

No person shall cut any curb for the purpose of constructing a driveway entrance without first obtaining a permit from the Director of Public Service. The curb shall be removed and the driveway constructed in accordance with the specifications of the Director and all work shall be subject to the inspection and approval of the Director. The person applying for the permit shall pay a fee of one dollar (\$1.00) per lineal foot of curb removed.  
(Ord. 4871. Passed 11-6-58.)

**909.04 STREET PAVING TO INCLUDE CURBING.**

All new street paving done in the City, whether done upon petition of abutting property owners or upon initiative of the City, shall include curbing as specified by the engineers employed by the City.  
(Ord. 5977. Passed 2-4-71.)

**909.99 PENALTY.**

Whoever violates or fails to comply with any requirement of this chapter shall be fined not more than fifty dollars (\$50.00). Each day's violation shall constitute a separate offense. (Ord. 4871. Passed 11-6-58.)

**CHAPTER 913**  
**Culverts and Drains**

913.01	Permit required.	913.03	Supervision; removal.
913.02	Application and fee.	913.99	Penalty.

**CROSS REFERENCES**

Drainage to culverts - see Ohio R.C. 5577.12  
Barricades and warning lights - see GEN. OFF. 521.03

**913.01 PERMIT REQUIRED .**

No person shall construct any culvert or drain over any natural or artificial watercourse or drain within the City, without first having secured a permit from the Director of Public Service. (1941 Code, Sec. 17-30.)

**913.02 APPLICATION AND FEE.**

In order to procure a permit to construct a culvert or drain, an application shall be filed with the Director of Public Service, accompanied by a plan and specification showing the proposed mode of construction, together with a description of the property upon which the culvert is to be constructed.

The fee for the permit shall be one dollar (\$1.00).  
(1941 Code, Sec. 17-31, 17-33.)

**913.03 SUPERVISION; REMOVAL.**

The Director of Public Service shall supervise the work and insure that it is done in accordance with the approved plan and specifications. Any culvert or drain constructed contrary to the provisions of this chapter shall be removed at the owner's or builder's expense. (1941 Code, Sec. 17-32, 17-35.)

**913.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 4871. Passed 11-6-58.)





CHAPTER 917  
Street Improvements

917.01 Approval required.

CROSS REFERENCES

Assessments - see Ohio R.C. 701.05, Ch. 727

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01,  
723.01

Dedication and acceptance - see Ohio R.C. 723.03

Surface treatment - see Ohio R.C. 723.23, 723.31

Compulsory service connections - see Ohio R.C. 729.06 (sewer and water),  
743.37 (gas)

Changing established grade - see Ohio R.C. 727.07

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917.01 APPROVAL REQUIRED

(a) No improvements may be made to any street or alley by abutting property owners in the City unless Council first approves the plans, specifications and profiles of the proposed improvement.

(b) The plans, specifications and profiles submitted to Council must bear the certification of a civil engineer who is registered in the State, or some other person or entity satisfactory to Council, that the proposed improvement is planned and will be done in accordance with the specifications then currently required by the Ohio Department of Transportation.

(c) Council's approval of the plans, specifications and profiles shall in no way be construed as an acceptance by the City of a permanent improvement.  
(Ord. 82-92. Passed 10-7-82.)



TITLE THREE - Utilities  
 Chap. 925. Sewers.  
 Chap. 933. Water.

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CHAPTER 925  
 Sewers

<p>925.01 Application and permit to construct or tap sewer.</p> <p>925.02 Excavating and tapping fees; deposit.</p> <p>925.03 Work must be done by authorized person.</p> <p>925.04 Additional connections prohibited.</p> <p>925.05 Specifications and inspections.</p>	<p>925.06 Permissible use of sewer.</p> <p>925.07 Rules and regulations; records; removal of unlawful connections.</p> <p>925.08 Connections outside City limits.</p> <p>925.09 Sewer connection mandatory.</p> <p>925.10 Prohibited connections.</p> <p>925.99 Penalty.</p>
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CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01  
 Compulsory sewer connections - see Ohio R.C. 729.06

