

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) “Collector” means the person or entity providing collection services.
- (b) “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.

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

(d) “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.

(e) “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.

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

(g) “Refuse” means solid waste.

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

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

(j) “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.

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

(l) “Storage Area” means a location on the property that is not curbside and is set back at least 5 feet from any property line.

SECTION 719.03 REGISTRATION REQUIREMENT

(a) Registration 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 Collector 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 REGISTRATION

Any person, firm, or corporation desiring to register, as require by this chapter, to engage in the business of solid waste collection shall submit the following information to the Director of Permits:

- (1) A completed application for registration on a form prescribed by the Director of Permits;
- (2) A certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount \$1,000,000.00 for all other Collectors, and showing the City of North Canton as a Certificate Holder. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Director of Permits throughout the term of the registration. The Collector shall be liable for any damages, injuries, or other liability caused by his negligent operations or in the performance of his work and/or contract. The City and its officers or agents are saved harmless from any claims arising from the negligence of the Collector.
- (3) Proof of Income Tax filing with the Regional Income Tax Agency (R.I.T.A.);
- (4) A valid Workers Compensation Certificate issued by the Ohio Bureau of Workers Compensation or a completed Sole Proprietor Waiver on a form prescribed by the Director of Permits; and
- (5) A registration fee in the amount of one hundred fifty dollars (\$150.00).

(c) Upon submission of the items required above, the Director of Permits shall issue a registration certificate. The Director of Permits may deny an application for registration if the Collector fails to submit any of the items required above; the Collector has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications, or the Collector has at any time violated any provision of this Chapter.

SECTION 719.05 TERM AND RENEWAL

A registration certificate shall be effective from the date of issuance until December 31 of the same year. Registration certificates must be renewed each year.

SECTION 719.06 SUSPENSION AND REVOCATION

(a) The Director of Permits may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

- (1) The Collector fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the state.
- (2) The Collector is cited, fined, or otherwise disciplined by the Ohio EPA for violations of State law relating to solid waste management;

- (3) The Collector fails to maintain liability insurance coverage as required pursuant to Section 1310.02(b)(2); or
- (4) The Collector violates any provision of this Chapter.

(b) An order of the Director of Permits suspending or revoking a Collector's registration certificate shall be effective upon written notice served either personally to the Collector or through overnight delivery service to the address on file.

SECTION 719.07 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 719.08 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 Ohio EPA. 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 719.09 TAMPERING WITH REFUSE CONTAINER PROHIBITED

(a) No person other than the owner, the agents or employees of such owner, authorized collectors, 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, including placing refuse in containers owned by another individual.

(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 719.10 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 719.11 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 719.12 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 719.13 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 719.14 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 for residential customers within the corporate limits of the City.

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

SECTION 719.15 STORING REFUSE IN PROPER CONTAINER; 2-HOUR LIMIT

(a) No occupant or owner of any premises shall permit the accumulation or storage of refuse 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 solid waste, shall permit the accumulation on or storage of solid waste on any premises, improved or vacant, 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.

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.