

REGULATION NO. 78, as amended

A REGULATION FOR THE STORAGE AND COLLECTION OF SOLID WASTE IN THE MIAMI COUNTY COMBINED HEALTH DISTRICT

A regulation establishing standards for the handling of solid waste on premises; for the collection of solid waste; and for registration certificates to operate solid waste collection equipment in order to protect the public health and welfare and prevent insanitary conditions and nuisances.

Authority Section 3709.20, 3709.21 of the Ohio Revised Code.

Section 1. Definitions as used in this regulation:

1.1 Health Commissioner means the person occupying the office created by section 3709.11 and section 3709.14 of the Ohio Revised Code, or authorized representative.

1.2 Person means an individual, corporation, business trust estate, partnership, and association as set forth in section 1.59 of the Revised Code and also includes any state, any political subdivision of a state, and any department, division, board, commission, agency, or instrumentality of a state or political subdivision.

1.3 "Premises" means either of the following:

(1) Geographically contiguous property owned by a generator;

(2) Noncontiguous property that is owned by a generator and connected by a right-of-way that the generator controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.

1.4 Solid Waste means 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 normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires

comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

1.5 Recyclables means any waste that is diverted from the waste stream to be used as a commodity or resource regardless of market value and intended for re-use in a manufacturing process. Examples: newspapers, cardboard, glass, aluminum, steel, and plastic containers.

1.6 Board of Health means the board of health of any city or general health district, or the authority having duties of a board of health as authorized by section 3709.05 of the Revised Code.

1.7 Vehicle means any device used in the transportation of solid waste including truck and/or trailers.

Section 2. General Provisions and Requirements

2.1 All vehicles must comply with U.S. Department of Transportation Federal Motor Safety Carrier Regulations

Section 3. Premise Maintenance:

2.1 No person shall store, place, burn or dispose on ~~his~~ their premises or the premises of another or permit to accumulate on his premises, any solid waste in such a manner whereby it will become a rodent or insect harborage or breeding place, or create a health menace, insanitary condition, or nuisance. All household or commercial garbage or refuse must be stored in tightly covered, water tight, animal proof, and insect proof containers.

Section 4. Registration Certificate Required:

3.1 No person shall engage in the business of solid waste collection unless ~~he~~ they possesses a registration certificate issued by the Board of Health of Miami County Public Health for each vehicle used for this purpose. An up-to-date decal, placard, or plate

provided by the Board of Health shall be prominently displayed on the driver's side of the vehicle at all times.

3.2 The Board of Health shall issue registration certificates to collect solid waste only to persons having proper equipment, as required by this regulation and personnel for collecting solid waste, agreeing to comply with all conditions of issuance or possession of this registration certificate and otherwise complying with the requirements of this regulation.

3.3 During the month of December each year, any person intending to collect solid waste shall make written application for a registration certificate to the Board of Health on a form provided by the Board of Health. Such application shall contain the name and address of such person, a description of the equipment to be used in the collection of such solid waste, current Ohio license plate number, truck or trailer number if applicable, and such other information as the Board of Health determines will reasonably aid in the administration and enforcement of this regulation.

3.4 Upon approval of such application and the determination that the applicant has the proper equipment in good condition, and personnel to meet the requirements of this regulation, the Board of Health shall issue a registration certificate to the applicant. The Board of Health may state on the registration certificate the conditions under which it is issued to insure the proper collection of all refuse in accordance with the regulation.

3.5 The Board of Health may revoke or suspend the registration certificate of any person to collect solid waste who has demonstrated the inability or unwillingness to comply with this regulation.

3.6 Any person whose application for a registration certificate has been denied, suspended, or revoked may make written request for a hearing before the Board of Health of Miami County Public Health. The Board of Health shall grant such hearing within a reasonable time after the request is made therefore.

3.7 All registration certificates issued under this regulation shall be accompanied by a fee for each vehicle and shall be due and payable prior to January 1 of each calendar year. The permit fee for each vehicle used either wholly or mainly for solid waste collection is one hundred (\$100.00) dollars. An additional fee of fifteen (\$15.00) dollars per truck shall be due and payable for all vehicles being used prior to January 1, and not registered prior to January 1.

Section 4 5. Solid Waste Collection:

4.1 All vehicles used for the collection and transportation of solid waste unless all the solid waste is kept in watertight covered containers, shall have enclosed bodies or suitable provisions for covering the body of the vehicle. All vehicles shall be leak proof, of easily cleanable construction, shall be cleaned at sufficient frequency to prevent odor, nuisance, or insect breeding, and shall be maintained in good repair.

4.2 Any person making application for a registration certificate to collect solid waste shall present his equipment, for inspection by the Health Commissioner of Miami County Public Health or his authorized representative to determine if the applicant is in compliance with Section 3.4 and 4.1 of the regulation.

4.3 Any person making application for a registration certificate to collect solid waste shall have equipment to satisfactory clean all vehicles or containers used in the conduct of his business.

Section 6. Penalties:

5.1 Any person who violates any provision of this regulation is subject to the penalties provided by Sections 3709.99 of the Ohio Revised Code.

Section 7. Repeal and Date of Effect:

6.1 All regulations, including Miami County Board of Health Regulation No. 71, and parts of regulations in conflict with this regulation are hereby repealed and this regulation shall be in force immediately upon its effective date, as provided by law.

Section 8. Effect of Partial Invalidity:

7.1 Should any part of this regulation be declared unconstitutional for any reason, the remainder of the regulation shall not be affected thereby.

Section 9. Effective Date:

8.1 The amended regulation shall be effective on and after the 15th day of December 1995.

Amended December 12th, 2002 (Increased cost of registration certificate)

Amended January 30, 2014