

Cleveland, OH Code of Ordinances

CHAPTER 551 – WASTE COLLECTION AND DISPOSAL

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Cross-reference:

Depositing rubbish under viaducts, CO 577.14

Parking waste collection vehicles, CO 203.08

Prohibitions against littering, CO Ch. 613

Residential occupancy garbage and rubbish disposal, CO 369.08

Rubbish and garbage disposal in rental dwellings, CO 371.07

Statutory reference:

Collection and disposal of garbage, RC 715.43, 717.01

Vehicle loads dropping or leaking, RC 4513.31

§ 551.01 Definitions

As used in this chapter:

(a) “Garbage” means all putrescible wastes, including, but not limited to, vegetable matter, animal offal, carcasses of dead animals and the like, excluding recognized industrial by-products.

(b) “Industrial waste” includes rubbish and processing wastes associated with mechanical or chemical transformation of inorganic or organic substances into new products or from assembling component parts.

(c) “Solid waste” means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, household, community and private operations, excluding earth material from construction, mining, demolition operations, and slag. Such material shall be deemed to include, but not be limited to, garbage, rubbish (both combustible and noncombustible), street dirt, debris, ashes, any discarded matter to be removed from public and private properties and other like substances which may be harmful or inimical to public health, as well as other items determined to be solid waste by the Director of Public Service.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.02 Approved Waste Containers

Waste containers approved for residential collection by the City shall be substantially constructed of plastic, nonrusting metal or other nonleakable, nonabsorbent material. Such containers shall be capable of being tightly closed by lid or tie, so as to prevent insect breeding, spillage of refuse and other health and safety problems. Containers shall not exceed seventy (70) pounds in weight when filled. Rigid containers of metal, plastic or other nonleakable nonabsorbent material shall be equipped with handles to facilitate handling. Plastic bags shall be of sufficient gauge to prevent easy tearing. The container shall be of such a size, shape and weight that, when filled, it may be easily handled by one (1) person.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.021 Waste Containers Used for Commercial Solid Waste

All waste containers and dumpsters used or maintained for the collection, storage or disposal of commercial solid waste shall be tightly closed with a lid or cover at all times, except during the act of loading or unloading, so as to prevent insect breeding, spillage of refuse and other health and safety problems.

(Ord. No. 2892-87. Passed 2-8-88, eff. 2-11-88)

§ 551.022 Solid Waste Collection Fee

(a) All residential properties shall be charged the following monthly rates to defray the cost of collection and disposal of solid waste beginning on January 1st of each year:

2010	\$8.00 per unit
2011	\$8.25 per unit
2012	\$8.50 per unit
2013	\$8.75 per unit

The per unit fee shall be discounted by fifty percent (50%) for a residential property owner that receives a reduction in their water rate under the homestead provisions of Chapter 535.

(b) The fee shall be included on the property owner's water bill and shall be due when the water charges are due.

(c) *Exemptions.*

(1) A residential property owner that resides in a multiple unit dwelling where the other units of the dwelling are vacant and not used for rental purposes, may request an exemption from the per-unit charge for the unoccupied units.

(2) If a residential property owner resides in their own property and that property has been

unoccupied for a consecutive period of sixty (60) or more days, the owner may request a fifty percent (50%) discount from the per-unit charge during that time.

(d) The Director of Public Service shall create rules and regulations establishing guidelines for vacant properties.

(e) As used in this section:

(1) "Residential property" means real property that is improved by a building or other structure that has one (1) to four (4) dwelling units.

(2) "Dwelling unit" means a room or group of rooms located within a dwelling structure and forming a single habitable unit with living, sleeping, cooking, eating and sanitary facilities used or intended to be used by one (1) family.

(3) "Dwelling structure" means a building or structure used or designed or intended to be used, all or in part, for residential purposes.

(Ord. No. 1657-09. Passed 12-7-09, eff. 12-7-09)

§ 551.03 Unacceptable Containers

The Director of Public Service or his or her authorized agent shall seize and destroy a waste container which is in poor repair or which has rough or sharp edges or other defects which render it dangerous to handle; which is so dilapidated that it is not suitable for holding waste materials; or which may create a health or safety hazard; provided that written notice by the Director or his or her authorized agent is given to the owner or person having control of such container. The written notice shall state that such container is dangerous or unsuitable for use and that if it is not replaced or satisfactorily repaired prior to the next collection of garbage or other solid waste material following such written notice, such container shall be confiscated.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.04 Setting Out Containers

(a) No person shall set out solid waste for collection in a waste container that fails to meet the requirements of Section 551.02.

(b) No person shall set out for collection solid waste that cannot be contained in a waste container except in the manner prescribed by Section 551.05.

(c) No person shall set out solid waste for collection at any place other than the tree lawn in front of the property or at another designated place for waste collection as defined in division (g) of this section.

(d) No person shall set out any solid waste or any waste container for collection earlier than 12:00 noon on the day preceding a regular collection day.

(e) No person who has set out a waste container for collection shall fail to remove it from the tree lawn or other designated place for waste collection no later than 12:00 noon on the day following the date

of collection.

(f) No owner of any property in the City shall fail to maintain the tree lawn of the property or other designated place for waste collection free from any solid waste or solid waste containers, except that it shall not be a violation of this division if:

(1) The solid waste or solid waste containers are found on the tree lawn or other designated place for waste collection not earlier than noon the day before a regular collection day; and

(2) The solid waste is in a container or containers that meet the requirements of Section 551.02, or without a container if the requirements of Section 551.05 are met; and

(3) All solid waste and solid waste containers are removed from the tree lawn or other designated place for collection within twelve (12) hours after the collection occurs.

(g) The Director of Public Service may issue rules not inconsistent with the requirements of this chapter to establish designated places for waste collection. Any such rule of the Director shall be effective ten (10) days after its publication in the *City Record*.

