

ORDINANCE NO. 31, 2023

**AMENDING THE ST. BERNARD CODIFIED ORDINANCES
CHAPTER 923, WASTE COLLECTION AND RECYCLING,
AND DECLARING AN EMERGENCY**

WHEREAS, residents have expressed concerns about waste, garbage, refuse, and debris, being placed near or at the curb for collection outside of the timeframes provided for in the current version of Chapter 923, often lingering for days until the next regularly scheduled collection date, being unsightly, unsanitary, and creating a nuisance; and

WHEREAS, the Village of St. Bernard would like to amend certain sections within Chapter 923, Waste Collection and Recycling, of the St. Bernard Codified Ordinances to strengthen its ability to respond to such violations in a timely and effective manner, particularly where there are repeated violations; and


WHEREAS, the Village of St. Bernard also wishes to bring the section of Chapter 923 relating to the collection of recyclable materials in line with the current list of items accepted for recyclable Items by the Village's vendor, Rumpke Recycling; now therefore

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD,
STATE OF OHIO:**

Section 1. That Chapter 923, Waste Collection and Recycling, of Title Five of the Public Service Code of the Codified Ordinances of the Village of St. Bernard, as set forth in the attached Exhibit "A" is hereby adopted.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the emergency is the immediate need to update the Codified Ordinance of the Village of St. Bernard and to be effective as soon as possible. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.

Passed this 12th day of October, 2023.

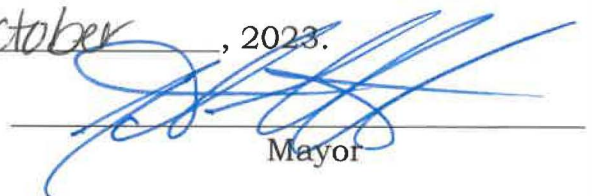

President of Council

ATTEST:


Clerk of Council



Approved this 12th day of October, 2023.


Mayor

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 32, 2023, was made by posting true copies of the same in the most public places designated by Council: City Hall, Vine Street and Washington Avenue; Safety Center Lobby; Park on Bertus St.; Park on Heger Drive; Park on Greenlee Ave.; each for a period of fifteen (15) days or more commencing October 26th, 2023.

Ordinance No. 31, 2023
Page 2

ATTEST: *Carrie Steyer* DATE Oct 12th 2023
Clerk of Council

Approved as to form *David M. [Signature]* Date 12 Oct 2023
Director of Law



ORIGINAL

EXHIBIT A

CHAPTER 923 Waste Collection and Recycling

923.01 RULES AND ENFORCEMENT.

(a) The Director of Public Service and Safety or his or her designee shall adopt rules and regulations consistent with this Chapter and any other ordinance of the Village of St. Bernard for the collection and placement of waste, garbage, refuse, and debris in a manner that will promote efficiency and the protection of the quality of neighboring properties. Such rules and regulations shall be available for review with the Village Hall Clerk during regular business hours.

(b) Any violation of any rule or regulation adopted in accordance with the provisions of this Chapter may result in the property owner or person in control of the property being charged at the rate specified in Section 923.12(d).

(c) The Director of Public Service and Safety or their designee shall establish the policy and procedures for enforcement. The Director of Public Service and Safety or their designee shall enforce this Chapter and shall establish the policy and procedures for enforcement.

923.02 RESERVED.

(This section is reserved for future legislation.)

923.03 SEPARABILITY.

Each section and each part of each section of this Chapter is hereby declared to be an independent section or part of section, and the holding of any section or part of section to be invalid or ineffective, or the holding of the application of any section or part of any section to any person or circumstance to be invalid or ineffective, shall not affect any other section or part of section, or the application of any section or part of section to any other person or circumstance.

923.04 COMPLIANCE REQUIRED.

It shall be unlawful for any person, firm, corporation, or other entity to do any act or thing prohibited by any of the provisions of this Chapter, or to omit to do any act or thing required by any such person, firm, corporation, or other entity by any of the provisions of this Chapter.

923.05 DEFINITIONS.

For the purpose of this Chapter certain words and phrases are defined as follows:

(a) "Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and the like.

(b) "Collection" means the process of picking up and transporting solid waste from the point of disposition to the point of its ultimate disposal.

