

Title 13
REFUSE COLLECTION CODE

Chapter 1301 DEFINITIONS

For the purposes of this title the following definitions shall apply.

1301.01 Abandoned Property.

"Abandoned property" means personal property, as defined under section 4501.271(b), that a reasonable person concludes is permanently surrendered.

1301.02 Acceptable Waste.

"Acceptable waste" means that portion of the residential waste stream that is regularly disposed of by occupants of residential dwelling units including yard waste, recyclables, compost, and bulk.

1301.03 Authorized Waste Hauler.

"Authorized waste hauler" means any private person regardless of its legal form or structure, whose primary occupation involves the regular or systematic collection and transportation of acceptable or unacceptable waste to a legally approved facility for disposal, treatment, reprocessing and/or recycling and who has been approved by the Director and obtained the necessary authorization from the appropriate government agency to perform such operations.

1301.04 Bulk.

"Bulk" consists of items which are acceptable waste, with the exclusion of yard waste, that require special collection arrangements due to size, weight or shape including but not limited to carpet, white goods, furniture, mattresses and box springs. Bagged items or boxed items are not classified as bulk.

1301.05 Collection Containers.

"Collection containers" are containers designated by the city for the collection of acceptable waste that are made available to or purchased by residents of the city which meet the standards for size, strength, durability, and pressure, and the specifications established by the director.

1301.06 Compactor Container.

"Compactor container" is a self-contained roll-off container with a minimum 3 to 1 compaction ratio, not exceeding twenty-three (23) feet in length or eight (8) feet in width, that is made of metal or material approved by the director and is collected primarily by railed tilt-frame waste collection vehicles.

1301.07 Compost.

“Compost” means solid waste, as defined under section 4501.377, that has undergone biological decomposition of organic matter; disinfected using acceptable technologies; stabilized to a degree that is potentially beneficial to plant growth; is suitable for use as a soil amendment, artificial topsoil, or other similar applications; temperature, contact water, moisture, and air-borne emissions are controlled; organisms that transmits a pathogen from one source to another are excluded; and nuisance and odor generation minimized.

1301.08 Compost Containers.

“Compost containers” are containers clearly labeled for compostable materials in which temperature, moisture, and air-borne emissions are controlled; organisms that transmits a pathogen from one source to another are excluded; and nuisance and odor generation minimized.

1301.09 Compostable.

“Compostable” means all materials in the product or package can become compost in a safe and timely manner, within an appropriate composting program or facility, or a home compost pile or device.

1301.10 Construction, Remodeling and Demolition Waste.

"Construction, remodeling, and demolition waste" is the waste resulting from the construction, demolition, remodeling and repair of, including but not limited to, buildings, dwelling units, places of business, garage, pavements, streets, alleys, trenches, ditches, underground utilities, excavations, and other structures. Such waste includes, but is not limited to, roofing, concrete, cinder block, plaster, drywall, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows, doors, interior finishing materials such as woodwork, cabinets, siding, sheathing, fencing, and railroad ties

1301.11 Department.

"Department" when used without clarification means the department of public service.

1301.12 Director.

"Director" means the director of the department of public service or designee unless otherwise specified.

1301.13 Dumpster.

"Dumpster" is a container ranging in size from four (4) to ten (10) cubic yards, is made of metal or material approved by the director and is collected at a point of collection by front-loading waste collection vehicles.

1301.14 Dwelling Unit.

"Dwelling unit" means a single, self-contained unit providing independent living facilities for one or more individuals and which contains eating, living, sanitary and sleeping areas and one cooking facility all for exclusive use by the occupants. This definition does not apply to units in dormitories; sorority or

fraternity houses; rooming houses; homeless shelters; hotels; motels; or other buildings designed for transients.

1301.15 Exempted Person.

"Exempted person" means a person who has been approved by the director to be exempted from complying with certain sections of this title.

1301.16 Exemption Service.

"Exemption service" is the collection of properly contained refuse and recyclables provided to people who are exempt from complying with certain refuse and recycling procedures.

1301.17 Hazardous Waste.

"Hazardous waste" means any chemical, compound mixture, substance, or article which has been designated by the United States Environmental Protection Agency or an appropriate agency of the state to be hazardous or meets the definition provided in OAC 3745-51-03.

1301.18 Infectious Wastes.

"Infectious wastes" means any wastes or combination of wastes that meets the definition provided in ORC 3734.01; additionally:

- a. Any other waste materials the generator designates as infectious waste; or
- b. Any waste materials generated in the treatment of humans or animals that has or has been exposed to radiation. Waste shall be stored until it is no longer radioactive.

1301.19 Investigator.

"Investigator" is department staff authorized by the director to investigate and enforce compliance with this title.

1301.20 Lawn and Leaf Bag.

"Lawn and leaf bag" means a bag constructed of material which is biodegradable paper and used exclusively for yard waste materials.