(h) As used in this section:

(1) The phrase “tree lawn” means the area between the curb and the sidewalk or the area between the curb and property line if there is no sidewalk.

(2) The phrase “another designated place for waste collection” or “other designated place for waste collection” means an alleyway adjacent to the property if waste collection occurs there, and also means any other place designated for waste collection pursuant to rule of the Director of Public Service issued under division (g) of this section.

(Ord. No. 2461-03. Passed 6-14-04, eff. 6-21-04)

§ 551.041 Infractions Related to Automated Waste Collection and Curbside Recycling

Findings.

It is essential to the success of the automated waste collection and curbside recycling program described in division (b) that waste set out for collection is placed in the correct container for type of waste involved.

If the correct container is not used, it increases both the labor and disposal costs for the waste. If recyclable materials become contaminated by regular household waste, then they must be disposed of as regular solid waste, which is more costly than treating them as recyclables. If the regular household waste container is used for the disposal of recyclable materials, then the economic and environmental benefits of recycling are not realized.

To achieve the goals of the program it is necessary that all citizens use the container intended for disposal of the type of waste involved and avoid all mixing of recyclable materials and regular household waste.

(a) No person shall do any of the following at any parcel included in the automated waste collection and curbside recycling program described in division (b):

- (1) Set out for collection the container designated for recyclable materials if its contents exceed two percent (2%) regular household waste by volume.
- (2) Set out for collection the container designated for regular household waste if its contents exceed ten percent (10%) recyclable materials by volume.
- (3) Set out for collection any regular household waste in any container or bag other than the container designated for regular household waste for use in the automated waste collection program.

It is not a violation of this division to set out for collection at any parcel included in the program described in division (b) special waste set out in accordance with Section 551.05 or recyclable materials placed out in addition to recyclable materials contained in the container designated for recyclable materials, provided that they are prepared for disposal in accordance with this chapter and any rules or regulations issued under it.

Nothing in this section shall be construed as abrogating or limiting any other section of these Codified Ordinances including without limitation the prohibition on setting out an excessively large quantity of waste for collection as proscribed by Section 551.111.

(b) The offenses established in division (a) pertain to any parcel that is included in the automated waste collection and curbside recycling program in which the waste is collected by means of a truck equipped with mechanical arms. The City will distribute two (2) containers to each household in the program, one (1) designated for regular household waste, and the other designated for recyclable materials.

(c) As use in this section:

(1) "Recyclable materials" means glass, metal cans, plastic bottles mixed paper, and cardboard that are prepared for collection in accordance with this chapter and the rules and regulations issued under it.

(2) "Regular household waste" means waste generated in ordinary residential uses excluding recyclable materials, hazardous waste and any waste excluded from being placed out for curbside collection by law, rule or regulation.

(Ord. No. 697-10. Passed 8-18-10, eff. 8-20-10)

§ 551.05 Special Waste

No furniture, bundle of brush, tree trunk or other such special waste shall be routinely collected by the regular waste collectors. Any solid waste, other than furniture, appliances or other such bulk items, that is so large that it cannot be contained in approved containers, shall be securely tied in compact bundles not to exceed one hundred (100) pounds in weight and shall be placed in a location convenient for collection.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.051 Minimum Collection Intervals

The Director of Public Service, within the limitation of funds appropriated and available for such purposes, shall make provision for the collection of garbage and solid wastes at regular intervals so that garbage will be collected at least once each week and so that solid wastes will be collected at least once

each month. If the collection of garbage cannot take place at least once each week or if the collection of solid wastes cannot take place at least once each month, the Director shall report the same to Council without delay.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.06 Responsibility to Provide Containers and Location of Containers

Sufficient solid waste containers, as set forth in Section 551.02, shall be in conformity with applicable State statutes and local regulations or rules adopted by the Director of Public Service. They shall be provided, kept clean and located as follows:

(a) *Single or Two (2) Family Dwellings.* Where there are not more than two (2) dwelling units on a single premises where wastes accumulate, each unit occupant shall provide and properly maintain solid waste containers sufficient to house the solid waste for his or her respective unit.

(b) *Multiple Dwellings.* Where there are more than two (2) dwelling units on a single premises where wastes accumulate, the owner of the premises, the lessor or the managing agent shall provide and properly maintain solid waste containers of sufficient capacity to contain the solid waste materials of each dwelling unit.

(c) *Food Service and Food Handling Operations.* Food service and food handling operations which store solid waste shall do so only in dumpsters, compactors and other containers that are kept and maintained fully closed and airtight at all times, except in the act of loading or unloading, and shall store such waste in accordance with the Ohio Food Service law, local ordinances and rules and regulations adopted by the Director of Public Service. When the Director of Health determines that small containers are used by a food service or food handling operator in such a way as to constitute a public nuisance, he or she shall have the authority to order the use of dumpsters or compactors. In case of such an order, the food service or food handling operator may appeal such order as provided by the City Charter.

(d) *Underground Containers.* After December 16, 1981, no underground solid waste container shall be permitted in the City.

(e) *Location of Containers.* All privately owned solid waste containers shall be located on private property and not on a street, alley, sidewalk, or other public place and stored under the requirements of the Zoning Code. No person shall store a solid waste container in the front of a residential property including on any porch or in the area between the street and the front of a residential structure.

(Ord. No. 1498-03. Passed 11-17-03, eff. 11-19-03)

§ 551.07 Wrapping and Storage of Garbage

(a) Before being deposited in waste containers, parcels of household garbage shall be drained of moisture and wrapped in paper or other combustible material. All containers used for garbage shall be kept clean and disinfected.

