

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

ORDINANCE A-23

An Ordinance requiring a permit issued by the City of Orrville, Ohio for temporary placement of a roll-off dumpster (“Dumpster”) and/or temporary portable on demand storage unit (“PODS”) within any single-family zoning district within the City of Orrville, Ohio.

WHEREAS, Extended placement of trash receptacles or temporary portable on demand storage units upon residential property creates a visual blight and nuisance to neighboring property owners; and

WHEREAS, the City of Orrville, Ohio desires to balance the concerns with neighboring property owners with the practical needs of homeowners to utilize larger trash receptacles for construction, remodeling or clearing away of debris on a temporary basis; and

WHEREAS, the issuance of a permit for a limited time ensures that the needs of property owners are met while addressing the concerns of the community; and

WHEREAS, this matter was initially discussed by the Council Planning Committee, considered by the Planning Commission on December 15, 2022 and approved by said Commission for referral to this Council for enactment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Orrville, State of Ohio:

Section 1. Chapter 1106 of the Zoning Code of the City of Orrville, Ohio shall be amended to include the following as Accessory Uses:

- (a) For purposes of this section, the term “dumpster” or “roll-off” shall mean any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees or limbs designed to be delivered and picked-up by a truck and which is left on site in any zoning district. Dumpsters do not include garbage or recycling cans which can be moved by a person.
- (b) “Temporary portable storage unit” or “portable on demand storage unit” shall mean any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building for a temporary period of time until the portable storage unit is moved to an off-site location.
- (c) No person shall place or cause to be placed upon any street, sidewalk, alley or public right-of-way within the City any trash or refuse containers commonly known and referred to as dumpsters, or temporary or portable on demand storage units, commonly known as referred to as PODS, without first having obtained a permit from the office of the Safety-Service Director.
- (d) Upon approval of the permit application, a permit for placement of the dumpster/PODS shall be issued by the City upon payment of the permit fee. Permits shall be good for a period of thirty (30) days from the date of issuance. Provided that the permit holder has complied with the requirements of this Ordinance and the permit issued hereunder, the permit may be renewed for up to four (4) additional periods of thirty (30) days upon payment of the renewal permit fee. The initial thirty (30) day permit shall be issued without a fee, and permit renewal fee shall be

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set at \$10 for each subsequent renewal. Any change in the permit fee by the City may be done so by Resolution from time to time.

(e) Upon issuance of a permit as set forth in this ordinance, the permit holder agrees to comply with the following requirements:

- i. Any dumpster or PODS for which a permit is issued shall bear reflectorized or illuminated marking in order to provide adequate warning of the placement of such dumpster or PODS to pedestrians. If the dumpster or PODS does not bear these markings, then orange safety cones are to be placed on the front and rear traffic sides.
- ii. Any dumpster placed on City streets will be removed within 7 calendar days from the date of placement unless approval is granted in writing from the Safety-Service Director's office.
- iii. If at any time there is damage caused by the dumpster or PODS to any City property, the permit holder will be held responsible for the damages and be given notification as to the costs of repairs to the City's property.
- iv. After any dumpster is filled to capacity, the same shall be emptied or caused to be emptied or removed within three (3) calendar days.
- v. The permit holder agrees at all times to prevent any items or debris from leaving the dumpster due to foul weather, high winds or any other condition, if need be, to place a tarp coverage over same to help prevent the items from being upon other person's property and or City streets.

(f) Any permit issued or renewed by the City may be immediately revoked by the City upon mailing of Notice of Revocation to the permit holder at the address stated in the permit application, or by service of the Police Department, for any of the following reasons:

- i. Failure to comply with any provision of this Ordinance or any requirement as set forth in the permit or permit,
- ii. The emission of any foul or noxious odor from material contained in the dumpster, regardless of whether the dumpster is filled to capacity, or
- iii. The presence of any vehicular, pedestrian, fire, health or safety hazard or potential hazard arising after issuance of a permit or renewal thereof.

(g) Any person violating any provision of this Ordinance shall upon conviction thereof, fined not more than \$100.00 for each offense committed and shall be listed as a Minor Misdemeanor Offense. Upon revocation of any permit granted or renewed by the City, failure to remove any dumpster for which a permit has been revoked shall constitute a separate violation for each day after revocation. For each day that a dumpster is placed as provided without having obtained a permit therefore, a separate violation shall exist. The City shall have the

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right to remove any un-permitted or violating dumpster or PODS and assess the cost thereof to the property owner.

Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2023.

President of Council

Attest:

Clerk of Council

Approved:

Mayor, City of Orrville

Date