1301.21 Mixed-Use.

"Mixed-use" means the combination of residential and non-residential uses within the same building or the same general area.

1301.22 Multiple Dwelling Development.

"Multiple dwelling development" means five (5) or more dwelling units, either with shared walls or free standing, including complexes of mobile homes, apartments, townhomes, condominiums, and attached single family residences. Multiple dwelling developments may consist of one or more owners or one or more parcels.

1301.23 Multiple Dwelling Unit.

"Multiple dwelling unit" means two (2), three (3), or four (4) dwelling units contained within the same structure and under a common roof system which is not a part of a multiple dwelling development.

1301.24 Occupant.

"Occupant" is a person who resides in or has actual possession of a dwelling unit or premises that may or may not be the owner.

1301.25 Owner.

"Owner" means the owner of record as shown on the current tax list of the county auditor; the mortgage holder of record, if any, as shown in the mortgage records of the county recorder; and any purchaser under a land contract. "Owner" also means any person who has a freehold or lesser estate in the premises: a mortgage or vendee in possession; or any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

1301.26 Person.

"Person" means any individual, firm, corporation, association, partnership, agent, operator, business trust, estate, syndicate, cooperative, or any entity recognized by law.

1301.27 Place of Business.

"Place of business" means any nonresidential facility or premises, or those not-for-profit organizations recognized as such by the Internal Revenue Service in accordance with section 501 [C] of the Internal Revenue Code or organization or institution deemed to be a business.

1301.28 Point of Collection.

"Point of collection" means the director designated: area of right-of-way adjacent to or within one (1) foot of paved or traveled roadways (including alleys); location within a multiple dwelling development or an exempted person's property; or other designated location as determined by the director.

1301.29 Premise or Premises.

"Premise" or "premises" means land(s) and everything of a permanent nature attached thereto as part of the reality, a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon.

"Premise" or "premises" shall, for purposes of this title, include all land(s) to the centerline of the street, alley, or right-of-way which this title designates certain responsibilities to a person.

1301.30 Public Nuisance.

"Public nuisance" means any structure, vehicle, or property of any kind which meets any of the following conditions:

- a. In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare or well-being of the surrounding area.
- b. A fire hazard.
- c. Not secured and maintained in compliance with C.C. Chapter 4707.
- d. Not in compliance with any building, housing, zoning, fire, safety, air pollution, health, sanitation or refuse ordinance of the Columbus City Code or Columbus City Health Code.
- e. Used in violation of any division of Section 2925.13, Ohio Revised Code.
- f. Real property taxes have remained unpaid for more than one (1) year from the date of assessment.

1301.31 Public Right-of-Way.

"Public right-of-way" means the street, sidewalk, alley, shared-use path, and areas which are government owned or controlled and upon which the public may travel without trespassing.

1301.32 Radioactive Waste.

"Radioactive waste" means any substance resulting from the spontaneous decay or disintegration of an unstable atomic nucleus, accompanied by the emission of radiation.

1301.33 Recyclable Materials.

"Recyclable materials" means materials that have been separated out of acceptable waste that have been defined as recyclables by the director.

1301.34 Refrigerants and Items Containing Chlorofluorocarbons or their Substitutes.

"Refrigerants and items containing chlorofluorocarbons or their substitutes" including but not limited to refrigerators, freezers, dehumidifiers, air conditioners, and other devices utilizing either chlorofluorocarbons as a coolant or the substitutes for chlorofluorocarbons which are subject to special handling requirements.

1301.35 Residential Unit.

"Residential unit" includes any single dwelling unit, multiple dwelling unit, or multiple dwelling development. Residential units do not include transitional housing, rooming houses, and sorority or fraternity houses.

1301.36 Rooming House.

"Rooming house" includes every dwelling, other than hotels and motels, kept, used or held out to be a place where sleeping or lodging rooms are offered for pay to three (3) or more persons and shall include, but not limited to, uses defined section 3303 as: apartment hotel, residential care facility, and shared living facility.

1301.37 Single Dwelling Unit.

"Single-dwelling unit" means one (1) dwelling unit which is arranged, intended, or designed and used for one (1) family.

1301.38 Sorority or Fraternity House.

"Sorority or fraternity house" means house or housing area occupied by and maintained for college or university students who are affiliated with a social, honorary, or professional organization.

1301.39 Transitional Housing.

"Transitional housing" means temporary housing with supportive services to individuals and families with the goal of interim stability and support to successfully move to and maintain permanent housing.

1301.40 Unacceptable Waste.

"Unacceptable waste" means that portion of the waste stream that shall not be collected by the city and which may or may not be collected by an authorized waste hauler. If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not yet considered harmful, toxic, or dangerous, are in fact harmful, toxic, dangerous, or are hazardous or harmful to health, then any such substances or materials should thereafter constitute unacceptable waste. "Unacceptable waste" includes but is not limited to:

1. Infectious waste.
2. Radioactive waste.
3. Hazardous waste.
4. Explosive materials.
5. Liquid waste including motor oil.
6. Asbestos.
7. Whole and shredded tires.
8. Lead acid batteries.