(c) "Commercial waste" means all wastes, combustible and noncombustible, arising out of the operation of business and industry and all other wastes not resulting from the ordinary operations of private residences or households.

(d) "Construction waste" means waste from building construction, alterations or repairs, and dirt from excavation, and unusual or specific manufacturing or trade waste.

(e) "Garbage" means all putrescible wastes, except sewage and body waste, including vegetable and animal offal, carcasses of small dead animals and the like, but excluding recognized industrial byproducts, and includes all such substances from all public and private establishments from all residences.

(f) "Hazardous materials" means any waste or combination of wastes of solid, liquid, semisolid, or contained gaseous form that because of quantity, concentration, or physical or chemical characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irrevocable or incapacitating reversible illness; or poses a substantial present or potential hazard to human health or safety or to the environment when properly managed.

(g) "Householder" means the head of a family or one maintaining his or her separate living quarters in which kitchen, cooking or eating facilities are provided, and shall include owners, tenants, and occupants of all premises upon which waste is created.

(h) "Owner or person in control" means the owner of the freehold estate of the premises; occupant; lessee or holder of a lesser estate in the premises; mortgagee or vendee in possession; receiver; executor; trustee; and any person, public or private entity, and/or its duly authorized agent(s), with the authority to bring the lot or of any lot or parcel of land situated within the Village into compliance with the provisions of this Chapter.

(i) "Special pickup" means all household items, such as, but not limited to, furniture, appliances, carpeting and padding, metal windows and door frames (excepting glass), outdoor play equipment (dismantled) and other items that require a separate collection. These are items that are usually not placed in the regular garbage packer.

(j) "Waste" means all trash, rubbish, garbage, offal, and other refuse or discarded matter required to be removed from private and public places. It does not include recognized byproducts of any business or industry having commercial value and regularly handled in the ordinary course of business, unless the byproducts or the handling of them becomes a nuisance or menace to the public health.

(k) "Yard Waste" means leaves, grass, clippings, weeds, brush or branch clippings, and small limbs.

923.06 TYPE OF CONTAINER FOR STORAGE.

Containers for storing all wastes, garbage and yard waste shall be of galvanized iron or other non-rusting material of a substantial construction with tight fitting lids, watertight, and no larger than 65 gallons and/or 70 pounds. Containers for recycling do not require lids but need to be clearly designated for recycling.

923.07 RESPONSIBILITY TO PROVIDE CONTAINERS.

Every householder or family residing in a building that is arranged for occupancy of five or less households or families shall each provide their own proper containers as described in Section 923.06, sufficient in number for the accumulation between the dates of regular collections. In any building that is arranged for occupancy of six or more households or families, the owner or person in charge thereof or their agent, shall be responsible to provide the necessary number of containers for each householder or family.

923.08 GARBAGE TO BE WRAPPED.

Before being deposited in waste containers, waste and garbage must be placed and sealed in Village purchased plastic bags or those of equal quality until the day of collection. Recycling does not have to be wrapped before being placed into a proper recycling container. All containers used for waste, garbage, yard waste and recycling shall be kept clean and disinfected.

923.09 GARBAGE TO BE PLACED IN CONTAINERS PROMPTLY.

No garbage or waste shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the same in proper waste containers.

923.10 LOCATION OF CONTAINERS.

No person shall place or maintain any container for garbage, waste, refuse, recyclable materials, or yard waste so that it will be or constitute a nuisance. Waste, garbage, or yard waste within closed containers or receptacles may be placed along the side or rear of the home being served. Containers and/or receptacles shall not be placed within the front yard setback, which is the entire area from the sidewalk to the front of the structure.

923.11 SETTING OUT WASTE FOR COLLECTION.

(a) All containers, plastic bags, or refuse should be neatly arranged on the curb so as not to block the sidewalk.

(b) All containers, plastic garbage bags or refuse shall be set out for pickup at least once a week on the regular collection day.

(c) In no instance will medical wastes, hazardous material, commercial waste or construction waste be collected other than as provided for in the rules for waste collection.

(d) No person shall place syringes or needles for pick up unless such are in a Sharps container or similar sealed plastic container.