Management and control of sewerage system - see Ohio R.C. 729.50  
 Regulations to control house sewers and connections - see Ohio R.C. 729.51

Untreated sewage - see Ohio R.C. 3701.59

Interference with sewage flow - see Ohio R.C. 4933.24

Street excavations - see S.U. & P.S. Ch. 905

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**925.01 APPLICATION AND PERMIT TO CONSTRUCT OR TAP SEWER.**

No house sewer shall be constructed to connect with a public sewer, nor shall any connection be made to a public sewer within the City, until a written permit from the Director of Public Service has been obtained by the person employed to perform the work. The application for a permit shall be signed by the owner, agent or lessee of the property for which the connection is to be made and by the person employed to perform the work and it must describe the property and state the fixtures to be connected.  
 (1941 Code, Sec. 17-10.)

**925.02 EXCAVATING AND TAPPING FEES; DEPOSIT.**

The applicant for the permit required by Section 925.01 shall pay to the Director of Public Service a street excavation fee plus a deposit as provided in Section 905.02 and also a tapping fee of one dollar (\$1.00).  
(Ord. 4871. Passed 11-6-58.)

**925.03 WORK MUST BE DONE BY AUTHORIZED PERSON.**

No house sewer shall be constructed nor connection made to a public sewer by any person who has not been authorized to perform such work.  
(1941 Code, Sec. 17-13.)

**925.04 ADDITIONAL CONNECTIONS PROHIBITED .**

No person, making sewer connections as authorized in this chapter, shall permit any other person to connect any additional sewer pipes to the property of the person granted permission by the Director of Public Service.  
(1941 Code, Sec. 17-14.)

**925.05 SPECIFICATIONS AND INSPECTIONS.**

A house sewer and connection to a public sewer shall be constructed in accordance with specifications of the Director of Public Service.

After the sewer is laid and before it is covered or used it shall be inspected and approved by the Director or his authorized agent.  
(1941 Code, Sec. 17-15.)

**925.06 PERMISSIBLE USE OF SEWER.**

A permit to construct a house sewer or to connect to a public sewer shall specify the permissible use of such house sewer and connection, and such specifications shall be governed by the following requirements:

- (a) Sewage, including wastes from water closets, urinals, lavatories, sinks, bathtubs, showers, laundries, cellar floor drains, garage floor drains, bars, soda fountains, refrigerator drips, drinking fountains and other objectionable wastes, shall be discharged into a sanitary or combined sewer and in no case into a storm water sewer.
- (b) Industrial waste shall not be discharged into a storm sewer but may be discharged into a sanitary sewer if the waste is of such a character as not to be detrimental to the sewer system or to the sewage treatment works. Where such waste is detrimental to the sewer system or sewage treatment works, it shall be otherwise disposed of in a manner satisfactory or so improved in character as not to be detrimental to the sewer system or sewage treatment works.
- (c) A connection from a cesspool or privy vault shall not be made into a sanitary, combined or storm water sewer.
- (d) A trap for the interception of grease and oil shall be provided on a connection from a hotel, restaurant, club or institutional kitchen and from a public garage or automobile washing station. Such trap shall be satisfactory to the Director of Public Service.
- (e) No person shall discharge into a house sewer or tap a house sewer for the purpose of discharging into it any waste or drainage water prohibited by the provisions of this section.
- (f) Any existing connection in violation of the provisions of this section shall be abandoned and removed.

(1941 Code, Sec. 17-16.)

**925.07 RULES AND REGULATIONS; RECORDS; REMOVAL OF UNLAWFUL CONNECTIONS.**

The Director of Public Service shall adopt and enforce specifications and regulations in accordance with the provisions of this chapter for the purpose of providing control of the installation of sewer connections and the inspection thereof. He shall maintain accurate and complete records of all permits issued and of inspections made of the construction of house sewers and connections to the public sewers. He shall also require the abandonment and removal of connections to the public sewers which violate the provisions of this chapter. (1941 Code, Sec. 17-17.)