-
9. Drums and barrels.
 10. Motor vehicles or major parts thereof.
 11. Equipment or machinery.
 12. Construction, remodeling, and demolition waste.
 13. Refrigerants or items containing chlorofluorocarbons (CFCs) or their substitutes.
 14. Ashes of any kind.
 15. Offal or animal wastes, byproducts, or hide trimmings.
 16. Human waste.
 17. Nonresidential waste.
 18. Animal carcasses other than those that are in the public right-of-way.
 19. Soil and sod.
 20. Shredder fluff from shredding automobiles, light duty trucks, motor vehicle engines, household appliances, white goods (defined herein), and other miscellaneous metal parts; and
 21. Other items determined by the director.

1301.41 White Goods.

"White goods" are a type of bulk that may be recycled or resold including, but not limited to large, enameled appliances such as clothing washers and dryers, dish washers, electrical heaters, hot water heaters, stoves and ovens.

1301.42 Yard Waste.

"Yard waste" means all plants, plant residue, leaves, needles, grass clippings, shrubbery tree prunings, and holiday trees.

Chapter 1303 PURPOSE, DUTIES AND POWERS

1303.01 Purpose, Validity, and Scope.

1303.011 Purpose.

The purpose of this refuse collection code is to preserve and promote public health, safety and welfare by establishing minimum standards for the storage, collection, transportation, and disposal of acceptable and unacceptable waste to maintain a sanitary environment for the residents of the city. All provisions of Title 13 are enforceable by any investigator, law enforcement officer, or law enforcement agency.

1303.012 Validity.

If any portion, section, or part of a section of this title is declared by a court of competent jurisdiction to be invalid, illegal, or void such declaration shall be limited to that portion, section, or part of a section that was directly involved in the controversy before the court upon which judgment was rendered, and shall not affect or impair the validity of the remainder of this refuse collection code .

1303.013 Scope.

The division of refuse collection will only collect acceptable waste generated at residential units with an occupant. Other than bulk, compost, and yard waste, all acceptable waste must be contained in collection containers.

1303.02 Duties.

1303.021 Duties of the Public Containment, Access, Storage, Collection and Disposal of Waste.

A. General Duty to Request New Service.

1. It shall be the duty of any person to request city service at a single dwelling unit where said person did not previously have service to notify the division of refuse collection as outlined in the rules and regulations that such service is requested.
2. It shall be the duty of the owner of any multiple dwelling units and multiple dwelling development where said property did not previously have service to notify the division of refuse collection as outlined in the rules and regulations that such service is requested.

B. General Duty for Exemption Service.

1. In order to qualify for exemption service, a resident shall meet the following criteria:
 - a) The resident shall be unable to place their residential household waste and recycling at the point of collection due to medical or physical reasons
 - b) The resident shall have no one who may be of assistance in placing their residential household waste and recycling at the point of collection
 - c) To request exemption service, the resident shall notify the division of refuse collection as outlined in rules and regulations
2. Exemption service shall not be provided:
 - a) to residents with dumpster or compactor container service; or
 - b) for bulk or yard waste collection.

C. General Duty for Containment and Storage of Acceptable Waste.

1. Acceptable waste at residential units shall be contained for collection and disposal by the division of refuse collection or an authorized waste hauler.
2. The collection containers shall be the exclusive means for receiving and holding all acceptable waste, other than bulk, compost, and yard waste, at dwelling units, and shall be used only for the intended purpose.

