



**AMENDED RESOLUTION HR NO. 01-20
RESOLUTION ESTABLISHING LICENSING REQUIREMENTS FOR
RESIDENTIAL SOLID WASTE HAULERS AND RESIDENTIAL SOLID
WASTE, GARBAGE, REFUSE AND RUBBISH COLLECTION**

The Board of Township Trustees (the “Board”) of Prairie Township (the “Township”), Franklin County, Ohio, met in regular session on _____, 2021, at 7:00 p.m. at 23 Maple Drive, Columbus, Ohio 43228, with the following members present:

Steve Kennedy
Cathy Schmelzer
Doug Stormont

Mr./Mrs. _____ introduced the following resolution in writing:

AMENDED RESOLUTION HR-01-20

**A RESOLUTION ESTABLISHING LICENSING REQUIREMENTS FOR
RESIDENTIAL SOLID WASTE HAULERS AND RESIDENTIAL SOLID WASTE
COLLECTION WITHIN CERTAIN
UNINCORPORATED TERRITORY OF PRAIRIE TOWNSHIP**

WHEREAS, the Board of Trustees adopted limited home rule Resolution HR-01-20 that established licensing requirements for residential solid waste haulers and collection with the unincorporated areas of the Township; and

WHEREAS, the Board is hereby amending Resolution HR-01-20 to further clarify the licensing requirements for residential solid waste haulers and collection with the unincorporated areas of the Township; and

WHEREAS, such amendments are set forth below; and

WHEREAS, it is the opinion of the Board that unregulated trash, debris, junk and residential refuse and garbage collection is creating a public nuisance within the Township and is detrimental to the public health and safety; and

WHEREAS, the Board also recognizes that certain levels of regulation of residential refuse and garbage collection are necessary in order to address the growing vermin problem within the Township; and

WHEREAS, it is the opinion of the Board that the organization and regulation of residential refuse and garbage collection will reduce the vermin issue and assist in addressing the public health nuisance created by such conditions; and

WHEREAS, it is further the opinion of the Board that such regulation is essential to everyday living and is beneficial to all residents of this Township; and

WHEREAS, it is the intent of this Resolution to regulate residential refuse and garbage collection in certain areas of the unincorporated territory of the Township; and

WHEREAS, under its limited home rule authority, the Board may adopt regulations and orders necessary to address public health and safety issues within the unincorporated territory of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Prairie Township, Franklin County, Ohio, that HR-01-02 is hereby amended as follows:

Section 1. The following regulations are hereby adopted by the Board in the exercise of its limited home rule authority pursuant to Chapter 504 of the Ohio Revised Code:

(A) **DEFINITIONS.** As used in this Resolution, the following items shall have the meaning ascribed to them as herein set forth:

"Board" means the Board of Trustees of Prairie Township, Franklin County, Ohio.

"Garbage" and "offal" means all refuse and waste of animals, fish, fowl or fruit or vegetable matter, liquid or otherwise, which accumulates in the use and preparation of food for the table that has been discarded and abandoned and is no longer of value to the owner for ordinary purposes of domestic consumption. "Garbage" and "offal" includes all refuse matter arising from the dealing in or storing of such substance.

"Household hazardous waste" means those items defined as household hazardous waste by the USEPA or the OEPA and shall include paint, gasoline, pesticides, cleaners, etc., that can cause injury or are harmful to people or the environment.

"Recyclables" and "Recyclable Materials" mean the following: materials newspapers, glass, metal, plastics, and other similar materials as separated by the residential generator of the Recyclables and placed for collection in the appropriate Recyclable Material collection container.

"Refuse" includes non-putrescible, non-liquid waste, such as ashes, cinders, tin cans, glass, bottles, rags, waste paper, wood, paper boxes.

"Residential Solid Waste Haulers" means any person, firm or corporation engaged in the business of collecting or removing solid waste, garbage, refuse, rubbish, trash or waste materials of any kind from residential premises within the Township.