(b) No garbage shall be allowed to remain exposed in a building or on a premises longer than is reasonably necessary to remove and deposit the same in proper waste containers.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.08 Scattering Solid Waste

(a) Items of solid waste which are susceptible to being blown about by the wind or otherwise scattered, or which might create a health and safety hazard, shall not be unloaded, placed, stored or transferred along public streets or sidewalks, except in bags, boxes, bales or other suitable containers.

(b) No person shall throw or scatter any trash, refuse or other waste, or cause the same to be thrown or scattered, in a street or other public place. The Commissioner of Waste Collection shall authorize Service Department employees to pick up such items for disposal.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.081 Scavenging of Recyclable Materials Prohibited

(a) When a person has set recyclable materials out on a public street or alley for collection by the City or its contractor pursuant to the City's curbside recycling program, no person except an employee, contractor, or agent of the City who is engaged in implementing the City's curbside recycling program shall remove any of such materials.

(b) For purposes of this section, "recyclable materials" means glass bottles and jars, plastic soda bottles and milk, juice, and water jugs, aluminum and tin food and beverage cans, newspapers, corrugated cardboard, and brown paper grocery bags.

(Ord. No. 935-91. Passed 6-17-91, eff. 6-26-91)

§ 551.082 Scavenging of Solid Waste

(a) No person shall remove or cause the removal of, pick-up, collect, sort or handle solid waste set out on a public street or alley for collection by the City or its contractor between the hours of 8:00 p.m. or sunset, whichever is later, sunset and 7:00 a.m.

(b) The provisions of this section shall not apply to an employee, contractor, or agent of the City who is engaged in the City's waste collection and disposal services or to the owner of, or the person who originally discarded, the solid waste material.

(Ord. No. 1199-2000. Passed 10-30-00, eff. 11-7-00)

§ 551.09 Public Solid Waste Containers

(a) Solid waste receptacles placed on sidewalks and streets by the Service Department shall be used only for such solid waste materials as a pedestrian may have for disposal, and shall be picked up by the truck serving that area on each garbage collection day. Such receptacles shall in no case be used for the disposal of solid wastes accumulated in residences or places of business.

(b) No person shall turn over or upset the contents of a solid waste container, public or private, on a

street, sidewalk or other public place.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.10 Commercial Waste Disposal

(a) All commercial solid wastes shall be hauled to transfer facilities or private disposal facilities licensed by the Department of Public Health and Welfare or licensed by the State at the expense of the person producing such wastes.

(b) The Director of Public Service is authorized to establish policies and procedures for the collection and removal of commercial wastes to licensed solid waste disposal sites.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.11 Commercial Waste Disposal Charges

The Director of Public Service may:

(a) Enter into contracts for the removal, by the City, of commercial wastes to licensed solid waste disposal sites; and

(b) Establish service charges, with the approval of Council, for the removal, by the City, of commercial wastes to licensed solid waste disposal sites.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.111 Setting out an Excessively Large Quantity of Waste for Collection Prohibited; Applicability; Penalty

(a) No person shall set out for collection on a parcel's tree lawn or other designated place for collection a quantity of solid waste exceeding two (2) cubic yards but not exceeding ten (10) cubic yards in volume including special waste, if any, as described in Section 551.05.

(b) No person shall set out for collection on a parcel's tree lawn or other designated place for collection a quantity of solid waste exceeding ten (10) cubic yards in volume including special waste, if any, as described in Section 551.05.

(c) *Applicability.* The offenses established in this section are applicable without regard to whether the offender:

- (1) Sets the waste out due to an eviction, a house or garage cleanout, or for any other reason;
- (2) Uses or intends to use a public or private vendor or entity for its disposal;
- (3) Sets out the waste for the purpose of staging it for eventual disposal.

(d) *Penalty.* Any person who violates this section is liable for the civil infraction established under

Section 551.991 and is guilty of a special misdemeanor for which the maximum penalty shall be two hundred fifty dollars (\$250.00).

(Ord. No. 1291-11. Passed 12-5-11, eff. 12-9-11)

§ 551.112 Dumpster and Compactor Rentals

The Director of Public Service shall charge the following fees for the rental of dumpsters and compactors from the inventory of the Department of Public Service:

2 yard dumpster	up to \$13.30
4 yard dumpster	up to \$15.70
6 yard dumpster	up to \$18.09
8 yard dumpster	up to \$20.49
20 yard dumpster	up to \$253.03
30 yard dumpster	up to \$316.89
40 yard dumpster	up to \$380.76
30 yard compactor	up to \$380.00
36 yard compactor	up to \$412.69
40 yard compactor	up to \$444.63

However, the Director of Public Service shall reduce the fees by five percent (5%) when a dumpster or compactor is rented by a City of Cleveland resident for non-commercial purposes.

(Ord. No. 2393-02. Passed 2-3-03, eff. 2-3-03)

§ 551.113 Agreements for the Use of the Ridge Road Transfer Station

(a) The Director of Public Service is authorized to enter into agreements with other governmental entities and with private concerns for the use of the City's Ridge Road Transfer Station for the disposal of solid waste. The Director shall establish the tipping fee for each user of the transfer station in an amount not less than the cost to the City of disposing of the waste, including the unit price paid by the City for its disposal and an additional amount for operational and administrative costs.

(b) The Director of Public Service is authorized to enter into agreements with other governmental entities and with private concerns for the collection of recyclable materials at the City's Ridge Road Transfer Station. The Director is authorized to sell the recyclable materials under Section 181.18 and issue

payments to the governmental entities and private concerns for any amounts received from the sale of the recyclable materials in excess of the City's operational and administrative costs.

(c) Any agreement made under this section shall contain provisions that are necessary in the opinion of the Director of Law to protect the interests of the City of Cleveland.