**925.08 CONNECTIONS OUTSIDE CITY LIMITS.**

Persons owning property outside the corporate limits of the City may connect sanitary sewers to sanitary sewers within the limits of the City, by proceeding in the manner set forth in this chapter and complying with the rules and regulations of the Director of Public Service. (1941 Code, Sec. 17-18.)

**925.09 SEWER CONNECTION MANDATORY.**

Each owner or occupant of a building on a private lot or land abutting a sanitary sewer shall make, maintain and use a connection with the public sanitary sewer, or shall make a connection to a sanitary sewer as soon as such sewer is made accessible. If a sanitary sewer is accessible, or as soon as such sewer is made accessible, any privy vault, cesspool or other receptacle for sewage or excreta within a distance of 500 feet shall be thoroughly cleaned, disinfected, filled with suitable filling material and abandoned. (Ord. 4871. Passed 11-6-58.)

**925.10 PROHIBITED CONNECTIONS.**

(a) No person shall connect any downspout of any building, any subsoil drain or the waste drain of any hydrant or water plug, either directly or indirectly, to any sanitary sewer, or permit any storm water to be in any manner discharged into such sewer.

(b) No person shall connect any open gutter, cesspool or privy vault with any Municipal sanitary sewer or with any private sewer which is or shall be connected to such Municipal sanitary sewer. (Ord. 6490. Passed 4-18-74.)

**925.99 PENALTY.**

(a) Whoever violates any provision of this chapter for which no other penalty is provided shall be fined not more than fifty dollars (\$50.00). (Ord. 4871. Passed 11-6-58.)

(b) Whoever violates any provision of Section 925.10 or fails to comply with any requirement thereof or who assists in such violation or noncompliance shall be fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense. (Ord. 6490. Passed 4-18-74.)

**CHAPTER 933**  
**Water**

- |        |                                    |        |                      |
|--------|------------------------------------|--------|----------------------|
| 933.01 | Minimum rate.                      | 933.04 | Water emergency.     |
| 933.02 | Standard rates.                    | 933.05 | Backflow prevention. |
| 933.03 | Discontinuance of utility service. |        |                      |

**CROSS REFERENCES**

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
- Water pollution - see Ohio R.C. 715.08, 743.24 et seq.
- Right of eminent domain - see Ohio R.C. 719.01 et seq., 743.39 et seq.
- Compulsory water connections - see Ohio R.C. 729.06, 743.23
- Management and control of waterworks - see Ohio R.C. 743.02 et seq.
- Waterworks mortgage revenue bonds - see Ohio R.C. 743.06
- Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22
- Water Department - see ADM. 135.01
- Billing - see ADM. 135.05

**933.01 MINIMUM RATE.**

There is hereby established a minimum rate of two dollars (\$2.00) per month for water for quarterly and monthly water meter customers. This rate shall take effect March 1, 1971. (Ord. 5984. Passed 2-18-71.)

**933.02 STANDARD RATES.**

The rate for water service to unmetered households in the City shall be four dollars (\$4.00) per month. This rate shall take effect February 1, 1976. (Ord. 6772. Passed 1-8-76.)

(EDITOR'S NOTE: Except as provided above, water rates are established by the Director of Public Service pursuant to the authority granted by Ohio R.C. 743.04.)

**933.03 DISCONTINUANCE OF UTILITY SERVICE.**

(a) The policy for the City concerning the discontinuance of water and/or sanitation utility service for all applicable customers of such services, as recently developed and promulgated by the Director of Public Service, is hereby formally adopted by Council and made applicable thereby to all customers of the City water and/or sanitation services.

(b) A copy of such policy and any properly adopted amendments thereto shall be kept by the Council Clerk in a file bearing the same number as Ordinance 86-18, and shall be open for public inspection, on request, at all reasonable times.  
(Ord. 86-18. Passed 5-1-86.)

