REGULATION 60.00

of the

Montgomery County
Sanitary Regulations

Premise Sanitation,
Storage, Collection, Transportation
and Disposal of Solid Waste

Revised January 2012
Regulation 60.00

Premise Sanitation, Storage, Collection, Transportation and Disposal of Solid Waste

To prevent the creation of Nuisance Conditions caused by the storage, collection and transportation of solid waste within the jurisdiction of Montgomery County Board of Health, No Commercial, Private, or Public waste hauler shall be allowed to collect or transport solid waste within Montgomery county unless that waste hauler possesses a valid collection vehicle registration and inspection for each collection vehicle used to collect or transport solid waste within Montgomery county; and all premises shall be maintained in a nuisance free condition.

Section 60.10 Definitions- For the purposes of the Regulation 60.00 the following terms have the following meanings

Section 60.11 Waste Hauler shall mean any person engaged in collecting and transporting solid waste

Section 60.12 Domestic Premises shall mean all grocery stores, service stations, food processing plants, trailer parks, motels, and shall include but not be limited to all other similar establishments where solid waste is or may be generated

Section 60.14 Householder shall mean the head of the family, or one maintaining separate living quarters for domestic purposes

Section 60.15 Public Nuisance means a property or building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or is otherwise dangerous to human life, or is otherwise no longer fit an habitable or that in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment

Section 60.16 Solid Waste shall mean such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition and construction waste, nontoxic fly ash, spent nontoxic foundry sand, slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. “Solid Waste” does not include any material that is an infections or hazardous waste
Section 60.17  Construction and Demolition Debris shall mean those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, buildings, industrial or commercial facilities or roadways.

Section 60.18  Solid Waste Transportation Container shall mean a container that is designed and used to be filled with solid waste at one location and transported filled to another location intended for disposal. This definition shall not include containers that are used exclusively to store and transport non-putrescible solid waste.

Section 60.19  Litter shall mean garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature, thrown, dropped, discarded, placed, deposited by a person on public property, on private property (whether or not owned by him/her) or in or on waters of the state, unless the person has:

1. been directed to do so by a public official as part of a litter collection drive
2. thrown, dropped, discarded, placed or deposited the material in a receptacle in a manner that prevented its being carried away by the elements; or
3. been issued a permit or license covering the material pursuant to Chapter 3734 or Chapter 6111 of the Ohio Revised Code.

Section 60.20  Containers for Domestic Premises- It shall be the duty of each householder to provide an adequate number of approved containers upon his or her domestic premises so as to hold all solid waste for a period of one week. Such containers shall be so maintained that they shall be noncorrosive, impervious, water and odor tight and animal and vermin proof. It shall be unlawful for any householder to allow solid waste to accumulate upon his or her domestic premises for a period exceeding seven (7) days. Unless otherwise provided, each householder shall employ an approved collection agent to remove solid waste from his or her domestic premises. Burying or open burning of solid waste by householders on domestic premises is unlawful.
Section 60.21 Containers for Commercial Premises - It shall be the duty of the owner or occupant of every commercial establishment to provide an adequate number of approved containers to hold all solid waste on the commercial premises between collections. Containers for commercial premises shall be noncorrosive, impervious, water and odor tight and animal and vermin proof.

All refuse bins shall bear container markings which clearly identify the hauler. It shall be unlawful for the owner or occupant of any commercial establishment to allow solid waste or construction and demolition debris to accumulate on any commercial premises so as to constitute a public nuisance.

Section 60.22 Cleaning Containers - It shall be the responsibility of the owner of any container used for the temporary storage of solid waste to maintain such container in a nuisance-free condition including the periodic cleaning of such container. An undue accumulation of material on the sides or bottom of the container shall constitute a violation of this section.

Section 60.23 Vehicles to be used for Collection and Transportation of Solid Waste - Collection and transportation of solid waste shall be in vehicles, the bodies of which are leak-proof, completely covered with metal and shall be provided with a powered mechanical compaction system or device. The loading hopper of such vehicles shall be of such a size that a fifty (50) gallon drum can be upended therein and shall be so designed as to prevent leakage of liquids during loading operations.

Non-compaction type vehicles may be used for collecting and transporting such items as demolition and construction debris and Non-putrecible solid waste consisting of salvage and similar material provided that the vehicle body is leak-proof. Such vehicles shall also be equipped and operated with an approved cover in good repair, except when the Health Commissioner specifically determines that no nuisance will be created.

