

ORDINANCE 2023-20

**TO CREATE CHAPTER 743 “GARBAGE AND WASTE COLLECTION”
UNDER PART SEVEN – BUSINESS REGULATION CODE OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF CENTERBURG**

WHEREAS, the Village of Centerburg has an interest in regulating the collection and disposal of garbage and waste from Village residents and businesses; and

WHEREAS, such regulations would allow for uniform collection and proper disposal by all trash haulers permitted to do business in the Village; and

WHEREAS, Council now desires to adopt Section 743 in the Codified Ordinances that outlines the requirements for garbage and waste collection;

NOW, THEREFORE, be it Ordained by the Council of the Village of Centerburg, Ohio:

“Section 1: That Chapter 743 Garbage and Waste Collection of the Codified Ordinances be and hereby is adopted to read as follows:

**CHAPTER 743
GARBAGE AND WASTE COLLECTION**

743.01. PERMIT.

No person, firm or corporation shall engage in the business of collection or disposal of solid waste/trash in the Village of Centerburg without having first secured a permit from the Village. The annual fee of such permit shall be one hundred dollars (\$100.00). Licenses shall expire annually on the last day of December of each year. Applications for such permits shall be made available by the Village Administrator and shall be due to the Village by January 1 of each year. The Village hereby reserves the right to approve or deny any application in its sole discretion.

743.02 INSURANCE.

No waste hauler may operate within the Village without first providing the Village a copy of the certificate of insurance. Proof of insurance in the amount of at least \$1,000,000.00 (combined single limit for bodily injury and property damage liability should be supplied to the Village when filing the required annual permit.) In addition, a certificate of Worker's Compensation premium paid shall be supplied in compliance with state Worker's Compensation statutes and regulations. Should any such policy be cancelled, the Village shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of the cancellation.

743.03 TRUCKS AND EQUIPMENT.

O-23-06B

- (a) All collection shall be made in a fully enclosed compaction type truck, initially designed and constructed for use in garbage collection service. Any vehicle used by solid waste haulers shall be leak-proof and equipped with tight covers for the transportation of refuse.
- (b) Furniture, tree limbs, building demolition material and industrial waste must be hauled in a suitable vehicle for safety and to prevent refuse from blowing or falling from the vehicle.
- (c) No open trucks will be permitted except in the case of a temporary emergency.
- (d) All equipment used in the collection of refuse, yard waste, recyclables and bulk items shall be marked with the name, address and telephone number of the servicer.

743.04 STANDARDS FOR SERVICE.

- (a) Any refuse or trash spilled during collection shall be promptly removed with all loads properly secured and the area cleaned immediately.
- (b) Collection firm personnel and equipment shall comply with all applicable Village, county, state and federal laws. All such required safety equipment and warning devices shall be in use and functioning properly.
- (c) Collection of refuse and recyclables shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. except in the case of any emergency, due to an act of God or a legal holiday causing all routes to be delayed by one day.
- (d) All haulers shall maintain an office or telephone service for the transaction of business including receipt of service calls or complaints. The number shall be answered by an employee and not by voicemail or auto attendant.
- (e) Any damaged cause by a waste hauler's equipment should be reported immediately to the Village Administrator along with an incident report.

743.05 LIABILITY.

The Village, its agents, employees, and elected officials (both past and present) shall not be liable for any loss, damage, injuries or other casualties of whatever kind or by whomever caused to the person or property of anyone, including the hauler, arising out of or resulting from whether due in part to negligent acts or omissions of the Village, its agents, or employees; and the hauler, for itself, its employees, agents, successors and assigns, does hereby agree to indemnify and hold the Village of Centerburg, Ohio harmless from and against all claims, demands, liabilities, suits and actions (including reasonable expenses and attorney's fees incurred by or imposed by the Village in connection therewith), for such loss, damage, injury or other casualty.

743.06 PENALTY.

Whoever violates any of the provisions of this section shall be guilty of a minor misdemeanor. Each day a violation continues shall constitute a separate offense punishable as a minor misdemeanor with each subsequent offense under this section punishable by a fine up to \$500.00.

Section 2: That this Ordinance shall be in full force and effect at the earliest date permitted by law.”

DATE PASSED 08/05/2023

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED 08/05/2023

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on _____, 2023 and _____, 2023 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

FISCAL OFFICER