**933.04 WATER EMERGENCY.**

(a) The Director of Public Service is hereby granted the authority to declare a water shortage emergency, and to place restrictions on the use and consumption of water as the Director of Public Service may deem appropriate. Further, in addition to the authority herein granted applying within the corporate limits of the City, it shall also apply to:

- (1) The City's Water Extension System, which includes Colerain, Sunset Heights, Ferryview and Crawford Heights, and
- (2) All areas outside the Extension Area for wholesale bulk sales.

(b) The determination of whether a water shortage emergency shall be declared is one reserved to the sole and sound discretion of the Director of Public Service.

(c) In order to be enforceable hereunder, all water shortage emergency declarations shall be in writing. Further, they shall be posted conspicuously at the City Building and they shall be published at least one time in a newspaper of general circulation in the area affected prior to any of the below listed penalties being imposed.

(d) Any person, firm or corporation who uses or consumes water during the period of a water shortage emergency, in violation of the written order of the Director of Public Service, shall be penalized as follows:

First Offense: A verbal or written warning shall be issued, and their account "red tagged" as a violator;

Second Offense: Water service shall be terminated for forty-eight hours, and a one hundred dollar (\$100.00) turn-on fee assessed; and

Third Offense: Waterline shall be disconnected at the main and the regular and standard fee shall be charged to reconnect same after the emergency situation is over.

(Ord. 89-07. Passed 3-2-89.)

**933.05 BACKFLOW PREVENTION.**

(a) If, in the judgement of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Superintendent of Water and shall have inspections and tests made of such approved devices as required by the Superintendent of Water.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of Martins Ferry may enter the supply or distributing system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and by the Ohio Environmental Protection Agency.

(c) It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent of Water shall deem necessary.

(d) The Superintendent of Water or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of Martins Ferry for the purpose of inspecting the piping system thereof. On demand the owner, lessee or occupants of any property so served shall furnish to the Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when requested shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this section.

(Ord. 95-34. Passed 8-17-95.)



**CHAPTER 935**  
**Solid Waste Collection**

935.01	Definitions.	935.08	City's duty to collect garbage.
935.02	Placing garbage and solid waste for collection; prohibited items.	935.09	Garbage to be drained and wrapped.
935.03	Points of collection for solid waste; time limit for solid waste containers on tree lawns.	935.10	Ownership of refuse.
935.04	Container requirements.	935.11	Landlord's responsibility.
935.05	Rubbish container and disposition.	935.12	Disposal except at landfill area.
935.06	Compliance.	935.13	Rules and regulations.
935.07	Unlawful to keep longer than between collections.	935.14	Rates for collection.
		935.15	Required markings for dumpsters.
		935.99	Penalty.

**CROSS REFERENCES**

Collection and disposal of garbage - 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.  
 Sanitation Department - see ADM. 135.01  
 Billing - see ADM. 135.05  
 Vehicle loads dropping, leaking - see TRAF. 339.08  
 Littering - see GEN. OFF. 521.08  
 Rubbish fires - see FIRE PREV. 1515.01

**935.01 DEFINITIONS.**

For purposes of this chapter the following definitions shall apply:

- (a) "Garbage" means all putrescible waste except sewage and body waste, including vegetable and animal offal and carcasses of small dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residents.
- (b) "Rubbish" means ashes, bottles, broken glass, crockery, tin cans, cast iron, printed matter, paper, boots, shoes, hats and other clothing. It does not, however, include any material in the nature of earth, sand, brick, stone, plaster, ashes or other substances that may accumulate as a result of building operations.
- (c) "City" means the City of Martins Ferry, Ohio.
- (d) "Director" means the Director of Public Service of the City.
- (e) "Householder" means the head of a family or one maintaining his separate living rooms or quarters on the premises and includes owners, tenants and occupants of all premises upon which garbage or rubbish, or both, is created.
- (f) "Premises" means land or buildings, or both, or parts of either or both, occupied by one householder or commercial establishment.