-
3. All collection containers, dumpsters, compactor containers, and compost containers owned or provided by the city, owner, or authorized waste hauler shall comply with the required specifications and markings.
 4. Use of Containers.
 - a) The use of single dwelling unit collection containers is limited to the occupants.
 - b) The use of dumpster and compactor containers is limited to the occupants of the residential units for which the owner is responsible for providing adequate onsite waste containment and storage.
 5. All acceptable waste at residential units, other than bulk, recyclables or yard waste, shall be placed into tied or securely sealed plastic or paper bags and then disposed of in the appropriate container for the applicable collection method.
 6. It shall be the duty of the owner to keep the point of collection and the surrounding area free from debris, spillage, and other overflow pursuant to Sections 705.03 and 707.03 of the Columbus City Codes.
 7. In the event that a person's collection container, dumpster, compactor container, lawn and leaf bag, or compost container is full, all acceptable waste at residential units shall be properly contained and stored, until such time that it can be placed into the appropriate collection container, dumpster, compactor container, lawn and leaf bag, or compost container without the risk of overflow.
 8. Collection containers, compost containers, and lawn and leaf bags shall be placed at the point of collection and shall be placed at least four (4) feet from any parked vehicle or other obstruction.
 9. Collection containers shall be removed from the point of collection by 2:00 p.m. on the day following the scheduled collection day and stored no more than ten (10) feet from the main structure or garage until 6:00 p.m. on the day prior to the next scheduled collection day.
- D. General Duty Containment, Storage and Disposal of Unacceptable Waste.
1. It shall be the duty of the owner to provide for the proper storage, containment, and disposal by an authorized waste hauler for any unacceptable waste. Proper storage is such capacity that it is sufficient to contain all the unacceptable waste, and such waste shall be contained in a dumpster, roll-off container, or a container preapproved by the Director. All unacceptable waste shall be immediately disposed of by an authorized waste hauler in a manner that does not violate this title or any city, county, or state law.
 2. No person shall place unacceptable waste in a container for acceptable waste.
 3. It shall be the duty of the owner to provide for the proper storage, containment, and disposal by an authorized waste hauler for any construction, remodeling and demolition waste, generated at or incident to any construction, remodeling, or demolition process. Proper storage is such capacity that is sufficient to contain all construction, remodeling and demolition waste and such waste shall be contained in dumpster, roll-off container, or a container preapproved by the Director. All construction, remodeling and demolition waste shall be immediately disposed by an authorized waste hauler in a manner that does not violate this title or any city, county, or state law.
- E. General Duty to Provide Access to Acceptable or Unacceptable Waste.

-
1. The passage of division of refuse collection vehicles through the streets and alleys of the city or access to acceptable waste made available for collection shall not be obstructed in any manner, including, but not limited to obstructions caused by the placement of parked vehicles, obstructing vegetation, or improperly strung wires or cables.
 2. Any owner or occupant in charge of obstructing vehicles, vegetation, wires, or cables, shall cause them to be removed, or cause to be set at an appropriate height, such obstruction when the director determines that such removal or height adjustment is reasonable and necessary.
 3. Where it is necessary for the division of refuse collection or an authorized waste hauler under contract to the city to drive on private roads or driveways to reach points of collection on private property, it shall be the duty of any owner or developer to construct and maintain such private roads or driveways to accommodate fully loaded waste collection vehicles.
 4. It shall be the duty of any owner or developer of new private roads that are dead-end, continuous, or driveways that waste collection vehicles travel to reach points of collection, to provide a turning area with a radius of not less than thirty (30) feet for waste collection vehicles to drive through the property without backing.

F. General Duty for Bulk Collection.

It shall be the duty of any owner or occupant to notify the division of refuse collection, to schedule a date for bulk collection.

1. Bulk shall not be placed outdoors more than seventy-two (72) hours prior to the scheduled collection.
2. Bulk placed for collection shall be maintained in an orderly manner until collected.
3. Bulk shall only be scheduled at a dwelling unit with an occupant.
4. Only bulk items generated on the property shall be scheduled for pick up.
5. The owner of the property is responsible for any abandoned property located on that property and shall use an authorized waste hauler for the proper disposal of any abandoned property located on that property.
6. Abandoned property shall not be placed or caused to be placed in the public right-of-way for collection without the director's permission.
7. If for any reason a notice of violation of waste has been issued on a property, scheduled bulk collection shall not be permitted until the violation(s) has been resolved unless otherwise approved by an investigator. Otherwise, the owner shall utilize an authorized waste hauler and provide documentation for proper disposal.

G. General Duty to Remove and Dispose of Items After an Eviction.

1. It shall be the duty of the owner of any residential unit or premises where a court supervised set-out is performed because of any eviction action, to arrange for the collection and disposal of acceptable and unacceptable waste resulting from the eviction through an authorized waste hauler.
2. It shall be the duty of the owner of any residential unit or premises where a supervised court set-out is performed because of any eviction action, to not allow acceptable or unacceptable waste to be placed in the public right-of-way.

-
3. No person shall place or cause to be placed, acceptable or unacceptable waste resulting from a court supervised set-out as a result of any eviction action, in the public right-of-way.

H. General Duty for Yard Waste Collection.

1. It shall be the duty of the owner and occupant of a dwelling unit to properly contain, remove and dispose of yard waste collected from said property.
2. It shall be the duty of owners and occupants of non-residential units or multiple dwelling developments to properly contain, remove and dispose of all yard waste collected from said property.
3. Entities providing yard waste cutting and pruning services on public or private property shall be responsible for the removal and proper disposal of said yard waste.
4. No person shall place yard waste out for collection prior to 6:00 p.m. on the day prior to the scheduled collection day or fail to remove any yard waste containers from the point of collection by 2:00 p.m. on the day following the scheduled collection day. Yard waste containers shall be secured and stored within ten (10) feet of the home or garage until 6:00 p.m. on the day prior to the next scheduled collection day.

