

VILLAGE OF SOUTH LEBANON, OHIO  
ORDINANCE NO. 2013- 01

AMENDING ORDINANCE NO. 88-23 AND FIXING THE TIME FOR TRASH  
SET OUT AND RETRIEVAL, DETERMING THE LOCATION FOR TRASH SET  
OUT, REQUIRING PROPER RECEPTACLES AND COMPLIANCE WITH THE  
REFUSE COLLECTOR RULES INCLUDING BUT NOT LIMITED TO WRAPPING  
CERTAIN ITEMS, ESTABLISHING PENALTIES FOR VIOLATIONS,  
AND DECLARING AN EMERGENCY

WHEREAS, the Council passed Ordinance No. 88-23 fixing the time for trash set out and removal of trash receptacles in the Village, and requiring property trash receptacles for multi-family dwellings in the Village, as well as establishing penalties for violations; and,

WHEREAS, the current refuse collector will not accept certain items, whether in a receptacle or not, if such items are not completely wrapped in plastic due to public health concerns; and,

WHEREAS, the Village has given notice of the refuse collector's rule by printing notice of the same on three separate monthly utility bills for each customer in the Village, the most recent being the December, 2012 utility bill; and,

WHEREAS, on numerous occasions various items have not been collected by the refuse collector for failure to comply with the said rule and the customers in the Village who set out such items have neglected to retrieve and dispose of such items that cause a public health risk, and the Village employees have had to dispose of such items to abate the health risk and to maintain the aesthetics of the Village; and,

WHEREAS, immediate action is required to amend Ordinance No. 88-23 in its entirety in order to preserve the public peace, health, safety and general welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That Village Ordinance No. 88-23 is hereby amended in its entirety, thereby repealing and replacing all ordinances or parts thereof inconsistent herewith, as follows:

- a) No person or entity in the Village of South Lebanon, Warren County, Ohio, shall set out trash and trash receptacles for pick up prior to 6:00 P.M. on the day prior to the day of collection; and,
- b) All trash receptacles and trash not contained within a receptacle, shall be set out along the curbside of the street at the address from where the trash originates. Recyclables shall be put in the receptacle provided by the refuse collector and also set out along the curbside.
- c) All trash set out for trash collection whether contained within a receptacle or not, must be completely wrapped if required by the rules of the refuse collector, now in effect or as amended hereafter, including but not limited to: completely wrapping with plastic any bedding items such as mattresses, box springs, bed frames, comforters, mattress covers, pillows, sheets and cases; carpeting and carpet padding; draperies and curtains; furniture; or, other items of any kind partially or wholly consisting of upholstery.
- d) All trash receptacles shall be removed from the curbside prior to sunset on the day of collection.
- e) All trash not collected by the refuse collector on the day of collection, shall be removed from the curbside and properly disposed of by other means or concealed out of sight prior to sunset on the day of collection.
- f) The owner of any multi-tenant structure shall provide proper trash receptacles acceptable to the refuse collector for all tenants thereof.
- g) Whoever violates this Ordinance shall be fined not more than \$100.00 for each offense, plus court costs. Each day of violation shall constitute a separate offense.

Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 3. That the Council is acting in its legislative capacity in passing this Ordinance.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to the passing of this Ordinance were in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Ordinance shall be in full force and effective immediately upon its passage.

Approved this 17th day of January, 2013.

Attest: Sharon Louallen Lionel H. Lawhorn  
Sharon Louallen, Fiscal Officer/Clerk Lionel Harold Lawhorn, Mayor

First Reading -	Effective Date - 01/17/2013
Second Reading - n/a	
Third Reading - n/a	
Vote - <u>6</u> Yeas	
<u>      </u> Nays	

Prepared by and approved as to form:

BRUCE A. MCGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By: Bruce A. McGary

Date: 01/17/2013

**CERTIFICATE OF POSTING**

I, Sharon Louallen, Fiscal Officer of the Village of South Lebanon, Ohio do hereby certify I posted a true and accurate copy of this ordinance or resolution, summary of ordinance or resolution, or statement, order, proclamation, notice or report at five public places within the Village as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of Village of South Lebanon, Ohio.

1-23-13  
Date

Sharon Louallen  
Sharon Louallen  
Fiscal Officer  
Village of South Lebanon,  
Ohio