(Ord. No. 1260-10. Passed 10-4-10, eff. 10-7-10)

§ 551.12 Certificates of Commercial Waste Collection Contract

(a) No owner of a commercial or industrial establishment shall fail to apply for, secure, and post a Certificate of Commercial Waste Collection Contract which accurately reflects the party currently collecting and disposing of solid waste from the premises.

(b) An application for a Certificate of Commercial Waste Collection Contract shall be made by the owner or his or her authorized representative on forms obtained from the Director of Public Service. The Director may charge a fee of fifty dollars (\$50.00) to cover the cost of issuing the Certificate.

(c) The application and Certificate shall state the name and business address of the applicant, the name and address of the party with whom the applicant has contracted for solid waste collection and disposal, and the duration of the contract. In addition, the application and Certificate shall both contain other information as the Director of Public Service may require.

(d) The Certificate of Commercial Waste Collection shall be securely affixed in a conspicuous place on the premises where designated by the Director of Public Service.

(Ord. No. 2393-02. Passed 2-3-03, eff. 2-3-03)

§ 551.13 Unauthorized Removal of Solid Waste

The Director of Public Service shall cause to be maintained and available for inspection a daily record of the employees involved in waste removal and the area in which each such employee is employed.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.14 Deposit of Dead Animals and Offensive Substances

(a) No person shall throw or deposit, or cause to be thrown or deposited, in or on any court, thoroughfare, harbor, river, canal, pond, creek or other public water, yard, lot or area, or on a building, any dead animal, garbage or filth or any substance that is foul, putrid, offensive or dangerous, or that is detrimental to the public health.

(b) The person having the possession, charge or control of the building or premises on which a dead animal, garbage or filth or any other substance that is foul, putrid, offensive or dangerous, or that is detrimental to the public health, has been thrown or deposited shall immediately cause the same to be removed when ordered to do so by the Director of Public Service.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.15 Removal of Dead Animals

(a) The owner or custodian of a dead horse or other large dead animal shall notify the Service Department of such death within six (6) hours thereof, for the purpose of securing the removal of the carcass.

(b) The Director of Public Service may enter into one (1) or more contracts for the removal and disposal of carcasses of such large dead animals.

(c) A small animal may be buried in a hole of not less than two (2) feet in depth, provided that the earth so removed is replaced and provided, further, that the same is not done repeatedly on the same lot or land.

(d) No person shall deposit a carcass of a dead animal with solid waste.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.16 Prohibited Material for Filling and Grading

(a) No person shall use or cause to be used a dead animal, part of an animal, garbage, filth or any substance that is or by its decomposition might become foul, putrid, offensive or detrimental to public health, for the purpose of filling or grading a lot, ground, gully, ravine, watercourse, dock, wharf or pier, except for an approved sanitary landfill.

(b) The person owning or having the possession, charge or control of any lot, grounds, gully, ravine, watercourse, dock, wharf or pier, on or in which there has been deposited any of the wastes listed in subsection (a) hereof, shall cause the same to be removed when ordered to do so by the Director of Public Service.

(c) The disposal of radioactive materials or hazardous substances in the City is prohibited.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.17 Manure and Fertilizer

Manure and other odorous materials shall not be stacked or piled for fertilizing purposes unless such materials are:

(a) Stacked or piled in such a manner so as not to cause objectionable odors at a distance not less than one hundred (100) feet from a building used in whole or part as a place for human habitation or as a place where food or drink for human consumption is made, kept or sold, or stored or treated in such a manner so as not to cause objectionable odors; and

(b) Situated so as not to cause a nuisance from insect breeding.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.18 Vehicles Containing Solid Wastes

(a) In order to prevent the spilling of waste, no person shall use or offer or permit to be used, a vehicle to convey manure or other solid waste, unless such vehicle is equipped with a canvass cover that is securely fastened to such vehicle so as to completely cover all of the material contained therein at all times, except when the contents are being loaded or unloaded.

(b) No person shall load or drive, or suffer or permit to be loaded or driven, any such vehicle on a thoroughfare so as to suffer or permit a part of the contents of such vehicle to fall, spill or leak therefrom.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.19 Licensing of Private Vehicles for Hauling Waste

(a) No person shall engage in the business of collecting, transporting, carrying or hauling solid waste in the City unless such vehicle so engaged is licensed and displays the appropriate sign plate issued by the City. Such a license shall be obtained from the Commissioner of Assessments and Licenses, be valid for a period not to exceed one (1) year and expire on April 30 of every year. The Director of Public Service shall determine the annual fee therefor, with the approval of Council.

(b) The application for such license shall be on a form bearing the name and address of the licensee, the make and model of the vehicle and such other information as the Commissioner may require. In addition, the applicant shall present satisfactory evidence that he or she has an authorized and approved disposal site for the final disposal of waste.

(c) Upon completion of the application, the Commissioner shall transmit the application to the Director for approval or disapproval.

(d) If the Director determines, after investigation, that the applicant complies with all applicable laws relating to licensing and that the vehicle in question is properly registered and licensed, he or she shall, within five (5) days, report the name to the Commissioner who shall thereupon issue such license and a sign plate. The sign plate shall be of metal or plastic composition not less than six (6) inches wide and eight (8) inches long, on which shall be inscribed "Private Waste Hauler Permit, Cleveland, Ohio, No. _____," indicating in the blank space the number of the permit and the year in effect.

(e) Such license and sign plate shall not be transferable between persons or between vehicles. Such license shall be carried in or on the vehicle for which it was issued at all times. The sign plate shall be prominently displayed on the vehicle at all times.

(f) A vehicle used to collect, transport, carry or haul solid waste in the City shall have imprinted on both sides the name, address and telephone number of the person owning the vehicle. The name shall be printed in letters three (3) inches high and not less than three-eighths (3/8) of an inch wide. Lettering shall be done in a color which will contrast sharply with the background upon which it is painted and shall be placed in such a position as to be easily seen by anyone wishing to identify the vehicle. Markings shall be kept clear and distinct at all times.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.191 Waste Hauling Fee

The Director of Public Service is authorized to assess an annual fee of seventy-five dollars (\$75.00) to

be charged for the licensing of any private vehicle engaged in the business of collecting, transporting, carrying or hauling any solid waste.

