

ORDINANCE NUMBER 12-1959  
VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE FOR THE REGULATION OF STORAGE, COLLECTION, AND DISPOSAL OF GARBAGE AND RUBBISH CREATED WITHIN THE VILLAGE OF CENTERVILLE TO PREVENT PUBLIC HEALTH NUISANCES AND THE SPREAD OF COMMUNICABLE DISEASES.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERVILLE, OHIO:

Section 1. Definitions. That for the purposes of this ordinance, the following definitions shall apply:

A. The term "garbage" means all putrescible wastes, including but not limited to animal, fruit, fish, fowl or vegetable matter resulting from the preparation, use or cooking of food for consumption and vegetable and animal offal and carcasses of dead animals, but excluding human excreta, sewage and other water carried wastes. The term shall include all such substances from all public and private establishments and from all residences.

B. The term "rubbish" means ashes, glass, crockery, tin cans, paper, boxes, rags and old clothing, grass and shrubbery cuttings and all other similar non-putrescible wastes. The term shall not include any material such as earth, sand, brick, stone, plaster, furniture, household furnishings or other similar substances that may accumulate as a result of construction operations or repair or remodeling of building.

C. The term "householder" means the head of a family or one maintaining separate living quarters and shall include owners, tenants and occupants of all premises where garbage or rubbish or both is or are created. Nothing in this definition shall be construed to apply to commercial operators as hereinafter defined.

D. The term "premises" means land or buildings or both, or parts of either or both, occupied by a householder or a commercial operator.

E. The term "commercial operator" means all persons, firms, or corporations who own or operate stores, restaurants, industries, institutions, and other similar places, public or private, charitable or non-charitable, and includes all responsible persons other than householders, upon the premises of which garbage or rubbish or both is or are created.

Section 2. Storage of Garbage and Rubbish. No householder or commercial operator shall permit to accumulate upon the premises any garbage or rubbish except in covered containers.

All garbage shall be kept in not less than 10 gallon nor more than 35 gallon capacity rust-resistant metal or plastic, water-tight, nonabsorbent, and easily washable containers which are covered with close-fitting lids and are equipped with bail or handles. Where practicable, all garbage shall be drained of liquids and wrapped in papers. These containers shall be of adequate capacity and provided in sufficient number to hold all garbage that accumulates between collections. All containers shall be washed and treated with a disinfectant as often as necessary to prevent nuisance.

All rubbish shall be stored in reasonably tight and substantial containers that are easy to handle, except for grass and shrubbery cuttings which may be tied in bundles not more than 3 feet in diameter. Such containers shall be of adequate capacity and provided in sufficient number to hold all other refuse that accumulates between collections.

Section 3. Authorization to Collect Garbage and Rubbish.

A. Contract. No person, firm or corporation shall collect or transport garbage or rubbish within the Village who does not have a contract with the Village of Centerville to do so or who is not a member, agent or employee of an organization which has such a contract.

B. All garbage or rubbish transported on the streets or other public thoroughfares in the Village of Centerville shall be in vehicles, the bodies of which are leakproof, easily cleanable and completely covered with metal. Spillage or drippage from vehicles transporting garbage or rubbish shall not be permitted.

Section 4. Uncollected Garbage and Rubbish Declared a Nuisance. Fermenting, putrefying or odoriferous garbage or rubbish in containers or dumped in the open is hereby declared to be a nuisance and the person or persons responsible shall be liable to prosecution under the provisions of Section 3767.13 et seq. of the Revised Code of Ohio.

Section 5. Penalty. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars. Each day that any such person shall violate any of the provisions of this Ordinance shall constitute a separate offense and be punishable as such.

Section 6. The foregoing Ordinance shall be effective on and after January 1, 1960.

PASSED this 17th day of December, 1959.

(signed) Omer Jackson  
Mayor of the Village of  
Centerville, Ohio

ATTEST:

(signed) Kenneth E. Poff  
Clerk-Treasurer of the Village of  
Centerville, Ohio

C E R T I F I C A T E

I, Kenneth E. Poff, Clerk-Treasurer of the Council of the Village of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance Number 12-1959 passed and adopted by the Village of Centerville, Ohio, this 7th day of December 1959.

(signed) Kenneth E. Poff  
Clerk-Treasurer

CERTIFICATE OF POSTING

I, Kenneth E. Poff, Clerk of the Council of the Village of Centerville, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of Ordinance Number -12-1959 was duly made by posting true copies thereof at five of the most public places of said municipality, as determined by the Council, as follows:

Centerville Pure Oil  
Village Market  
Centerville Post Office  
Shell Service Station  
Stage Coach Inn

each for a period of fifteen days, commencing on the 7th day of December, 1959.