I. General Duty for Multiple Dwelling Developments.

1. All newly constructed multiple dwelling developments shall plan and design for acceptable waste collection.
2. All enclosures for dumpsters, compactors, and bulk shall be located within the legal boundaries of the multiple dwelling development.
3. It shall be the duty of any owner or developer of a multiple dwelling development to provide a minimum of one-half ($\frac{1}{2}$) cubic yard of dumpster or compactor container capacity for acceptable waste for each unit, that meets rules and regulations specifications.
4. It shall be the duty of any owner or developer of a multiple dwelling development that receives city compactor service to provide onsite a minimum compactor container capacity per dwelling unit based on the following formula:

$$(\# \text{ of units} \times .5 \text{ cubic yards/unit}) / 3 = \text{minimum cubic yard compactor container capacity}$$

Example: $(100 \text{ units} \times .5 \text{ cubic yards /unit}) / 3 = 16.7 \text{ cubic yards}$

Note: 3 to 1 compaction ratio shall be used to calculate the required capacity.

5. A form shall be completed by any property owner who requests a variance in the dumpster capacity requirements set forth above and who has arranged to share a dumpster with another property owner. Said dumpster shall be within thirty (30) feet of the property for which a variance is sought. The director shall determine if a variance should be granted.
6. It shall be the duty of any owner or developer of a multiple dwelling development which receives city dumpster or compactor container service to meet maneuvering requirements and to provide and maintain a concrete pad, approach apron, and screening for each dumpster.
7. A multiple dwelling development shall submit to the director for approval a development construction site plan that includes the number, placement, and capacity of appropriate containers for the multiple dwelling development.
8. A multiple dwelling development using private residential waste service may choose to decline city collection services for acceptable waste and as a result, does not need to comply with the

dumpster or compactor requirements in this title; however, such multiple dwelling development shall comply with acceptable waste capacity requirements. A multiple dwelling development requesting a change from private to city service has the affirmative duty to demonstrate that their property complies with Sections 1303.021(E)(3) and (4).

J. General Duty for Mixed-Use Properties.

It shall be the duty of the owner of a mixed-use property to provide for the collection by an authorized waste hauler of all acceptable and unacceptable waste on the property.

1303.022 Duties of Places of Business.

It shall be the duty of any owner of any place of business to arrange for the proper storage of all waste associated with that place of business, and the timely collection and disposal of said waste by an authorized waste hauler as required by this title.

1303.023 Duties of the Division of Refuse Collection.

A. General Duty for Acceptable Waste.

It shall be the duty of the division of refuse collection to collect and dispose of acceptable waste generated from eligible residential units. Any acceptable waste set out for collection shall become the property of the city upon collection.

B. General Duty for Unacceptable Waste.

The division of refuse collection shall not accept unacceptable waste.

1. If unacceptable waste has been placed in the right-of-way, the division of refuse collection shall investigate the matter.
2. If to protect public health and safety the city collects and disposes of unacceptable waste, efforts will be made to identify and penalize all responsible parties.

C. General Duty for Residential Collection.

Only the division of refuse collection or an authorized waste hauler under contract with the city shall have the right to collect, transport, or dispose of acceptable or unacceptable waste from any designated point of collection.

D. General Duty for Dead Animals.

The division of refuse collection shall provide for the collection and disposal of animal carcasses within the city's right-of-way.

E. General Duty for Container Management.

It shall be the duty of the division of refuse collection to deploy, repair, replace or remove, collection containers, on public or private property.

1303.024 Duties of Authorized Waste Haulers.

A. General Duty for Authorized Waste Hauler's.

The authorized waste hauler's rights are subject to all powers of the city under the Charter of the City of Columbus and the applicable laws and constitution of the state of Ohio to adopt and enforce ordinances necessary to protect the health, safety, and welfare of the public or which the city deems necessary or convenient in exercising its authority under the laws and Constitution of Ohio. The authorized waste hauler shall comply with all applicable laws.

B. General Duty to Obtain Authorization.

It shall be the duty of any waste hauler to collect acceptable or unacceptable waste within the city to obtain the necessary authorization from the appropriate government agency.

C. General Duty to Obtain Permission to Collect Acceptable Waste.

It shall be the duty of any waste hauler desiring to collect acceptable waste within the city to obtain written permission from the director.

D. Disposal of Acceptable and Unacceptable Waste.

No authorized waste hauler shall dispose of acceptable and unacceptable waste collected within the city except at an appropriate facility in accordance with the applicable federal statutes, the State of Ohio Solid Waste Management Plan, the Ohio Administrative Code, and the Solid Waste District Plan.

1303.03 Powers of the Director.

The director is authorized to promulgate rules and regulations to protect the health, safety, and welfare of the public, and shall have control and direction over refuse collection and the abatement of public nuisances, and the power and duty to administer and enforce the provisions of this title by means of forfeitures, injunctive actions, civil citations, criminal complaints and other remedies available by law.