(Ord. No. 2393-02. Passed 2-3-03, eff. 2-3-03)

§ 551.20 Denial, Revocation and Suspension of License

(a) The Commissioner of Assessments and Licenses shall suspend for thirty (30) days, or refuse to renew or initially issue, a private vehicle waste hauling license, as authorized by Section 551.19, for a first failure to comply with the standards prescribed by statute or ordinance, and shall revoke such license for each subsequent violation. If such license is revoked, or if the Commissioner fails to renew such license under this section, the applicant shall be barred from filing an application for such a license for one (1) year from the date of such revocation or refusal to renew.

(b) Notwithstanding the provisions of division (a) of this section, the Commissioner of Assessments and Licenses shall revoke a private vehicle waste hauling license issued in accordance with Section 551.19 to any person convicted of a violation of Section 551.26. No person whose license is revoked pursuant to this division shall again be licensed to engage in the business of collecting, transporting, carrying or hauling solid waste in the City.

(Ord. No. 1829-90. Passed 2-4-91, eff. 2-11-91)

§ 551.21 Appeal from License Denial, Revocation or Suspension

In case of a refusal to issue or renew a private vehicle waste hauling license or a revocation or suspension of such license by the Commissioner of Assessments and Licenses, the applicant or licensee may appeal such a ruling, as provided by the City Charter.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.22 Hours of Collection and Transportation

No person owning or driving a vehicle hauling solid waste shall cause the collection, transportation or transfer of such waste other than between the hours of 6:00 a.m. and 7:00 p.m. No collection, transportation or transfer shall occur on Saturdays after 4:00 p.m. or on Sundays. Application for exceptions to this provision may be made to the Director of Public Service, on a form provided by the Director. Such exceptions shall be granted only where the applicant is able to demonstrate circumstances of great practical difficulty in the collection and transportation of solid waste in areas where there is heavy daytime vehicular and pedestrian traffic and a concentration of commercial activity.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.23 Cleaning Vehicles

The person in possession or control of a vehicle licensed pursuant to Section 551.19 shall cause it to be cleaned at least once a week while in use and to be kept clean when not in use.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.24 Vehicles and Boats with Offensive Lading

No person owning or having the possession, charge or control of a car, vehicle, boat or vessel, having in or upon it a substance that is foul, putrid, offensive, dangerous or detrimental to public health, shall allow such car, vehicle, boat or vessel to remain in the City longer than the time necessary for the completion of its loading.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.25 Parking Vehicles

No person shall park a truck or other commercially licensed vehicle, whether loaded or unloaded, which is used for the collection and transportation of solid waste, garbage or the contents of private sewage tanks, on a public street, alley or other public place or on private property in a residential district, as provided for in Chapter 337, except for loading purposes or emergency repairs.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.26 Dumping Prohibited

(a) As used in this section, “Commercial Car,” “Trailer,” “Truck” and “Vehicle” shall have the meaning ascribed to them in Chapter 401 of the Codified Ordinances.

(b) No person shall dump or otherwise dispose of solid waste or industrial waste by commercial car, trailer, semitrailer, pole trailer or truck on any public or private property not licensed as a solid waste disposal facility pursuant to this chapter, except as provided in Section 551.29. Any owner of a commercial car, trailer, semitrailer, pole trailer or truck who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this division is guilty of a violation of this division.

(c) No person shall dump or otherwise dispose of solid waste or industrial waste by any vehicle other than a commercial car, trailer, semitrailer, pole trailer or truck on any public or private property or place not licensed as a solid waste disposal facility pursuant to this chapter, except as provided in Section 551.29. Any owner of a vehicle who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this division is guilty of a violation of this division.

(d) This Council determines that solid waste and industrial waste dumped or otherwise deposited on public or private property not licensed as a solid waste disposal facility pursuant to this chapter, except as provided in Section 551.29, constitutes a public nuisance which must be abated, for this reason, any expense or costs incurred in removing waste dumped or deposited in violation of this section shall be paid by the violator. The Director of Public Service is hereby authorized to send written notice to violators of division (b) and (c) of this section to remove waste dumped or deposited in violation of this section within five (5) days of receipt of the notice. If the violator fails to remove the waste within the time provided in the notice, the Director of Public Service may remove the waste and the Director of Law may take any action necessary to collect the cost of the removal from the violator.

(Ord. No. 893-91. Passed 4-15-91, eff. 4-22-91)

§ 551.262 Reward for Information Regarding Illegal Dumping

The Director of Public Service is hereby authorized to pay a reward to any person who provides the City with information leading to the identification and conviction of any person for a violation of divisions (b) or (c) of Section 551.26. Such reward shall be in an amount equal to one-half (1/2) of the fine which is actually imposed by a court in accordance with divisions (g) and (h) of Section 551.99 and collected by the City. A person entitled to a reward as provided in this section must file a claim with the Director of Public Service to collect the reward.

(Ord. No. 1829-90. Passed 2-4-91, eff. 2-11-91)

§ 551.263 Cancellation of City Demolition Contracts for Dumping

(a) Directors of departments that contract for demolition work shall include in all such contracts a provision providing that it is a material breach and cause to cancel the contract for the contractor to dump solid waste from the demolition on any public or private property or place not licensed as a solid waste disposal facility pursuant to this chapter, except as provided in Section 551.29.

(b) In the event that a demolition contract is cancelled pursuant to division (a) of this section, the contractor shall be barred from obtaining another contract with the City of Cleveland for demolition services for a period of one (1) year from the date of cancellation.

