

**CHAPTER 1777
Refuse and Debris**

1777.01 Refuse or debris removal.	1777.03 Mandatory recycling.
1777.02 Rules and regulations.	1777.99 Penalty.

CROSS REFERENCES

Property Maintenance Code - see BLDG. Ch. 1306

1777.01 REFUSE OR DEBRIS REMOVAL.

(a) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, shall not permit refuse or debris to be placed on the tree lawn for collection prior to 6:00 p.m. on the evening before regular refuse collection for that property.

(b) If the owner, occupant or person having the charge or management of any lot or parcel of land places or allows to be placed any refuse or debris on the tree lawn prior to the times provided for herein, the Unit Manager of the Division of Refuse or his or her designee is authorized to cause said refuse or debris to be removed from said premises.

(c) When any such refuse or debris is removed at a time other than that scheduled for regular collection as determined by the Division of Refuse, then after such work is performed, the City shall give five days' notice by regular mail to the owner, occupant or person having the charge or management of such lot or parcel of land, at his known address, to pay the cost of such removal, 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 City may seek recovery of such costs by civil action against the property owner involved.

(d) When it is deemed necessary to remove refuse or debris from the public right of way when improperly placed for collection, in accordance with the provisions of this section, the owner shall be charged at the rate of one hundred dollars (\$100.00) per hour or portion thereof, or the actual cost of such work, whichever is larger. The minimum charge therefor shall be as follows:

<u>Violations</u>	<u>Minimum Fee</u>
1st violation	\$100.00
2nd violation	200.00
3rd violation	300.00
4th violation or more	500.00

within a twelve (12) month period.
(Ord. 59-08. Passed 7-21-08.)

1777.02 RULES AND REGULATIONS.

The Director of Public Safety or his or her designee shall adopt rules and regulations consistent with this chapter and any other ordinance of the City of Lakewood for the collection and placement of trash and debris in a manner that will promote efficiency and the protection of the quality of neighboring properties. Such rules and regulations shall be on file in the office of the Clerk of Council. (Ord. 59-08. Passed 7-21-08.)

1777.03 MANDATORY RECYCLING.

(a) Notwithstanding any provision in the Sanitary Code in conflict with this Section, no person receiving municipal solid waste collection services in the City shall fail to separate all recyclable materials from other refuse in accordance with the provisions of this Section.

(b) Notwithstanding any provision in the Sanitary Code in conflict with this Section, no person receiving municipal solid waste collection services in the City shall fail to place all separated recyclable materials for collection apart from other refuse on the day of his or her scheduled refuse collection and in accordance with the provisions of this Section.

(c) The Director of Public Works is hereby authorized and directed to establish and promulgate guidelines, consistent with this Section, for the separation of recyclable materials and placement of recyclable materials for collection, which guidelines shall be revised from time to time as may be required to maintain environmental, financial and commercial practicability. The guidelines created hereunder shall be kept in the office of the Director of Public Works and, after creation and any modification thereto, shall be published in a manner consistent with Section 107.01 of the Codified Ordinances, as well as on the City's official Web site. This provision does not in any way limit the Director of Public Works from producing and distributing other materials for the education of persons receiving municipal solid waste collection services in the City.

(d) As used in this section, "refuse" shall have the same meaning as in Section 1703.14 of the Codified Ordinances. As used in this section, "recyclable materials" shall mean any type of refuse designated for separation from other refuse by the Director of Public Works pursuant to this Section, including, if so designated, but not limited to metal cans and containers, glass jars and bottles, plastics, paper, books, boxboard, cardboard, catalogs, magazines, envelopes, newspaper, telephone books, yard waste, grass, garden debris, leaves, branches, logs and shrubs.

(e) Upon the placement of recyclable materials for collection recyclable materials shall become the property of the City. No person, other than authorized agents of the City 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.

(f) Any person who violates subsections (a) or (b) of this Section shall be charged a fee for the administrative expense of separating the person's recyclable materials from his or her other refuse; or otherwise shall not have his or her refuse collected until such recyclable materials are separated from the person's other refuse in accordance with this Section. Any fee imposed by the City for a violation of this Section shall be at the rate of fifty dollars (\$50.00) per hour or portion thereof, or the actual cost of such work, whichever is larger. The minimum charge therefor shall be as follows:

<u>Violations</u>	<u>Minimum Fee</u>
1st violation	\$50.00
2nd violation	100.00
3rd violation	200.00
4th violation or more	400.00

within a twelve 12 month period. No fee or penalty shall be imposed for a violation of this section unless the violation occurred at least sixty (60) days after the effective date of this section.

(g) Any person who violates subsection (e) of this section shall be guilty of a minor misdemeanor. (Ord. 28-09. Passed 3-16-09.)

1777.99 PENALTY.

Whoever fails to comply with a notice requiring abatement or removal of a violation or requiring compliance with any provisions of this section or any other applicable Codes or any rule or regulation promulgated pursuant to this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day such violation occurs or continues shall constitute a separate offense. (Ord. 59-08. Passed 7-21-08.)