

First Reading: October 9, 2007
Second Reading: October 23, 2007
Third Reading: November 13, 2007

ORDINANCE 14 -2007

**AN ORDINANCE TO REGULATE THE PROCEDURE FOR PLACING
RECEPTACLES CONTAINING GARBAGE AND TRASH TO BE COLLECTED BY
THE VILLAGE OF NEWTOWN'S INDEPENDENT CONTRACTOR AND
REGULATING THE TYPE AND SIZE OF SAID RECEPTACLES**

WHEREAS, the Council of the Village of Newtown has entered into a contract with Rumpke Waste, Inc., an independent contracting firm, to provide waste collecting and disposal services to the residents of the Village of Newtown; and

WHEREAS, as part of the agreement with said company the residents of the village are to place the receptacles containing the waste at the curb line on the specified times for collection; and

WHEREAS, certain citizens of the Village have placed these receptacles in containers of such type as to cause the waste to be disbursed over the streets and sidewalks of the Village; and

WHEREAS, certain citizens of the Village have also placed the containers at the curb site as required by the contract several days prior to the pickup date as per the contract with said contractor, so as to cause a nuisance on the streets generally; and

WHEREAS, it is the desire of Council to eliminate the use of receptacles for the containment of garbage and other wastes which do not properly retain the waste material until it is collected by the contractor, and further prevent citizens from placing containers of any type at the curb site at any time regardless of the collection date.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Newtown, State of Ohio:

SECTION 1. That the containers containing garbage and other trash to be picked up for the regularly scheduled collection by the Village and/or its authorized contractors or agents shall not be set out on the curb before 5:00 p.m. of the evening preceding the scheduled collection day.

SECTION 2. That containers used for the storage of garbage and other trash must be removed from the curb and/or public right-of-way on the day of collection.

SECTION 3. Containers for the storage of garbage and other trash shall not be stored in

the front yard of any real property when not set out for pick-up. Containers for the storage of garbage and other trash shall not be stored in the side yard of any real property unless such containers are shielded from view from the street.

SECTION 4.

That the property owners and/or their tenants or other persons occupying the premises shall be responsible to place the garbage and other waste materials in receptacles that are capable of preventing said garbage and other waste materials from in any manner being disbursed on the curb and/or public right-of-way or the private property prior to the pickup by the Village and/or its authorized agent, and if said containers are not suitable the said property owner, tenant or person occupying said premises shall be liable for a citation for creating a nuisance unless said property owner can prove that the disbursal of the garbage or other refuse was in a suitable container but disbursed for reasons beyond his, her or their control.

SECTION 5.

Individual property owners, tenants or other persons occupying the private property may apply for an exemption for the set out times as provided in this ordinance by making a written application to the Mayor or other agent designated by the Mayor to consider said application. The exemptions by any property owner, tenant or other person occupying the premises may only be considered and granted to persons who must depend on another person to set out their garbage and other refuse for collection, because of age and/or handicap and/or absence from their homes on the evening preceding or morning of the scheduled collection date.

SECTION 6.

Whoever violates any provision of this ordinance is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. Each day that the violation of any provision of this ordinance continues shall be considered a separate offense for which a citation may be issued.

VOTE RECORD:

Mr. Cosby YES

Mr. Evans YES

Ms. Hueber YES

Mr. Kobasuk YES

Ms. McCarthy YES

Mr. Pulskamp YES