(Ord. No. 2167-A-87. Passed 5-22-89, eff. 5-30-89. Renumbered by Ord. No. 1947-89. Passed 9-11-89, eff. 9-15-89)

§ 551.27 Vehicle Log

A log shall be maintained and made available for inspection in every vehicle used for hauling solid waste. Such log shall be in a form specified by the Director of Public Service, containing information regarding the source, times, destination and disposition of the solid waste being carried by the hauler.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.28 Persons Prohibited from City Waste Facilities

No person, except one having permission to deposit solid wastes or so authorized by the City, shall deposit at, or remove solid waste materials from, any City-owned dump, incinerator, landfill, transfer station or similar installation.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.29 Use of City Transfer Site

(a) The Director of Public Service shall issue permits for transfer site usage only for the disposal of waste accumulated in the City. Permits may be revoked for cause.

(b) Any person who is a resident of the City may, a maximum of four (4) times a year, haul non-commercial solid waste accumulated in the City to a City transfer site without obtaining a permit for transfer site usage or paying any service charge.

Concrete, brick, dirt, rocks, mortar, toxic and hazardous materials and all other materials prohibited under state law shall not be accepted.

Proof of City residency shall be evidenced by presentation of a valid driver's license and a recent utility bill.

City transfer sites shall remain open on Saturdays between the hours of 8:00 a.m. and 4:00 p.m.

(Ord. No. 2393-02. Passed 2-3-03, eff. 2-3-03)

§ 551.291 Transfer Station Service Charge

The Director of Public Service is hereby authorized to assess and collect a service charge per ton for any load of privately hauled solid waste received at a City transfer site equal to the actual charge per ton to the City for the disposal of the solid waste at a landfill plus an amount for operational and administrative costs.

(Ord. No. 2393-02. Passed 2-3-03, eff. 2-3-03)

§ 551.30 Use of Tire Shredder

The Director of Public Service is hereby authorized to determine, with the approval of Council, and collect, a charge for shredder service for any load or privately hauled tires.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.301 Tire Shredding Service Charge

The Director of Public Service is hereby authorized to assess and collect a charge of fifty cents (\$0.50) per tire for shredder service for privately hauled tires.

(Ord. No. 676-A-82. Passed 6-21-82, eff. 6-23-82)

§ 551.31 Waste Disposal Facility License Required

No person shall operate, own, lease or manage a solid waste disposal facility in the City without first obtaining a license, with Council approval, to do so as provided in this chapter.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.32 License Application; Investigation; Fee

An application for the license required in Section 551.31 shall be made to the Commissioner of Assessments and Licenses on forms prescribed by him or her and shall set forth the name, residence and business address of the applicant; the proposed location of the facility; the owner of record; the lease or contract authorizing the applicant to use such location as a solid waste disposal facility; the previous experience of the applicant; the equipment owned or to be acquired or leased by the applicant for use thereon; and such other information as the Commissioner may require.

The application shall be transmitted to the Director of Public Health and Welfare and the Director of Public Service for investigation, to the Commissioner of Building for a determination of compliance with the Building Code and the Zoning Code and to the Chief of Fire Prevention for a determination of compliance with the Fire Prevention Code. After investigation, such authorities shall return the application to the Commissioner of Assessments and Licenses with a recommendation for approval or disapproval.

If such application is approved, the Commissioner of Assessments and Licenses shall issue a license upon payment of a fee of five hundred dollars (\$500.00).

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.33 Renewal of License

The license required in Section 551.31 is renewable annually upon the payment of a fee of five hundred dollars (\$500.00), which fee may be paid during the thirty (30) day period immediately preceding the expiration of the license. However, such license may be renewed within ninety (90) days after the expiration date upon the payment of the renewal fee of five hundred dollars (\$500.00) and a penalty of one hundred dollars (\$100.00). No expired license may be renewed after a period of ninety (90) days following its expiration.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.34 Denial, Revocation and Suspension of License

Upon the recommendation of the Director of Public Health and Welfare, the Commissioner of Assessments and Licenses may revoke, suspend or refuse to renew or initially issue the license required in Section 551.31 for the failure to comply with the standards prescribed by statute or ordinance. If such license is revoked, or if the Commissioner fails to renew such license under this section, the applicant shall be barred from filing an application for such a license for one (1) year from the date of such revocation or refusal to renew.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.35 Appeal from License Denial, Revocation or Suspension

In case of a refusal to issue or renew a waste disposal facility license, or a revocation or suspension of such a license, by the Commissioner of Assessments and Licenses, the applicant or licensee may appeal such ruling, as provided by the City Charter.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.351 Property Used for Transfer of Solid Waste

(a) No person shall use or permit the use of any property as a solid waste transfer or collection site, wherein solid waste is transported onto the property to be collected in or transferred to another vehicle container or trailer.

(b) This section does not apply to the City in its solid waste collection and disposal operation, which, by consent of Council, may construct, operate and maintain such transfer facilities at 3727 Ridge Road and 3222 East 79th Street.

(Ord. No. 910-82. Passed 6-21-82, eff. 6-23-82)

§ 551.36 Impounding of Vehicles

(a) In the event of a violation of Sections 551.19, 551.22, 551.25 or 551.26, a police officer shall provide for the immediate removal and impounding of the vehicle involved in the violation. Chapter 405 is applicable to such impounding.

(b) A vehicle shall be impounded until the Director of Public Service certifies to the Director of Public Safety that fees or fines determined to be owed in connection with such vehicle have been paid and any solid waste illegally dumped has been removed.

(Ord. No. 833-86. Passed 1-26-87, eff. 1-29-87)

§ 551.37 Enforcement

Any employee of the Department of Public Health and Welfare designated by the Director of such department has the same powers to enforce this chapter as a police officer of the City.

