

**AN ORDINANCE ESTABLISHING SOLID WASTE HAULER REGULATIONS AND
THE PERMITTING OF SOLID WASTE HAULER IN THE VILLAGE OF BREWSTER**

WHEREAS, the Council of the Village of Brewster finds it necessary for the health, safety and welfare of its citizens to regulate the Solid Waste Haulers that operate in the community, and

WHEREAS, after careful consideration Brewster Village Council desires to adopt regulations to permit the Solid Waste Haulers to operate safely and securely in the residential neighborhoods of Brewster.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt Solid Waste Hauler Regulations as defined below and shall add Chapter 117 – Solid Waste Hauler Regulations to the Brewster Code of Ordinances as follows:

Chapter 117: Solid Waste Hauler Regulations

117.01 PERMIT REQUIRED FOR RESIDENTIAL SOLID WASTE REMOVAL

No person shall engage in the business or occupation of collecting or removing residential solid waste (garbage, animal or vegetable refuse, ashes, rubbish, trash or waste materials of any kind) within the Village and upon its streets without obtaining a permit to do so and complying with the requirements of this chapter.

117.02 APPLICATION FOR PERMIT; ISSUANCE.

- a) Whoever desires a permit to engage in any business or occupation described in Section 117.01 shall make written application to the Office of the Village Administrator, on forms provided, correctly stating the following:
 - 1. The name, address and telephone number of the applicant;
 - 2. A brief description of the type of materials to be collected and removed.
- b) Each applicant must provide a written notarized affidavit to provide that all vehicles used for collection are in safe operating condition and has equipment thereon to meet the requirements of Ohio R.C. Chapter 4513 for operational safety for such type of motor vehicle.
- c) Upon receipt of affidavit and after review, the Village Administrator shall issue to the applicant a Permit, valid for one (1) year from the date of issuance. This Permit shall be renewed annually following these application and permitting procedures.
- d) Prior to issuance of the Permit, each permit holder shall be required to post with the Village a ten thousand dollars (\$10,000.00) surety bond to insure their faithful performance to duties required of them under this chapter, and the Village ordinances regulating vehicular traffic in the Village, as well as trash disposal.
- e) Each licensed hauler shall conspicuously place or cause to be placed on his trash trucks the company name, as contained on the permit, in letter size of not less than eight inches, together with a telephone number.

117.03 CERTIFICATE OF INSURANCE.

A certificate of insurance shall be filed with the application covering public liability and automobile liability in the amounts of five hundred thousand dollars (\$500,000) per person for bodily injury and one million dollars (\$1,000,000) per accident for bodily injury and one million dollars (\$1,000,000) per accident for property damage.

117.04 NONCOMPLIANCE; IMPOUNDING; PERMIT REVOCATION.

Any motor vehicle licensed in accordance with this chapter and subsequently found by the Police Department not to be in compliance with the requirements of this chapter, may be impounded. In such case the licensee shall be ordered to comply with such requirements. Upon his failure to do so, the Village Administrator, upon recommendation of the Police Department, may revoke the licensee's permit.

117.05 - PREVENTION OF SPILLAGE REQUIRED.

No permit shall be issued for any motor vehicle not equipped with an adequate covering, a tarpaulin or other material suitable for serving as an effective cover to prevent materials collected therein from blowing from or falling off the motor vehicle, or for any motor vehicle whose bed or body construction or containers are not properly constructed to prevent dropping or leaking of the materials collected therein.

117.06 - WASTE AND RECYCLING COLLECTION SCHEDULE.

- a) Each residential solid waste hauler shall collect residential solid waste one (1) day per week. That day shall be either Wednesday, Thursday, or Friday.
- b) Whoever violates this section is guilty of a fourth-degree misdemeanor. It is an affirmative defense to this section that the private hauler was operating outside of the schedule set forth herein due to National or State holiday, impossible roads due to snow or a mistake by the hauler in missing an address on a scheduled day emergency.

117.07 - HOURS OF COLLECTION.

- a) No person, including a corporation shall engage, operate or permit the operation of any business described in Section 117.01 between the hours of 11:00 p.m. and 6:00 a.m.
- b) Whoever violates subsection (a) above shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
- c) The Village Administrator, or his designated representative, shall have the authority to suspend or revoke a license issued under Section 117.02 when the licensee is guilty of a misdemeanor of the fourth degree pursuant to subsection (b) above.
- d) In the event the licensee has a license suspended or revoked, pursuant to subsection (c) above, and the licensee desires to appeal, he shall timely file written notice with the Mayor within ten days after the receipt of the order of revocation from the Village Administrator, or his designated representative. Within thirty days of the filing of a notice of appeal, the Mayor shall hear, determine and in writing issue its decision as to whether the revocation shall be sustained or overturned. The Mayor may apply other than the strict rules of evidence relating to hearsay evidence.
- e) Criminal remedies available under this section are in addition to and not in replacement of other remedies available to the Village under the Codified Ordinances or any other law or regulation.

117.99 - PENALTY.

Whoever violates any provision of this chapter for which another penalty is not already provided is guilty of a fourth-degree misdemeanor. Each day's violation shall constitute a separate offense.

SECTION 2: Conflicts

The above replaces any previous version of this legislation and supersedes any current legislation which may be in conflict with this legislation

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on October 21, 2019

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King