- (g) "Commercial establishment" means and includes all other premises and institutions, public or private, charitable or non-charitable, upon which garbage or rubbish, or both, is created.
- (h) "Garbage collector" means the City, and each and all of its duly authorized agents and/or employees connected with the collection and disposal of garbage or rubbish, or both.
- (i) "Collecting agent" means each and all employees of the City charged with the duty of collecting or receiving fees, or both, for collecting and disposing of garbage or rubbish by the City.
- (j) The term "person" as used herein shall mean every natural person or association of persons, a partnership or corporation. Words in the singular shall include the plural, words in the present tense shall include the future tense and vice versa; words in the masculine gender shall include the feminine gender and vice versa.
- (k) "Hazardous waste" means those substances which, singularly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which singularly or in combination, require special handling, processing, or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.
- (l) "Asbestos" means the asbestiform varieties of serpentinite (chrysolite), riebeckite (crocidolite), cummingtonitegrunerite, anthophyllite, and actinolite tremolite.
- (m) "Asbestos-containing waste materials" means those wastes identified in Chapter 3745-20-01(B)(4) of the Ohio Administrative Code (OAC).
- (n) "Infectious waste" means those wastes identified in Chapter 3745-27-01 (V) of the Ohio Administrative Code (OAC).  
(Ord. 2000-24. Passed 3-13-00.)

#### 935.02 PLACING GARBAGE AND SOLID WASTE FOR COLLECTION; PROHIBITED ITEMS.

All items of solid waste shall be placed in standard garbage and solid waste containers as provided herein. However, brush and branch clippings may be tied securely in bundles, not exceeding four bundles, and each bundle not exceeding four feet in length, and placed at the usual place of collection. Bundles in excess of the above four will be an additional charge, as established by the Service Director.  
(Ord. 2000-24. Passed 3-13-00.)

#### 935.03 POINTS OF COLLECTION FOR SOLID WASTE; TIME LIMIT FOR SOLID WASTE CONTAINERS ON TREE LAWNS.

- (a) Solid waste containers shall be placed at the normal pickup location, as approved by the Director of Public Service.
- (b) No solid waste container is permitted to remain on the tree lawn of the public street for a period longer than twenty-four hours prior to or after the pickup and removal of the refuse contained therein.  
(Ord. 2000-24. Passed 3-13-00.)

**935.04 CONTAINER REQUIREMENTS.**

It shall be the duty of each householder or commercial establishment in or upon premises within the City where garbage is created or allowed, to procure and keep available for the exclusive use of such premises or the part thereof occupied by the householder or commercial establishment, not more than three plastic or metal garbage containers of not less than ten gallons or more than thirty-five gallons capacity, and airtight to hold all garbage created or accumulated thereon between scheduled garbage collections, and pending its removal by the garbage collector. Such containers shall also be watertight, have a close-fitting lid and be provided with a bail or two handles on opposite sides of the same. They shall be placed on the ground level of the premises and easily accessible to and for the garbage collector but not within the limits of a street or other public place. All garbage created or accumulated upon the householder's premises or commercial establishment shall be placed in such containers by the householder.  
(Ord. 2008-05. Passed 3-6-08.)

**935.05 RUBBISH CONTAINER AND DISPOSITION.**

It shall be the duty of each householder or commercial establishment occupying any premises to provide and maintain a substantial container for the reception of rubbish. At least once every seven days and oftener when and if required, the contents of the receptacle shall be hauled to the sanitary landfill by the garbage collector. No rubbish shall be placed nor conveyed in a garbage container. All rubbish containers shall be kept on the householder's premises as far from the street and public way as possible and as great a distance from neighboring premises as is practicable and convenient. Each rubbish container shall be so constructed as to prevent its contents from being scattered by the wind, easily susceptible to catching fire or to dropping its contents when moved.  
(Ord. 2000-24. Passed 3-13-00.)

**935.06 COMPLIANCE.**

No householder shall keep, place or deposit garbage on any grounds or premises whatsoever except in the manner designated herein; and it shall be unlawful for any householder to keep, place or deposit rubbish on any grounds or premises whatsoever except in the manner provided for herein.