(Ord. No. 773-A-80. Passed 12-14-81, eff. 12-16-81)

§ 551.38 Disposal of Used Tires; Reporting

(a) *Registration.* No person, firm, or corporation shall accept for disposal more than five (5) automobile, truck, motorcycle, or bicycle tires in any one (1) calendar month in any one (1) year unless and until the person, firm, or corporation has registered with the Commissioner of Assessments and Licenses as a source of waste tires. The Commissioner of Assessments and Licenses shall furnish a registration form for the purposes of the registration, and, upon the payment of a fee of one hundred dollars (\$100.00), shall issue a certificate of registration, which may apply to all locations at which the registrant does business. Registrations shall be renewed annually. The form for registration shall contain the name and address of the registrant, and if a partnership, the names and addresses of all partners, and if a corporation, the name of the corporation and the names and addresses of the officers and the statutory agent and shall contain additional information as deemed necessary by the Commissioner of Assessments and Licenses. Copies of all certificates of registration issued by the Commissioner of Assessments and Licenses shall be provided to the

Commissioner of Environment.

(b) *Reporting.* Except as provided in this section, all persons, firms, or corporations registered under division (a) of this section shall report tire disposal activity to the Commissioner of Environment by submitting a monthly tire disposal report to the Commissioner of Environment on a form promulgated by the Commissioner for that purpose. The monthly tire disposal report form shall contain the date and time that tires were hauled off the registrant's premises during the previous month. The form shall also require disclosure of the identity of each waste hauler transporting tires off the registrant's premises, and the license tag number of each truck used to transport tires off the registrant's premises. The monthly tire disposal report form shall cover a calendar month and be submitted to the Commissioner of Environment no later than ten (10) days after the last date of the calendar month in question.

(c) If a person, firm or corporation operating a repair garage as defined in Section 325.30 disposes of its tires exclusively by contract with a tire disposal entity registered under division (a) above, and a copy of the contract is filed with the Commissioner of Assessments and Licenses with the registration required under division (a) above, then the person, firm, or corporation is not required to report as required in division (b) above.

(d) No person, firm, or corporation who disposes of tires shall fail to register as a source of waste tires as provided in division (a) of this section, or fail to submit monthly tire disposal report forms to the Commissioner of Environment as provided in division (b) of this section, or fail to provide complete information required by the forms.

(e) No person, firm, or corporation shall engage another for the purpose of hauling waste tires unless the waste hauler is licensed under Section 551.19 et seq. of this chapter.

(f) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree.

(Ord. No. 1003-06. Passed 7-12-06, eff. 7-14-06)

§ 551.39 Issuance of Tickets by Employees of the Department of Public Service

In addition to any other means of enforcement provided for in these Codified Ordinances, the Director of Public Service and his or her designees, when commissioned by the Director of Public Safety as special police, may enforce the minor misdemeanor offenses contained in this chapter through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure.

(Ord. No. 617-97. Passed 6-9-97, eff. 6-18-97)

Note: Section 551.39 was renumbered from 551.38 by Ord. No. 1483-97, passed 8-13-97, eff. 8-20-97.

§ 551.99 Penalty

(a) Whoever violates any provision of the following sections is guilty of a minor misdemeanor:

551.021	Waste Containers Used for Commercial Solid Waste
551.06	Responsibility to Provide Containers

	and Location of Containers
551.07	Wrapping and Storage of Garbage
551.08	Scattering Solid Waste
551.09	Public Solid Waste Containers
551.10, div. (a)	Commercial Waste Disposal
551.14	Deposit of Dead Animals and Offensive Substances
551.15, div. (a)	Removal of Dead Animals
551.17	Manure and Fertilizer
551.23	Cleaning Vehicles
551.28	Persons Prohibited from City Waste Facilities
551.04, divs. (a) through (f)	Setting Out Containers
551.081	Scavenging of Recyclable Materials Prohibited
551.082, div. (a)	Scavenging of Solid Waste
551.18	Vehicles Containing Solid Wastes
551.24	Vehicles and Boats with Offensive Lading
551.25	Parking Vehicles

(b) Whoever violates any provision of Section 551.19 or division (a) of Section 551.351 shall be fined one thousand dollars (\$1,000.00).

(c) Whoever violates any provision of division (c) of Section 551.16, Sections 551.22 or 551.31 shall be fined two hundred fifty dollars (\$250.00) or imprisoned for up to thirty (30) days, or both, for the first offense, and five hundred dollars (\$500.00) or imprisoned for up to sixty (60) days, or both, for each subsequent offense.

(d) Whoever violates any provision of Sections 551.12 or 551.27 shall be fined one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) or imprisoned for up to thirty (30)

days, or both, for each subsequent offense.

(e) Whoever violates any provision of division (b) of Section 551.26 shall be fined one thousand dollars (\$1,000.00) and shall be imprisoned for not less than sixty (60) days and not more than six (6) months.

(f) Whoever violates any provision of division (c) of Section 551.26 shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both.

(g) Notwithstanding any other provision of these Codified Ordinances, no part of a penalty imposed under this section shall in any case be suspended or otherwise reduced.

(Ord. No. 697-10. Passed 8-18-10, eff. 8-20-10)

§ 551.991 Civil Infractions

(a) *Civil Enforcement System Established.* The City of Cleveland hereby adopts a civil enforcement system for the infractions established by this section. This civil enforcement system imposes monetary liability on the responsible parties as defined in division (m).

In addition to any other means of enforcement provided for in these Codified Ordinances, each of the following sections may be enforced through the issuance of a ticket to the responsible parties as defined in division (m):

- (1) Section 551.04, division (d), relating to the early set out of waste.
- (2) Section 551.04, division (e), relating to failing to remove a waste container after collection.
- (3) Section 551.111, division (a) and division (b), relating to excessively large quantity of waste for collection.
- (4) Section 551.041, division (a), relating to automated waste collection and recycling infractions.

