

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2014-55

By Margarette S. Hey Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

AMENDING BERA CODIFIED ORDINANCE SECTIONS 321.03, REQUIREMENTS, AND 321.99, PENALTIES, OF CHAPTER 321, GARBAGE AND RUBBISH, IN PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BERA, AND DECLARING AN EMERGENCY.

WHEREAS, the use and storage of garbage cans, trash containers and similar containers has heretofore been subject of conflicting and unclear regulations in the City of Berea; and

WHEREAS, the transition to automated trash and recycling pickup in the city has resulted in the need to coordinate and conform various sections of the Codified Ordinances of the City of Berea; and

WHEREAS, the exterior maintenance of all properties within the City of Berea will increase the property value of all properties in the City and increase the aesthetic appeal of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 321.03, Requirements, of Chapter 321, Garbage and Rubbish, of Part Three, Streets, Utilities and Public Service Code of the Codified Ordinances of the City of Berea, which has heretofore read as follows:

321.03 REQUIREMENTS.

The following are applicable to the residents of the City for the collection of refuse from residential properties and are subject to periodic change by rules or regulations relating to waste collection issued by the Director of Public Service and published in city publications and/or on the City website:

(a) All non-bulk waste shall be placed in the city-proscribed container on the treelawn at least not more than three feet from the road or street edge, by 7:00 a.m. on the designated collection day. All bulk waste may be placed on the treelawn on the bulk waste collection day. Where the collection is from an alley, placement shall be next to, but not in, the alley. Neither non-bulk waste nor bulk waste shall be placed out for collection any earlier than 4:30 p.m. on the day before the collection day.

(b) All non-bulk waste shall be placed in refuse containers proscribed by the City or the waste collection contractor hired by the City. All bulk waste shall be securely fastened in compact and contiguous bundles and be not more than forty pounds total weight per bundle. Bulk waste may also be placed in metal, rubber, plastic or other nonabsorbent cans or containers which shall be watertight and provided with a close fitting cover, and no fewer than two handles. Such containers shall be of a maximum capacity of thirty gallons and shall weigh no more than forty pounds when loaded.

(c) Garbage shall be completely drained. Garbage disposals shall be used whenever possible.

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(d) Bulk waste may only be placed on the treelawn for collection on a day designated for bulk waste collection. Bulk waste placed on the treelawn on any day not designated for bulk waste collection shall be immediately considered a threat to the health, safety and welfare of the community and declared a nuisance.

(e) All non-bulk waste shall be placed on the treelawn at least three feet from the road or street edge, by 7:00 a.m. of the designated collection day. All bulk waste may be placed on the treelawn. Where the collection is from an alley, placement shall be next to, but not in, the alley. Neither non-bulk waste nor bulk waste shall be placed out for collection any earlier than 4:30 p.m. the day before the collection day.

(f) Nails, staples and wire shall be removed from any wood or other waste whether bulk or not. All cardboard shall be recycled when possible.

(g) It is City policy to recycle yard waste as much as practical. "Yard waste" is defined as leaves, grass clippings, small sticks, plant product, trimmings, flowers, organics or clippings generated through ordinary non-commercial use of residential properties. Bulk Yard Waste, such as tree branches and shrubs shall be bundled and be no more than three feet in length, fifteen inches in diameter and forty pounds maximum weight. All thorns and spikes shall be removed. Tree branches, shrubs and yard waste shall be placed out for recycling between April 1st and October 31st. Yard waste shall be placed in brown paper yard waste bags or in standard garbage cans marked "Yard Waste". From November 1st through March 30th, bulk yard waste such as tree branches and shrubs shall be placed for bulk refuse collection. All placement of yard waste shall be on the proper day and time as established by the City or the City's Contractor.

(h) For bulk waste collection, carpeting shall be rolled and tied in lengths not to exceed six feet, and bundles not weighing more than forty pounds. For non-bulk waste collection, carpeting shall be placed into the refuse containers. All placement of bulk-waste shall be on the proper day and time as established by the City or the City's Contractor.

(i) Gutters and downspouts shall be recycled when possible. If recycling is not practical for gutters and downspouts, they shall be cut into lengths of six feet or less and bundled in no more than fifteen inches in diameter and no more than forty pounds maximum weight and placed for collection only on a bulk waste collection day.

(j) For bulk waste collection, tables, benches, lawn furniture, swings and the like shall be dismantled, tied in bundles not exceeding six feet in length, fifteen inches in diameter and fifty pounds maximum weight. All non-bulk waste collection, such as tables, benches, lawn furniture, swings and the like shall be dismantled and cut into pieces that will fit into the waste containers.

(k) Refrigerators and freezers shall have doors removed pursuant to Section 921.01. Refrigerators and freezers shall be placed for bulk refuse collection.

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(l) All collection of waste shall take place from the treelawn area and during the timeframe established by the City or the City's Contractor, unless the regular pickup is from an area adjacent to an alley in which case special instructions shall be issued by the City or the City's Contractor and followed by the resident.

(m) Refuse containers and recycling containers shall be removed from the treelawn within twenty-four hours after collection.

(n) Refuse containers shall be stored behind the front building line so they are not visible from the street.

(Ord. 2013-77. Passed 11-18-13.)

shall be and is hereby amended to read in its entirety as follows:

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(c) Garbage shall be completely drained. Garbage disposals shall be used whenever possible.

(d) Bulk waste may only be placed on the treelawn for collection on a day designated for bulk waste collection. Bulk waste placed on the treelawn on any day not designated for bulk waste collection shall be immediately considered a threat to the health, safety and welfare of the community and declared a nuisance.

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(m) Refuse containers and recycling containers shall be removed from the treelawn within twenty-four hours after collection.

(n) Refuse containers and other such receptacles, except on the day scheduled for municipal garbage and rubbish collection for such property, shall be kept behind the setback building line established by the Zoning Ordinance and Zoning Map of the City for such property and shall be stored in such a manner as to be substantially screened from view from the street.

SECTION 2. That section 321.99, Penalties, of Chapter 321, Garbage and Rubbish, of Part Three, Streets, Utilities and Public Service Code of the Codified Ordinances of the City of Berea, which has heretofore read as follows:

321.99 PENALTY.

Any person, firm, corporation or other entity which violates any provision of this chapter, or rule prepared and published pursuant to Section 321.12 for which no other penalty has been specifically provided is guilty of a fourth degree misdemeanor.

(Ord. 2013-77. Passed 11-18-13.)

shall be and is hereby amended to read in its entirety as follows:

321.99 PENALTY.

Any person, firm, corporation or other entity which violates any provision of this chapter, or rule prepared and published pursuant to Section 321.12 for which no other penalty has been specifically provided is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor upon any subsequent offense.

SECTION 3. That the remaining existing Sections of Chapter 321 which are not amended herein, shall be and remain in full force and effect as previously written and codified.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare and for the further reason that it is immediately necessary to allow the enforcement of this section by the Housing Officer as it provides for the usual daily operation of the Housing Department. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage an approval by the Mayor; otherwise, from and after the earliest period allowed by law.

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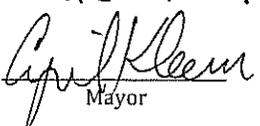
By Hey _____ Sponsored By Mayor Gleason _____

PASSED: June 9, 2014

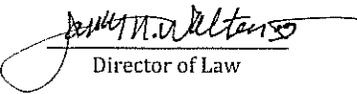


President of Council

ATTEST: Alfred Evans
Clerk of Council

APPROVED: June 10, 2014


Mayor

Approved as to Form:


Director of Law