923.12 WASTE AND REFUSE REMOVAL.

(a) The owner or person in control of any lot or parcel of land situated within the Village, whether the same is improved or unimproved, vacant, or occupied, may set out containers, plastic garbage bags, refuse, or debris for collection at the curb after 4:00 p.m. on the day before regular waste collection, but no later than 7:30 a.m. on the day of regular waste collection for that property. All containers shall be taken in from the curb no later than 8:00 p.m. on the day of regular waste collection.

(b) If the owner or person in charge of any lot or parcel of land places or allows to be placed any containers, plastic garbage bags, refuse, or debris on the curb outside of the times provided herein, or otherwise violates the provisions of this Chapter, the Village police department is authorized to cause a notice of violation, or ticket, to be issued in amounts as set forth in Section 923.12(e), and to direct the removal of the garbage or refuse in compliance with this Chapter.

The police officer shall attempt to personally serve the notice of violation upon the owner or person in control. If the owner or person in control is not at the property at the time the notice is issued, the police officer shall leave the notice with an adult at the property, if available, or post the notice in a conspicuous place on the premises or property involved. The police officer serving the notice of violation shall file a return of the service of the notice to be kept on file at the Police Department with a copy to the Director of Public Service and Safety.

(c) If the owner or person in charge of any lot or parcel of land places or allows to be placed any containers, plastic garbage bags, refuse, or debris in violation of this Chapter in a manner or location, or in such amounts or types, that the Director of Public

Service and Safety, or their designee, determines it infringes on a public right of way, creates a public nuisance, or is a safety hazard to persons or property, the Director of Public Service and Safety, or their designee, is authorized to cause such containers, garbage bags, refuse or debris to be removed at a time other than that scheduled for regular collection for that property. Such action may be in addition to the issuance of a notice of violation as provided for in Section 923.12(b), but does not require the issuance of a ticket prior to any action by the Director of Public Service and Safety.

(d) When, in accordance with Section 923.12(c) any such containers, garbage bags, refuse, or debris is removed at a time other than that scheduled for regular collection for that property as determined by the Director of Public Service and Safety, or their designee, then after such work is performed, the Village shall give notice by regular mail to the owner or person in charge of such lot or parcel of land, at his or her known address, to pay the cost of such removal, including any overtime costs, which notice shall be accompanied by a statement of the amount of fees. If the same is not paid within thirty days after the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments and collected in accordance with Ohio R.C. 731.54, or the Village may seek recovery of such costs by filing a misdemeanor charge against the property owner involved.

(e) When garbage bags, refuse, waste, or yard waste are improperly placed for collection in accordance with the provisions of this Chapter, the owner or person in control shall be charged at the rate of fifty dollars (\$50.00), increasing by that same amount for each additional violation. The minimum charge therefor shall be as follows:

Violations	Minimum Fee
1st violation	warning
2nd violation	\$50.00
3rd violation	\$100.00
4th violation or more	\$150.00

(d) Except as provided in Section 932.12(d), whoever violates this section is guilty of a minor misdemeanor.

923.13 SCAVENGING PROHIBITED.

(a) No person other than authorized Village personnel shall remove any recyclable materials, waste, worn-out, cast off or discarded items that have been deposited on a public street, curb, or alley for collection by the Service Department.

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

923.14 RECYCLING COLLECTION PROGRAM ESTABLISHED.

The Village has established a voluntary program for the collection of recyclable materials. The recyclable materials accepted by the Village's vendor, Rumpke Waste & Recycling, include:

- (a) Paper: Newspaper, telephone books, magazines, catalogs, paper, newspaper inserts (glossy and non-glossy), junk mail, and paperboard (cereal boxes);
- (b) Corrugated cardboard and boxes (only pizza boxes free of grease and food debris accepted);
- (c) Paper Cups (lids, straws, and stoppers removed/discarded);
- (d) Food and beverage cartons (caps and straws removed);
- (e) Metal Cans: aluminum, steel, and empty aerosol cans with the lids and tips removed;
- (f) Glass bottles and jars, rinsed (no drinking glasses);
- (g) Plastic Bottles and jugs which have a small mouth and wider base (rinsed);
- (h) Plastic food tubs, including butter, yogurt, Jello, and fruit slices (lids reattached) (rinsed); and
- (i) Plastic Cups (remove/discard straw, reattach lid);

A complete list of recyclable materials can be found at Rumpke's website:

<https://www.rumpke.com/for-your-home/recycling/acceptable-items>

Such collections shall be made as part of the regular recycling collection schedule.