Any person who violates any of the foregoing prohibitions has committed an infraction for which liability is imposed by division (b) upon the responsible parties as defined in division (m).

(b) *Liability Imposed.* Each owner of a parcel at which an infraction has occurred is liable to the City of Cleveland in the amounts established in divisions (f) and (g).

(c) *Noncriminal Offense; No Conviction.* The infractions established by this section are noncriminal. The imposition of liability upon the responsible parties under this section shall not be deemed a conviction for any purpose.

(d) *Other Costs and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting the effects of any other section of these Codified Ordinances, the criminal penalties imposed by any such other section, or the ability of a law enforcement officer to enforce those sections.

(e) *Tickets – Service; Contents.* If a violation of division (a) is observed by an employee of the Division of Waste Collection and Disposal or any other City employee whose duties include the enforcement of this section, then the Director of Public Works shall cause the responsible parties to be

issued a ticket. The ticket shall be served by sending it via regular U.S. mail, postage prepaid, to the parcel owner(s) at the tax mailing address shown in the records of the County Recorder.

The date of mailing of the ticket shall be deemed to be the date of issuance of the ticket. If the mailing is unreturned, then it shall establish that the respondents were given actual or constructive notice of the imposition of liability under this section.

The ticket shall identify the parcel owner(s) as respondents. The ticket shall state that the respondents are responsible parties for the commission of a civil infraction under this section.

The ticket shall inform the respondents of the procedure to file an appeal and the time frame for filing it. The ticket shall state that failure to appeal the ticket or pay the costs imposed not later than twenty (20) days from the date of issuance of the ticket shall constitute a waiver of the right to contest the ticket and shall be considered an admission. The ticket shall further state that if the ticket is not appealed or paid in that time frame, then a default finding of civil liability shall be imposed upon respondents for the costs established in divisions (f) and (g).

The ticket may be in any format that includes all of the elements required by this section.

(f) *Penalties Established.* The costs imposed by this section upon the responsible parties for the commission of an infraction contrary to division (a) shall be assessed in accordance with the following schedule:

Section	Civil Penalty
551.111, division (a)	\$250.00
551.111, division (b)	\$500.00
551.04, division (d)	\$100.00
551.04, division (e)	\$100.00
551.041, division (a)	\$100.00

The costs established by this section are imposed upon the responsible parties both as civil penalties and to reimburse the City for a portion of the costs incurred by it in the enforcement of infractions, and for some infractions, the increased costs of solid waste disposal.

(g) *Late Penalties.* Late penalties shall be assessed in accordance with the following schedule:

(1) If the costs established in division (f) remain unpaid twenty (20) days after the ticket is issued or twenty (20) days after the conclusion of all appeals, an additional twenty dollars (\$20.00) shall be assessed; and

(2) If the costs established in division (f) remain unpaid forty (40) days after the ticket is issued or forty (40) days after the conclusion of all appeals, an additional forty dollars (\$40.00) shall be added to the twenty dollars (\$20.00) assessed under division (g)(1) for a total additional penalty of sixty dollars (\$60.00) in such a case.

(h) *Appeals – Timing.* Any respondent or other person who is potentially liable for the costs imposed by this section may appeal the imposition of liability to the Director of Public Works or his or her designee, which may include the Clerk of the Cleveland Municipal Court in his or her capacity as Parking Violations Bureau Administrator or otherwise, in the manner described in the ticket. As used in divisions (h), (i) and (j) of this section, “Director” means the Director of Public Works or his or her designee.

The appeal shall be taken not later than twenty (20) days from the date of issuance of the ticket. Failure to appeal the ticket or pay the costs imposed within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

(i) *Appeal – Process.* The Director shall establish an administrative appeal process for persons to appeal tickets issued under this section. The administrative appeal process shall allow the appellant the right to present appellant’s case in person and may allow for evidence to be presented ex-parte. The strict rules of evidence applicable to courts of law shall not apply in any administrative hearing or ex-parte review. The ticket charging the offense shall constitute prima facie evidence that the offense identified in the ticket occurred and that the parcel owner(s) to whom the ticket was mailed are the responsible parties as defined in division (m) and are liable to the City of Cleveland for the costs imposed by this section.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed but that there are reasons for the commission of the infraction that mitigate the offense, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket, but may in the interest of equity reduce the costs assessed.

If the Director finds by a preponderance of evidence that the appellant is not liable under this section for the costs assessed, then the Director shall dismiss the ticket and grant the appeal.

(j) *Appeal of the Director’s Decision.* Any person subject to an adverse decision of the Director may appeal that decision to the Board of Zoning Appeals. The notice of appeal shall be in writing and shall be filed with the Board of Zoning Appeals within ten (10) days of the decision of the Director. The Board shall approve, modify or annul the finding from which the appeal is taken.

(k) *Collection.* The costs imposed by this section may be enforced and collected by means of a civil action or any other means provided for in these Codified Ordinances or the Ohio Revised Code.

(l) *Rules and Regulations.* The Director of Public Works may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after their publication in the *City Record*.

(m) *Definitions.* As used in this section:

(1) “Director” means the Director of Public Works and in the case of appeals, the Director of Public Works or his or her designee.

(2) “Owner” or “parcel owner” mean the person(s) shown in the records of the County Recorder as having legal title to the parcel on which someone has failed to adhere to division (a).

(3) “Person” includes an individual, corporation, business trust, estate, trust, partnership, and association.

(RC 1.59(C))

(4) “Responsible party” and “responsible parties” has the same meaning as “owner” or “parcel owner”.

(Ord. No. 1291-11. Passed 12-5-11, eff. 12-9-11)

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