

ORDINANCE NO.: 38-2008 (As Amended 6/10/08)
INTRODUCED BY: O'Toole

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 521.08 TO
REGULATE RECEPTACLES FOR COLLECTION AND STORAGE OF ITEMS,
DONATED OR OTHERWISE.

WHEREAS, it has come to the attention of this Council that many properties throughout the City, including but not limited to commercial properties and properties used for religious purposes, have caused or allowed receptacles to be located on those properties for the collection and storage of items, donated or otherwise, and such receptacles are maintained in an unsightly manner and do not completely enclose all items, leaving them exposed to rain, snow, wind and other elements causing an unsafe, offensive, and unsightly condition in the community to the detriment of the public health, safety and general welfare, including the aesthetics of the community and its property values; and

WHEREAS, this Council desires to regulate such collection and/or storage receptacles in a manner that furthers the public health, safety and general welfare of the City and Council so finds that the amendment set forth in this Ordinance accomplishes such objective.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Section 521.08, "Littering and Deposit of Garbage, Rubbage, Junk, Etc.", of Chapter 521, "Health, Safety and Sanitation", of Part Five, "General Offenses Code", of the Codified Ordinances of Richmond Heights is hereby amended to add new subsections (c) and (d) to hereafter read as follows:

"(c) No person or entity shall cause or allow a receptacle for the collection and/or storage of items, donated or otherwise, to be located in the front yard or a side yard facing a public street, as these yards are defined in the Zoning Code, and the person or entity in control of the receptacle, the person or entity in control of the property the receptacle is located on, and the owner of the property the receptacle is located on shall be responsible for maintaining all items within a completely enclosed receptacle and not exposed to rain, snow, wind or other elements. All such receptacles shall be maintained in a manner so as to be free of rust, peeling paint, dirt or other unsightly condition.

(d) A receptacle as described in (c) of this section that is used solely for the purpose of depositing construction and demolition debris or similar

materials, commonly known as a "dumpster," may be placed in a front yard or in a side yard of a lot facing a public street for a period of up to five days or if being used in conjunction with construction taking place at the premises, for the time of active construction but only upon the advance registration of the use of the receptacle with the Commissioner of Building, Zoning and Housing along with the payment of any fee established by the Commissioner for the registration. A receptacle that is used to store personal property to transport such property to a different location, commonly known as a "PODS" – Portable On-Demand Storage -- may be placed in a front yard or in a side yard of a lot facing a public street for a period of up to five days but only upon the advance registration of the use of the receptacle with the Commissioner of Building, Zoning and Housing along with payment of any fee established by said Commissioner for the registration. For good cause shown, the Commissioner may extend the five-day period of time in this subsection (d) for one additional period of time of up to five days. A receptacle described in this subsection (d) may only be placed in a front yard or in a side yard facing a public street pursuant to the requirements of this subsection (d) if it cannot be placed in a rear yard or side yard not facing a public street because of the location of permanent structures on the property."

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 that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council