The director shall have, but not limited to, the authority to determine the following:

1. Defining acceptable and unacceptable waste
2. Authorizing acceptable waste stream collection
3. Defining recyclable material
4. Defining yard waste material
5. Frequency and/or volume of collection
6. Type of collection container
7. Method of collection
8. Point of collection
9. Multi-family specification requirements
10. Safety of collection
11. Hours of collection
12. Suspension of service for cause
13. Granting and/or revoking exemption service
14. Granting and/or revoking variances pursuant to 1303.02(I)(5)

-
15. The existence of a public nuisance
 16. Establishing penalties and fees for a specific purpose
 17. Assessment of civil fines
 18. Notice of violation and enforcement
 19. Institute pilot projects regarding the waste stream
 20. Authorizing a waste hauler to collect waste
 21. Defining compost material

Chapter 1305 PROHIBITED ACTIVITIES

1305.01 Accumulating Waste.

No person shall store or accumulate, or permit to be stored or accumulated, any acceptable or unacceptable waste at residential units and/or upon premises under their control, except such waste that is stored in approved containers and bulk areas as required and authorized by this title.

1305.02 Burning of Acceptable and Unacceptable Waste Prohibited.

No person shall burn acceptable or unacceptable waste within the city limits.

1305.03 Illegal Dumping.

- A. No person shall deposit or cause the deposit of acceptable or unacceptable waste:
1. into a body or stream of water, including an ephemeral body or stream of water; into any sewer or other drainage system that leads to a stream or body of water, including an ephemeral body or stream of water; or in a location where it may fall, migrate or be washed into a body or stream of water, or an ephemeral body or stream of water;
 2. upon any street, alley, public place, utility right-of-way, railroad corridor, or vacant lot; or
 3. upon any premises in violation of the Title.
- B. No person shall deposit or cause the deposit of unacceptable waste onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code; or onto the surface of a site that is licensed as a solid waste facility under section 3734.05 of the Revised Code, but without permission of that site.

1305.04 Pushcarts Prohibited.

No person shall transport or haul acceptable or unacceptable waste through the streets and public ways of the city in any manner propelled by human effort or power, regardless of whether the manner includes the use of wheels, or in any manner prohibited by the director.

1305.05 Scavenging.

No person shall remove any acceptable or unacceptable waste placed for collection by the division of refuse collection or an authorized waste hauler under contract with the city unless such person has been authorized to do so by the city, the owner of such waste, or the authorized waste hauler.

1305.06 Obstructing Issuance of Notice of Violation

No person shall recklessly obstruct or interfere with the issuance of a notice of violation.

Chapter 1307 ENFORCEMENT

1307.01 Inspection, Right of Entry, Evidence.

- A. The director is authorized to make inspections when there is a valid reason to believe a violation exists of this title or applicable rules and regulations.
- B. Upon presentation of proper credentials, the director is authorized, where permission is granted, to enter any dwelling unit, rooming house, sorority or fraternity house, transitional housing, place of business, or premises in the city at reasonable times to perform any duty imposed by this title. If any owner, subject to the provisions of this title fails or refuses to permit free access and entry to the dwelling unit, rooming house, sorority or fraternity house, transitional housing, place of business, or premises, the director may apply for a search warrant, pursuant to Ohio Revised Code 2933.21(F).

1307.02 Notice of Violation.

- A. Issuance of Notice of Violation.

Whenever the director determines there is a violation of any provision of this Title or of any rule or regulation adopted pursuant thereto, the director may issue a notice of such violation to the owner, as hereinafter provided.

- B. Content of Notice of Violation.

The notice of violation may be in any format that includes all the elements required by this section. All notices of violation shall:

1. Except for emergency orders, be in writing
2. Identify the section(s) of this Title to which the notice applies.
3. Provide a description of the violation (s).
4. Provide the location or a description of the location where the violation(s) exists.
5. Specify a reasonable time for compliance with any order contained in the notice.

-
6. Advise the owner of the right to appeal in accordance with section 1308.05 and that the failure to appeal the notice of violation in accordance with section 1308.05, or failure to pay the costs imposed under section 1307.03 (C) and (D) not later than twenty (20) days from the date of service shall constitute a waiver of the right to appeal and a default finding of civil liability shall be imposed upon the owner for the costs established in section 1307.03 (C) and (D); and;
 7. Advise the owner that if the order is not complied with by the specified date, the director may: assess a civil penalty, initiate a criminal action, and/or initiate a civil action against the owner; and/or by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate.

C. Service of Notice of Violation.

No notice of violation shall be served upon the owner. Such notice shall be served by anyone (1) of the following methods:

1. Personal service.
2. Certified mail.
3. Residence service.
4. Publication.
5. Regular mail service to an address that is reasonably believed to be:
 - a. A place of residence of the owner, or
 - b. A location at which the owner regularly receives mail.
6. Posting the notice of violation on the property, except that if a structure or premise is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.

When the notice of violation has been issued, any order and civil penalty contained within the notice shall be effective as to anyone having any interest in the premises whether recorded or not at the time the notice was issued.