"Residential Premises" includes all single family, two-family and multi-family dwellings located within the R-2, R-4, R-6, R-8 and SER Residential Zoning Districts (as may be amended from time to time) in the unincorporated areas Prairie Township that generate and place for collection Residential Solid Waste, Recyclable Materials and Yard Waste. A current zoning map is attached hereto.

"Required Services" means the collection and delivery for processing or disposal of Residential Solid Waste, Recyclable Materials and Yard Waste.

"Rubbish" means dirt, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, cans, boxes, rags, dead weeds, paper, circulars, handbills, boots, shoes, ashes or any other litter or trash whatsoever, but shall not include branches of trees or leaves.

"Solid Waste" has the meaning as defined section 3734.01 of the Revised Code.

"Township" means Prairie Township, Franklin County, Ohio.

"Trustees" and "Fiscal Officer" and "Board" mean those elected officials serving Prairie Township.

"Yard Waste" means grass clippings brush and shrub cuttings, leaves, tree limbs (up to 3-inch diameter and not exceeding 4 feet in length), garden growth and other similar materials placed for collection in tied bundles or separate containers.

"Waste" means either garbage, offal, refuse matter or rubbish.

Section 2. All Residential Solid Waste Haulers shall comply with the following licensing requirements:

(A) **LICENSE REQUIRED.**

No person, firm or corporation shall engage in the business of collecting, hauling or transporting through, over and upon the public streets and ways of the Township any residential Solid Waste without first obtaining a license from the Township.

(B) APPLICATION FOR LICENSE.

(1) All Residential Solid Waste Haulers providing Solid Waste collection services to Residential Premises shall be required to obtain a license from the Township and comply with all applicable regulations set forth in this Resolution.

(2) Any Residential Solid Waste Hauler desiring to obtain a license to engage in the business of solid waste collection shall make written application to the Township on forms provided by the Township. The application shall include, without limitation, the following information:

(a) The name, address, phone, and email of the applicant.

(b) Name, address, phone, and email of business (if different).

(c) A list of vehicles owned and/or operated by the applicant directly in the collection of solid waste and/or recyclables within the Township, including vehicle make, year, cubic yard capacity, Ohio license plate number, and empty tare weight.

(d) A list of residential customers for whom the applicant is currently providing solid waste collection services.

(C) LICENSE REQUIREMENTS; FEES AND INSURANCE.

(1) Upon approval of a license application, but prior to issuance, the Residential Solid Waste Hauler shall furnish to the Township the following:

(a) A license fee in the sum of one hundred fifty dollars (\$150.00).

(b) Proof that of current and valid general comprehensive liability/vehicle insurance policy protecting the collector from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with this license and providing limits of coverage of not less than five hundred thousand (\$500,000) dollars for bodily injury and property damage per occurrence or in the aggregate.

(2) All licenses issued pursuant to this Resolution shall run from the date of the issuance until the 31st of December of the year in which such license is issued. All licenses shall expire on December 31 of each year. Licenses are not transferable.

(3) The Board or it's designee may revoke or suspend the license of any Residential Solid Waste Hauler who violates the terms of this Resolution.

(4) All Residential Solid Waste Haulers shall be duly registered and in compliance at all times with all the requirements of the Franklin County Board of Health.

(D) EQUIPMENT.

(1) Each vehicle used in the Solid Waste collection business shall bear the name and phone number of licensed collectors providing said service.

(2) All collection vehicles used in the collection of Solid Waste shall be enclosed, leak proof, packer type truck bodies. The trucks shall be kept in good and efficient working order. Each collection vehicle shall have a permit issued by the Franklin County Board of Health.

(3) The Township shall reserve the option to cause periodic inspection of all licensed collectors' equipment, including vehicles and refuse containers, utilized within

the Township, to insure their safe, sanitary, and aesthetic condition. It shall be the responsibility of collectors to maintain their equipment in a safe, sanitary, and slightly condition.

(4) Trash containers that are provided to Residential Premises (i.e customers) that are compatible with the company's collection vehicles.

(E) REVOCATION.

(1) The Township reserves the right to revoke any previously granted license for failure to comply with any provision contained within this Resolution.

(2) Any person whose application for a license has been denied, suspended or revoked may make written request for a review before the Board or its designee.