923.15 RECYCLING CONTAINERS.

A container for the storage and pickup of recyclable materials may be purchased from the Village. All recycling containers will meet the specifications and requirements as established by the Village.

923.16 SEPARATION.

All recyclables voluntarily set out for the collection within the Village shall be set out for collection so that recyclable materials are separate from the solid waste, garbage, or yard waste. All recyclable materials itemized in Section 923.14, or as periodically modified by the Village Administration, may be co-mingled in the recycling container.

923.17 PLACING RECYCLABLE MATERIALS.

(a) On the regularly scheduled recycling collection day the recycling container shall be placed at the curb next to the regular garbage containers.

(b) All recyclable material should be placed in the appropriate recycling container and kept separate from other garbage and refuse.

923.18 COLLECTION OF RECYCLABLE MATERIALS.

(a) Upon the placement of recyclable materials for collection, recyclable materials shall become the property of the Village. No person, other than authorized agents of the Village acting in the course of their employment or by contract, shall remove or cause to be removed from the lawful place of collection any recyclable materials placed for collection. Any and each such removal of recyclable material in violation hereof from one or more designated recycling collection locations shall constitute a separate and distinct offense.

(b) Any person who violates this section shall be guilty of a minor misdemeanor.

923.19 ADDITIONAL METHODS OF DISPOSAL.

Any resident or property owner may donate or sell recyclable material to any person, partnership or corporation whether operating for profit or not for profit. Such person, partnership or corporation may not, however, under any circumstances pick up such recyclable materials from any curbside in the Village.

923.20 REGISTERED PROPERTY OWNER PRIMA-FACIE LIABLE FOR VIOLATIONS.

The registered owner of the real property lot or parcel shall be primarily responsible for any violations of the provisions of this Chapter. The registered owner listed in the Hamilton County Auditor's property records determines proof of ownership of property.

923.21 YARD WASTE.

(a) No person shall dispose of branches or limbs that exceed two inches in diameter nor five feet in length by including such materials in their yard waste. All branches and limbs shall be neatly bundled.

(b) While the fall leaf pickup program is in progress, leaves may be placed on verge which is located between the curb and the sidewalk.

(c) Placing leaves and other yard waste in the street gutter or street is prohibited.

923.22 RESIDENTIAL SOLID WASTE COLLECTION FEE

(a) Establishment and Determination of Fees. For Solid waste collection and disposal and recycling, commencing in the year 2018, the Village shall charge all residential properties within the Village a monthly fee per dwelling unit. The owner of each residential property shall be responsible for the timely payment of said fee. The monthly fee rate shall be set by the Village by ordinance or resolution each year. The Village shall review the monthly rate on a yearly basis to determine the amount of the fee for the ensuing year.

(b) All residential properties are subject to the residential solid waste collection fee except for residential property for which monthly dumpster service is paid.

(c) Definitions. As used in this chapter, unless otherwise expressly provided or the content otherwise requires:

(1) "Dwelling unit" means space, comprised of living, dining and sleeping rooms, storage closets and the space and equipment for cooking, bathing and toilet facilities, which can be used by one family.

(2) "Residential property" means all single and multifamily dwellings.

(d) Billing and Collection of Fee. The monthly collection fee shall be billed in such intervals and collected in such lawful manner established by Council in the annual Ordinance or Resolution establishing rates. The waste collection fee so collected shall be credited to Fund line item 01-1015, Trash Fee of the Village of St. Bernard.

(e) Penalty. Whoever violates any provision of this Section shall be guilty of a minor misdemeanor.

923.99 PENALTY.

Whoever fails to comply with a notice requiring abatement or removal of a violation or requiring compliance with any provisions of this Chapter or any other applicable rule or regulation promulgated pursuant to this Chapter shall be guilty of a minor misdemeanor. A second or subsequent violation of this Chapter within a twelve (12) month period is a minor misdemeanor.