Dated: December 7th, 1959.

(Signed) Kenneth E. Poff  
Clerk-Treasurer of the Council of the  
Village of Centerville, Ohio

ORDINANCE NUMBER 13-1959  
VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE TO CONTROL THE EXCAVATION INTO ANY STREET, SIDEWALK, SIDEWALK SPACE, ALLEY, OR PUBLIC WAY IN CONNECTION WITH THE INSTALLATION OF LATERAL WATER SERVICE FOR ANY OTHER PURPOSE WHATEVER, AND TO PROVIDE FOR PERMITS FOR SUCH DIGGING AND EXCAVATION.

BE IT ORDAINED by the Council of the Village of Centerville, State of Ohio:

Section 1. It shall be unlawful for any person, firm or corporation to do or permit to be done by his or its agents, servants or employees, without having first obtained from the Village Council a permit so to do any of the following acts:

(a) Make any excavations or dig into any street, sidewalk, alley, public way or place in any manner or direction,

(b) Install, place or join together any pipes or conduits of any kind for the conduct of water, gas, electricity, drainage or seepage, or for any other purpose whatever, upon or beneath the surface of said street, sidewalk, alley, public way or place.

Section 2. The person, firm or corporation desiring to acquire such a permit shall apply to the Chairman of the Street Committee of the Village Council and, if the applicant is not the owner of the abutting property in connection with which the privilege or license in the street or public way is desired, then such owner must join in the application and also sign it. Before the Street Committee shall issue such permit, the applicant shall be required to pay a permit fee of Twenty Dollars (\$20.00) to cover necessary administrative and engineering expenses and to deposit the sum of One Hundred Dollars (\$100.00), or a sum computed at the rate of Two Dollars (\$2.00) per lineal foot proposed by the applicant to be excavated, which ever sum is greater. The permit fee and the deposit so required shall be paid in cash, certified check or postal money order to the Chairman of the Street Committee of the Village Council who shall, in turn, transfer the deposit to the Clerk-Treasurer of the Village Council and thereafter the permit shall issue.

Section 3. The applicant shall be required to restore the sidewalk, public way or alley thereafter excavated under such permit to its original pavement condition, subject to the further regulation, specification and control by said Street Committee for such restoration, which restoration and reconstruction shall be completed within Thirty (30) days from the date of issuance of the said permit. Upon completion as so required, the applicant shall immediately notify the Chairman of the Street Committee that such restoration and reconstruction have been made. Thereafter, the Clerk-Treasurer shall retain deposit made upon the issuance of said permit for a period of Ninety (90) days beginning with the date of notification by the applicant of completion as heretofore required. If at the end of said Ninety (90) Day period, the restoration and reconstruction in connection with such excavation shall be finally approved upon inspection by the said Street Committee or its appointed authority, then the said deposit as hereinbefore required shall be returned to the grantee of the permit. If the restoration and reconstruction is not approved and is adjudged unsatisfactory by said Street Committee upon inspection, then the Village Council shall expend such amounts out of said sum so deposited to complete the restoration and reconstruction in accordance with the standards and specifications adopted by said Street Committee, and the balance remaining after such expenditure shall then be returned to the grantee of the permit. The purpose of the additional Ninety (90) Days period provided above shall be to provide a period for proving the reconstruction by the grantee of the permit against settling or faulty workmanship. If the grantee of the permit shall fail to complete the restoration and reconstruction of said excavated portion within the Thirty (30) Day period provided for herein, then the deposit so required as aforesaid shall be forfeited to the village of Centerville unless said Street Committee shall extend the period for good cause shown.

Section 4. Any permit granted shall be subject to the obligation on behalf of the grantee of the permit to indemnify and hold harmless the Village of Centerville from and against any claims, demands, law suits or judgments arising out of any exercise of the privilege granted by such permit, to reimburse the Village of Centerville for any expenses incurred by it by reason thereof, and to defend any such claim, demand, law suit or judgment.

Section 5. Any permit granted shall be subject to the obligation of the grantee of the permit to procure and furnish satisfactory evidence that the said grantee has procured and is keeping in full force and effect a policy of liability insurance providing said grantee and the Village of Centerville with indemnification against any claims, demands, law suits, or judgments arising out of any exercise of the privilege granted by such permit, and which provides for the defense on behalf of the Village of Centerville against any such claim, demand, law suit or judgment. The requirements of this Section may be waived when in the opinion of the Street Committee the nature of the undertaking does not require it.

Section 6. In case of emergency occasioned by a breach or a sudden discontinuance