Section 3. All Residential Premises and Residential Solid Waste Haulers shall comply with the following Solid Waste collection requirements

(A) REQUIREMENT TO OBTAIN COLLECTION SERVICES.

(1) All Residential Premises (R-2, R-4, R-6, R-8 and SER Residential Zoning Districts) are required to obtain curbside Solid Waste collections services from a Township licensed Residential Solid Waste Hauler. Proof of Solid Waste collection services from a licensed Residential Solid Waste Hauler may be requested by the Board or its designee. Failure by any Residential Premises to have or obtain Solid Waste collection services shall be a violation of this Resolution.

(2) In exceptional circumstances and proof of other lawful disposal of Solid Waste, the Board or its designee may grant a waiver from the requirement contained in Section (3)(A)(1).

(3) Each and every owner, tenant, housekeeper or other person occupying any Residential Premise having Solid Waste, garbage, refuse or rubbish, in the Township shall not deposit or place the same on any street, alley, public place or ground, or private property in the Township except in accordance with the provisions of this Resolution.

(4) Single-family and two-family residences not in the R-2, R-4, R-6, R-8 and SER Residential Zoning Districts are not required to obtain Solid Waste collection services. In the event a single family or two-family residence obtains Solid Waste collection services it must be from a Township licensed Residential Hauler and comply with the requirements set forth in Section 3(B) below.

(B) TRASH CONTAINERS AND COLLECTION.

(1) Each and every owner, tenant, housekeeper or other person occupying any Residential Premise or a portion thereof in the Township shall provide and renew when necessary a sufficient number of trash containers to hold the Solid Waste, garbage, refuse or rubbish accumulating thereon.

(2) Residential Waste Haulers shall be responsible for providing, either through rental or purchase, each Residential Premises with an appropriate trash container that is compatible with their collection vehicles. All Residential Premises are required to use a trash container provided by a Residential Waste Hauler. All trash containers shall be provided with tight-fitting covers and strong handles on the outside, and shall be watertight. All trash containers shall be maintained by the user in good and sanitary condition. Notwithstanding the foregoing, a Residential Waste Hauler may approve an appropriate trash container used by a Residential Premises that is not provided by the Residential Waste Hauler. Any such container shall meet the requirements of this Resolution.

(3) All Solid Waste, garbage, refuse or rubbish shall be placed inside an appropriate trash container. No Solid Waste, garbage, refuse or rubbish shall be placed outside of a container except as hereinafter provided. Solid Waste Haulers shall still remove any Solid Waste, garbage, refuse or rubbish placed outside of an appropriate container that is placed next to an appropriate container and shall notify the Township of such violation by the Residential Premise. Bulk items of significant amounts that are unable to be placed inside an appropriate container may be placed next to an appropriate trash container for collection. Bulk items include but are not limited to furniture, carpet, non-refrigerant appliances and mattresses

(4) Plastic garbage bags are prohibited when placed outside an approved trash container.

(5) Trash containers, including bulk items, shall not be placed curbside for more than twenty-four (24) hours prior to scheduled pickup by the Residential Solid Waste Hauler. After collection, all trash containers shall be removed from the curbside within twenty-four (24) hours after the collection and stored appropriately. Notwithstanding the foregoing, Residential Premises who receive Solid Waste removal services from a Residential Waste Hauler via an alley shall not be required to remove such trash container after collection, provided such container is located outside of the alley.

(6) Any yard waste or recyclables for collection, if separated from the Solid Waste, shall be placed in an appropriate yard waste bag or practical recyclable receptacles that can be readily handled for emptying. A Yard Waste bag or recyclable receptacles shall be located curbside (or alley) near the trash container.

(7) If trash containers, yard waste bags or recyclable containers are opened and/or overturned by animals or high winds, or any other cause and the contents are blown and scattered about the neighborhood, it shall be the responsibility of the property owner to clean up the trash that has been scattered about.

(8) The property owner of any Residential Premises including apartment houses, rental houses or any other buildings which contain tenants may delegate the responsibility of Solid Waste removal to the tenants, but in the event the tenants fail to have the Solid Waste removed as specified in this Resolution, the property owner shall be liable for causing the removal of Solid Waste from the premises, thus abating any possible nuisances.