- E. Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the owner pursuant to Section 1308.05 shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

1307.03 Civil Penalties

A. Noncriminal Offense; No Conviction.

The fines established by this section are no criminal. The imposition of liability under this section shall not be deemed a conviction for any purpose.

B. Other Costs and Penalties Not Abrogated.

Nothing in this section shall be construed as altering or limiting the effects of any other section of the city codes, the criminal penalties imposed by any such other section, or the ability of a law enforcement officer to enforce those sections.

C. Penalties Established.

In addition to any other means of enforcement provided by law, the director may assess civil fines for the violations of the following sections by the issuance of a notice of violations pursuant to section 1307.02.:

Subject	Section	Civil Penalty
Containment and Storage	1303.021(C)(1)	\$250
Containment and Storage	1303.021(C)(2)	\$250
Containment and Storage	1303.021(C)(4)(a)	\$250
Containment and Storage	1303.021(C)(4)(b)	\$250
Containment and Storage	1303.021(C)(5)	\$250
Containment and Storage	1303.021(C)(6)	\$250
Containment and Storage	1303.021(C)(7)	\$250
Containment and Storage	1303.021(C)(9)	\$250
Unacceptable Waste	1303.021(D)(1)	\$1,000
Unacceptable Waste	1303.021(D)(2)	\$1,000
Unacceptable Waste	1303.021(D)(3)	\$1,000
Obstruction	1303.021(E)(1)	\$250
Restricting Access	1303.021(E)(2)	\$250
Bulk Collection	1303.021(F)(1)	\$250
Bulk Collection	1303.021(F)(2)	\$250
Bulk Collection	1303.021(F)(3)	\$250
Bulk Collection	1303.021(F)(4)	\$1,000
Bulk Collection	1303.021(F)(5)	\$500
Bulk Collection	1303.021(F)(6)	\$500
Bulk Collection	1303.021(F)(7)	\$500
Evictions	1303.021(G)(1)	\$1,000
Evictions	1303.021(G)(2)	\$1,000
Evictions	1303.021(G)(3)	\$1,000
Yard Waste	1303.021(H)(1)	\$250
Yard Waste	1303.021(H)(2)	\$1,000
Yard Waste	1303.021(H)(3)	\$1,000
Yard Waste	1303.021(H)(4)	\$250
Multiple Dwelling	1303.021(I)(3)	\$500
Multiple Dwelling	1303.021(I)(4)	\$500

Multiple Dwelling	1303.021(I)(5)	\$500
Mixed-Use Property	1303.021(J)	\$1,000
Place of Business	1303.022	\$500
Waste Hauler	1303.023(C)	\$1,000
Waste Hauler	1303.024(C)	\$250
Waste Hauler	1303.024(D)	\$1,000
Accumulating Waste	1305.01	\$1,000
Burning	1305.02	\$1,000
Illegal Dumping	1305.03(A)	\$1,000
Illegal Dumping	1305.03(B)	\$1,000
Pushcart Prohibited	1305.04	\$100
Scavenging	1305.05	\$100

D. Late Penalties.

Late penalties shall be assessed in accordance with the following schedule:

1. If the fines established in subsection 1307.03 (C) remain unpaid twenty (20) days after the notice of violation is issued or twenty (20) days after the conclusion of all appeals, an additional twenty dollars (\$20.00) shall be assessed; and
2. If the fines established in subsection 1307.03 (C) remain unpaid forty (40) days after the notice of violation is issued or forty (40) days after the conclusion of all appeals, an additional forty dollars (\$40.00) shall be added to the twenty dollars (\$20.00) assessed under subsection 1307.03 (D) (1) for a total additional penalty of sixty dollars (\$60.00) in such a case.

E. Collection.

The costs imposed by this section may be enforced and collected by means of civil action or any other means provided for in these city codes or the Ohio Revised Code.

1307.04 Emergencies.

- A. Whenever the director finds that an emergency exists which requires immediate action to protect the health and safety of any person, the director may issue an oral or written order reciting the existence of such an emergency and requiring that such action as that director deems necessary be taken to meet the emergency. Notwithstanding the other provisions of this title, such an order shall be effective immediately and complied with immediately.
- B. If necessary to protect the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that it shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director.
- C. In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition of such emergency condition. The director shall further cause the cost of such abatement to be charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.

1307.05 Procedures for Finding a Public Nuisance.

Upon inspection, whenever the director determines there is a violation of this title resulting in the existence of an actual or imminent threat of a public nuisance, or when notices issued pursuant to this title or other notice sections of city codes do not alleviate such an actual or imminent threat of a public nuisance or condition, the director may do any or all of the following:

- A. Cause the acceptable or unacceptable waste to be removed from any premises and may employ the necessary labor to perform the task.
- B. Cause the correction or abatement of any condition which violates any section of this title regarding the sanitary maintenance of premises and the control and abatement of public nuisances and may employ the necessary labor to perform the task.
- C. Cause appropriate legal action to recover costs against the owner and/or premises where the work pursuant to division (A) and (B) was required. Costs incurred in the performance of work may be charged as a municipal lien, or recovered in a civil suit against the owner.
- D. Cause to file a civil complaint for injunctive relief seeking abatement of public nuisance in a court of competent jurisdiction.
- E. Cause to be filed a criminal complaint in a court of competent jurisdiction.