No householder or other person in the City shall throw or deposit any garbage, rubbish or waste matter, or cause the same to be thrown or deposited upon any street, way, lane or other public place, or upon any vacant lot, or where rats, mice, dogs, cats, birds, fowl or other living things can feed thereon. Each day's violation of the provisions of this section, or Section 935.07, may be treated as a separate and distinct offense of this chapter.  
(Ord. 2000-24. Passed 3-13-00.)

**935.07 UNLAWFUL TO KEEP LONGER THAN BETWEEN COLLECTIONS.**

No householder or person shall keep garbage or rubbish for a longer period of time upon his premises than that expiring between two consecutive collection dates when actual collections are made by the garbage collector.  
(Ord. 2000-24. Passed 3-13-00.)

**935.08 CITY'S DUTY TO COLLECT GARBAGE.**

It is the duty of the Director of Public Service to collect garbage from all premises within the City at least every week, and all rubbish from the same premises at least once every seven days.

(Ord. 2000-24. Passed 3-13-00.)

**935.09 GARBAGE TO BE DRAINED AND WRAPPED.**

No person shall place any garbage in a garbage container unless the same has been drained free of water and secured, excepting in such business places as have collection of the same made daily.

(Ord. 2000-24. Passed 3-13-00.)

**935.10 OWNERSHIP OF REFUSE.**

All junk and other material on the disposal site are the property of the City, and no person is allowed to separate and collect, carry off or dispose of same except under the direction of the Director of Public Service.

(Ord. 2000-24. Passed 3-13-00.)

**935.11 LANDLORD'S RESPONSIBILITY.**

Landlords shall be primarily responsible for the payment of bills sent to their tenants.

(Ord. 2000-24. Passed 3-13-00.)

**935.12 DISPOSAL EXCEPT AT LANDFILL AREA.**

No person shall dispose of, bury, burn or dump within the limits of the City, or within 5,000 feet thereof, any garbage or rubbish created within or without the City. In the interest of public health and sanitation, all existing dumping places within the City are hereby declared as a nuisance and ordered closed. All garbage and rubbish shall be conveyed to the site of the approved landfill, as directed by the Director of Public Service.

(Ord. 2000-24. Passed 3-13-00.)

**935.13 RULES AND REGULATIONS.**

The Director of Public Service, for the purpose of collecting and disposing of garbage and rubbish, is hereby authorized and directed to make such rules and regulations, and prescribe such standards as are necessary or convenient, including the division of the City into collection districts. Further, the Director of Public Service shall set such rates and fees as are reasonable and necessary.

(Ord. 2000-24. Passed 3-13-00.)

**935.14 RATES FOR COLLECTION.**

The Director of Public Service shall charge, and every householder or person creating garbage or refuse, or both, shall pay, for a period of one (1) month in advance of the furnishing the service of collection, the monthly rate established by the Director of Public Service for collection of ordinary amounts of garbage, refuse and rubbish. The rate for collection of large items, including, but not limited to, stoves, refrigerators, dryers, hot water tanks, pianos, and furniture, shall be established by the Director of Public Service.

In cases where there are no established rates, the Director of Public Service is authorized to establish classifications of service and fix rates governing such classifications, which shall be non-discriminatory as to all others. When, as and if such classifications are made and rates established, they shall have the same force and effect as though they were a part of this chapter.

(Ord. 2000-24. Passed 3-13-00.)

**935.15 REQUIRED MARKINGS FOR DUMPSTERS.**

(a) All dumpsters located or used on City streets, or any portion thereof, shall be marked and equipped with 72 square inches (2 bands, 6x12 inches each) of reflective surface tape on all four (front and rear) top corners of the dumpster; and, further, street cones shall be positioned 3 feet from the corners of any dumpster which protrudes into any traffic lane(s).

(b) Each violation of this section is a minor misdemeanor, punishable in accordance with law. Each day any violation continues is a distinct and separate offense.

(Ord. 2010-17. Passed 8-18-10.)

**935.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this Chapter is guilty of a minor misdemeanor, and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 2000-24. Passed 3-13-00.)