(9) Before leaving any Residential Premises after emptying a trash container, Residential Solid Waste Hauler shall clean up any remaining Solid Waste, garbage, refuse or rubbish on the premises spilled during the collection of the same.

(10) Hazardous Waste shall not be placed in curbside or alley or in any trash container and shall not be collected by a Residential Solid Waste Haulers.

(11) All Residential Solid Waste Haulers shall dispose of collected materials in accordance with all applicable Federal, State and Franklin County Board of Health standards.

Section 4. Except as otherwise provided below, each Residential Solid Waste Haulers shall perform Solid Waste collection services to Residential Premises according to the following schedule:

(1) District 1 – Monday only. District 1 is considered the eastern portion of the Township. All of the streets in District 1 are set forth in Collection Schedule attached to this Resolution and incorporated herein.

(2) District 2 – Tuesday only. District 2 is considered the middle portion of the Township. All of the streets in District 2 are set forth in Collection Schedule attached to this Resolution and incorporated herein.

(3) District 3 – Wednesday only. District 3 is considered the western portion of the Township. All of the streets in District 3 are set forth in Collection Schedule attached to this Resolution and incorporated herein

(5) All vehicles used for the collection and transportation of waste shall be limited to the hours of six o'clock a.m. to nine o'clock p.m.

(6) No collection of Solid Waste shall occur on any National holiday. In the event a collection day falls on a National holiday, collection shall occur on the next calendar day.

Section 5. Whosoever violates Section 2 and 4 of this Resolution shall be subject to a civil fine punishable according to the civil fine schedule as follows:

1st Violation: \$250.00.

2nd Violation within 12 consecutive months: \$500.00.

3rd and Subsequent Violations within 12 consecutive months: \$1,000.00.

Whosoever violates Section 3 of this Resolution shall be subject to a civil fine punishable according to the civil fine schedule as follows:

1st Violation: \$150.00.

2nd Violation within 12 consecutive months: \$250.00.

3rd and Subsequent Violations within 12 consecutive months: \$500.00.

Section 5. Should any one or more parts of this Resolution be adjudged unconstitutional or otherwise unenforceable by any Court or other body or person empowered to do so, this adjudication shall not invalidate those other parts or Section herein.

Section 6. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Ohio Revised Code.

Section 7. This resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Township and its inhabitants for the reason that such regulations are necessary to protect residents health and safety.

Mr./Mrs. _____ moved to waive the second reading of the resolution and authorize adoption on the first reading and the motion was seconded by Mr./Mrs. _____. Roll was called on the waiving the second reading and the results were:

Vote Record:	Yea	Nay
M____. _____	___	___
M____. _____	___	___
M____. _____	___	___

Mr./Mrs. _____ moved the adoption of the resolution as an emergency measure and the motion was seconded by Mr./Mrs. _____. Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
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M____. _____

M____. _____

M____. _____

First Reading: _____, 2021

Second Reading: Waived

Effective: _____, 2021

Adopted: _____, 2021

**BOARD OF TOWNSHIP TRUSTEES
PRAIRIE TOWNSHIP
FRANKLIN COUNTY, OHIO**

Steve Kennedy, Trustee

Cathy Schmelzer, Trustee

Attest: _____
Sherry Henning, Fiscal Officer

Doug Stormont, Trustee

APPROVED AS TO FORM:

Peter N Griggs, Township Law Director

CERTIFICATION

The undersigned Fiscal Officer of the Board of Township Trustees of Prairie Township, Franklin County, Ohio, hereby certifies that the foregoing is a true copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on _____, 2020.

Sherry Henning, Fiscal Officer
Prairie Township, Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, Sherry Henning, Fiscal Officer of Prairie Township, Franklin County, Ohio, do hereby certify that a summary of this Resolution was published in the newspaper(s) listed below on the dates listed below:

The Daily Reporter, __/__/20 and __/__/20

Sherry Henning, Fiscal Officer
Prairie Township, Franklin County, Ohio