Chapter 1308 REFUSE APPEALS BOARD

1308.01 Board Members.

- A. The mayor shall appoint with the concurrence of city council a refuse appeals board of three (3) members consisting of the following: one (1) member that is an employee or former employee of the city that has not had direct oversight of matters that come before the board; two (2) members that receive waste removal services from the city.

-
- B. The refuse appeals board shall be appointed for overlapping terms of three (3) years. One (1) of the first members shall be appointed for one (1) year, one (1) of the first members shall be appointed for (2) years, and one (1) of the first members shall be appointed for three (3) years. They shall serve until a successor is appointed. Thereafter, terms of appointment shall be for three (3) years each.
 - C. To be eligible for appointment to the refuse appeals board a person shall be a resident of the city of Columbus.
 - D. The director shall act as executive secretary to the refuse appeals board.

1308.02 Adoption of Rules.

- A. The refuse appeals board shall adopt bylaws not inconsistent with this chapter and local or state laws.
- B. No board member shall take part in any hearing or determination in which the member has a personal or financial interest. If two (2) or more board members are unable to participate in the same hearing due to having a personal or financial interest, the director shall appoint temporary board members for that hearing, with the same eligibility as the board members being replaced.
- C. Two (2) members of the refuse appeals board in attendance at any meeting shall constitute a quorum.
- D. All decisions must have the affirmative vote of a least two (2) board members.

1308.03. Duties.

The refuse appeals board shall hear and decide appeals from any person who is the subject of a notice of violation pursuant to this title, or any rule or regulation adopted pursuant thereto.

1308.04. Authority.

The scope of the refuse appeals board's authority shall be limited to a review of the notice of violation to determine whether the notice of violation is supported by substantial, reliable, probative evidence.

1308.05. Hearings.

- A. Any person who is the subject of a notice of violation pursuant to this title, or any rule or regulation, or policy and procedure adopted pursuant thereto, shall be granted a hearing before the refuse appeals board on all matters set forth in such notice of violation, provided that:
 - 1. A written petition for an appeal hearing shall be filed with the department within fifteen (15) calendar days after the notice of violation is served on a form and in a manner determined by the director; and
 - 2. The written petition shall set forth the basis for the action being appealed.
- B. Upon the receipt of such petition, the director shall set a time and place for such hearing and shall give the petitioner written notice thereof.
- C. At such hearing the petitioner shall appear in person or by legal counsel.
- D. The refuse appeals board may postpone the date of a hearing for a reasonable time if the petitioner or the department has submitted a good and sufficient reason for such postponement.
- E. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

-
- F. The appellee shall have the burden of proof by a preponderance of the evidence.
 - G. The refuse appeals board shall have the authority to approve, disapprove or modify the decision of the director, in writing, within thirty (30) calendar days after the conclusion of the appeal. A copy of the decision shall be sent to both parties. The decision of the board shall be a final appealable order.
 - H. The refuse appeals board may dismiss an appeal in the appellant or appellant's legal counsel fails to appear at a scheduled hearing, if proper notice of the hearing was given and service perfected.
 - I. Decisions of the board may be appealed to the Franklin County Court of Common Pleas pursuant to the provisions of Ohio Revised Code Chapters 2505 and 2506.
 - J. All appeal hearings shall be recorded.

Chapter 1309 COLLECTION OF ADDITIONAL MATERIALS

1309.01 Pedestrian Waste, Recycling and Compost Receptacles.

At the discretion of the director, pedestrian waste, recycling and compost receptacles may be placed on sidewalks in commercial corridors with high levels of pedestrian traffic.

1309.02 Special Events.

The director shall establish operating rules and regulations for special events in the city as related to refuse, recycling and compost containment, collection, and disposal.

Chapter 1399 CRIMINAL PENALTY

1399.01 Penalty.

- A. Whoever violates any provision of this title is guilty of a misdemeanor of the first degree. Each day that such violation continues shall constitute a separate offense.
- B. Whoever violates any provision of any rule or regulation adopted by the director pursuant to authority granted by this title is guilty of a misdemeanor of the first degree. Each day that such violation continues shall constitute a separate and complete offense.
- C. Strict liability is intended to be imposed for violations of this title.
- D. Organizational criminal liability as provided for in City Code Section 2301.23 is intended for violations of this title.
- E. This penalty is in addition to and separate from any civil penalties provided for by this title or pursuant to Ohio law.