Section 60.231 It shall be the duty of the owner of every solid waste collection and transportation vehicle and solid waste transportation container to clean such vehicles and containers and otherwise maintain them in a Public nuisance-free condition. Each vehicle and container shall be cleaned sufficiently often to prevent a public nuisance from developing. An undue accumulation of garbage or refuse on the sides or bottom of the vehicle or container will constitute a violation of this section.
Section 60.24 Registrations and Inspections for solid waste Collection and Transportation Vehicles: No person, firm or corporation shall engage in the collection, removal and/or transportation for remuneration or as a part of a commercial or governmental operation, solid waste until a vehicle registration and inspection has been obtained from the health commissioner. A separate registration and inspection is required for each transporting vehicle. Inspections shall be conducted annually and at such time as deemed advisable by the health commissioner.

Section 60.241 All collection vehicles and all vehicles that haul solid waste transportation containers shall have the company name or logo in characters at least three inches high placed on both sides of the truck cab or body. A truck number of similar size shall be placed on both sides of the truck cab.

Section 60.25 Annual Inspection, Inspection Fee, and Registration Application: Waste haulers must obtain an annual vehicle registration from the Health Commissioner for each collection vehicle used to collect or transport solid waste within Montgomery County to ensure that such collection vehicles are fit for the transport of solid waste without causing or creating nuisance conditions. Applications for collection vehicle registrations shall be in writing and on a form prescribed by the Health Commissioner. The collection vehicle inspection fee shall accompany the registration application for each collection vehicle that a waste hauler intends to use to collect or transport solid waste with Montgomery County.

Section 60.251 No vehicle registration will be issued by the Health Commissioner for any collection vehicle used to collect or transport solid waste within Montgomery County without a collection vehicle inspection.

Section 60.252 Upon inspection and issuance of a collection vehicle registration, a registration decal shall be immediately affixed to the driver’s side of the collection vehicle for which the registration has been issued. Registration decals shall not be transferred between collection vehicles unless the health commissioner or his representative has conducted a new inspection and provided written approval of the transfer of the registration decal.

Section 60.253 The annual inspection fee for each vehicle shall be determined by the Board of Health by resolution but shall not exceed the cost of inspection administration and enforcement. It shall be the responsibility of the owner of each vehicle to be used for collection and transportation of solid waste to obtain a vehicle inspection.
Section 60.26  **Approved Disposal of Solid Waste and Construction & Demolition Debris**- All solid waste shall be disposed of in a state licensed waste disposal facility or an approved resource recovery or salvage facility. All construction & demolition debris shall be disposed of in a state licensed construction & demolition disposal facility or state license solid waste facility.

Section 60.27  **Littering Prohibited**- No person shall, regardless of intent, throw, drop, discard, place, or deposit litter or cause litter to be thrown, dropped, discarded, placed, or deposited on any public property, on private property (whether or not owned by him/her) or in or on waters of the state, unless the person has:

1. been directed to do so by a public official as part of a litter collection drive;
2. thrown, dropped, discarded, placed or deposited the material in a receptacle in a manner that prevented its being carried away by the elements; or
3. been issued a permit or license covering the material pursuant to Chapter 3734 or Chapter 6111 of the Ohio Revised Code.

Section 60.271  **Premise Sanitation**- any property or building which shall be found to have any of the following defects shall be condemned as unfit for human habitation or use and declared a Public Nuisance:

A. One which is so unsanitary, structurally unsafe, damaged, decayed, dilapidated, or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public;

B. One which because of its general condition or location is unsanitary, or otherwise dangerous to the health and safety of the occupants or of the public.

Section 60.271  No person shall permit, cause, dump, or allow to remain on any property owned, occupied, leased, or otherwise controlled by such person, any solid waste, construction & Demolition debris, or anything else of an unsightly or unsanitary nature which constitutes a Public Nuisance. No such person shall knowingly allow or permit such Public nuisance to remain on such property nor shall such person neglect to remove or abate the Public nuisance within a reasonable time after acquiring knowledge of the existence thereof, or after receiving written notice from the Health Commissioner or a township trustee, highway superintendent, or constable, of the township in which such public nuisance exists or from a Montgomery County Commissioner or his or her authorized representative. A person who is engaged in the business of
accepting, storing, or accumulating, the aforementioned material but in a manner not in violation of other applicable laws or regulations shall not be in violation of this section so long as reasonable care is exercised to prevent conditions that would violate other sections of this regulation 60.00 or other applicable laws or regulations.

Section 60.28 Severability - Should any part of this regulation be declared unconstitutional or void for any reason, the remainder of the regulation shall not be affected thereby.

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