

ORDINANCE NO.: 3-2021  
INTRODUCED BY: Alexander

**AN ORDINANCE ENACTING NEW SECTION 1376.141, "DUMPSTERS REQUIRED," OF THE CODIFIED ORDINANCES TO REQUIRE BUSINESSES AND MULTI-FAMILY PROPERTIES TO PROVIDE DUMPSTERS FOR THE USE AND CONVENIENCE OF THEIR OCCUPANTS AND TENANTS, SETTING FORTH STANDARDS FOR DUMPTER FACILITIES, AND PROVIDING FOR NOTICE OF VIOLATION AND PENALTY FOR NONCOMPLIANCE; AND DECLARING AN EMERGENCY.**

WHEREAS, the City has all powers of home rule which may now or hereafter lawfully be possessed or exercised by municipalities under the laws of the state of Ohio, including the power to make regulations for the safety, health and welfare of its citizens and all those who work in and visit the City;

WHEREAS, providing for the regulation of the collection of garbage and rubbish, and the provision of dumpsters by businesses and multi-family properties for the use and convenience of occupants and tenants, and the setting of standards for dumpster pads, enclosures and gates, including enforcement procedures, fines and penalties for noncompliance, within the City will enhance the public safety, health and welfare and correct current problems at these properties that currently exist;

WHEREAS, this Council desires to enact new Section 1376.141 to promulgate regulations with respect to the provision of dumpsters by businesses and multi-family properties and to set standards for dumpster pads, enclosures and gates, including enforcement procedures, fines and penalties for noncompliance, to enhance the public health, safety and welfare;

NOW, THEREFORE, be it Ordained by the Council of the City of Richmond Heights, Ohio, Cuyahoga County, State of Ohio that:

Section 1. Section 1376.141, "Dumpsters Required," of the Codified Ordinances of the City of Richmond Heights is hereby enacted as follows:

**"1376.141 DUMPSTERS REQUIRED.**

- a) All businesses located in the B-1, B-2, OS and Industrial zoning distrects, and all multi-family properties shall be equipped for the use and convenience of their tenants with a trash container, commonly known as a "dumpster." Businesses shall include any entity providing services or products of any nature or kind whatsoever to the public, including, but not limited to, professional services, medical and dental services, personal services, entertainment, retail sales, wholesale clubs, grocery stores, convenience stores, outdoor markets, restaurants, bars and any other type of establishment that provides any service or any tangible thing to the public, whether for profit or not for profit. As used in this section, businesses shall not include government-owned facilities.**

b) Dumpsters shall be sized, serviced and emptied per a program and schedule insuring that no overflow of said container(s) ensues or that it is not necessary to place trash or garbage outside of the dumpster. Trash, garbage, broken or discarded furniture or other household articles shall not be placed in the vicinity of the dumpster enclosure outside of the dumpster. Containers shall not be located in the front yard of any property. Containers shall be located at the rear of the property or in a location that least impacts neighboring parcels. Dumpster containers whose placement abuts an R-1 or R-2 residential zoning district by fifteen (15)-feet or less shall be surrounded by a masonry wall with a steel-framed gate. Dumpsters in other locations shall be surrounded by a masonry wall, wood-framed enclosure, or a chain-link enclosure constructed per subdivisions (b)(2) through (b)(4) of this section. All enclosures shall be eight (8)-feet in height and of a size large enough to enclose the container without being easily damaged during servicing. Dumpster enclosures may be sized to enclose all dumpsters servicing the property. Dumpster enclosures and the surrounding area shall be properly illuminated to insure that the residents/tenants can use the area safely. Lighting shall be carefully designed and installed as to not adversely affect neighboring properties. Dumpster enclosures shall be constructed as follows:

(1) All dumpsters shall be placed on concrete pads of a minimum thickness of six (6)-inches. Concrete shall be sloped sufficiently to permit necessary drainage of rain or snow.

(2) Masonry walls shall be constructed on three sides of either cement masonry units (cement block) with face-brick attached, or of split-face masonry units of a minimum thickness of eight (8)-inches. Masonry walls shall be placed on an approved foundation. Color and finish of the masonry shall be approved by the Architectural Review Board.

(3) Wood-framed enclosures shall be constructed using weather-treated six (6) inch by six (6)-inch corner posts and cedar fencing or other materials permitted in Section 1313 of the Codified Ordinances. Unfinished materials shall be stained or painted in a manner approved by the Architectural Review Board.

(4) Chain link enclosures shall be constructed on three (3) sides using a minimum of four (4)-inch WT40 Galvanized Corner Posts and chain link fabric of nine (9) gage Aluminized - .40oz aluminum coating - ASTM A-491 - 2" mesh - Selvage Knuckle - Knuckle. Intermediate posts shall be 2 1/2" O.D. Sch. #40 or WT40, set in 12" x 42" cement footings spaced no more than eight (8) feet apart. Top-brace and bottom rails of 1 5/8" O.D. Sch. #40 or WT40 pipe shall be used. Winged slat High Density Polyethylene (HDPE) materials in an approved color by either PEXCO or an approved equal shall be woven in the fence fabric to provide the required screening.

(5) Gates for all types of enclosures shall be constructed using a two (2)-inch round or square galvanized steel Sch. #40 or WT40 - notched and welded - center brace with two (2) 3/8-inch diagonal truss rods supporting either approved wood or chain link (see subdivision 4 above) finishing materials. The frame shall be supported by a minimum of six (6)-inch schedule #40 galvanized gate posts embedded in poured concrete footings of a minimum size of eighteen (18)-inch diameter by forty-eight (48) inches in depth. Gates shall be provided with galvanized pipe drop-rods mounted on the outside of each gate for securing the gates in an open or closed position. Gates shall be secured closed at all times and opened only to empty the dumpster.

(6) Dumpster enclosures shall also be constructed with an approved thirty-six (36)-inch wide pedestrian gate or an approved thirty-six (36)-inch wide walk-through opening.

(7) The approach lane for the servicing/emptying of each trash container shall be constructed in accordance with Chapter 1175 of the Codified Ordinances.

(c) No owner, operator or occupant of any property or any other responsible party shall violate subdivision (b) of this section. If there is a violation, the violation shall be enforced as follows:

(1) The Building Inspector, Director of Public Service, Chief of Police or their authorized designees, are authorized to issue notices and citations to the owner, operator or occupant of any property maintained in violation of this section, or to any other responsible party.

(2) The official shall personally deliver the notice of violation or post the notice of violation in a conspicuous location on the property. The notice shall state the time when the notice was issued and shall state the nature of the violation and that the violation must be corrected within the time specified in the notice after its posting.

(3) No person who has been issued such a notice shall fail to comply with said notice.

(4) Within any three (3)-month period, the first notice of violation will be sent followed by a misdemeanor citation and/or other enforcement action if the violation is not corrected or abated within the time specified in the written notice provided for in subdivision (c)(2) above. Additional violations within any three (3)-month period will be sent a citation without notice.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens, property owners, business tenants and visitors to, the City of Richmond Heights, and for the further reason that it is necessary to immediately control problems with storage of garbage and trash that currently exist; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: Jan. 12, 2021

APPROVED: Jan 12, 2021

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council

David H. Roche  
David H. Roche, Mayor

Eloise Cotton-Henry  
Eloise Cotton-Henry  
President of Council