

**WEEK 25 - DAY 3**

Well, well well.

I looked out my window this morning and my yard waste bags (along with those photographed yesterday - see below) had been picked up ... sometime between 9:30 PM and 8 AM.

Don't know who picked them up ... either the contractor, or a city employee. The city, by the way, has been picking up all medical exemption recyclables since the contractor started in April because it wasn't in the contract, and has been doing a host (if not most) of the callbacks.

**Coincidence?**

**Or does the City get its daily dose of reality by reading this website?**

**Maybe the City is ready for a yard sign at the Municipal Building!**



If you want your yard bags removed, send me a picture along with the street name ... I'll publish it so the city knows where to find them.

**WEEK 25 - DAY 2**

**Now I'm REALLY confused.**

Here are two pictures taken this morning (Tuesday).

This first one is of my street (a Monday pickup). According to the City's website, the contractor was supposed to be picking up yard waste bags and bundles on our regular day (which should have been yesterday) ... without stickers needed. Hmm ... guess not. This second one is of the City crews picking up debris ... notice that they're also picking up the bundles and everything NOT in bags.



**So ... here's my question ...**

Why did I bother to go out and buy yard bags, take the time to shove all my debris in them, and set them out when I could have just raked all the debris to the curb and the city crews would have picked it up anyways?

Thank you, city crews!

**Update:** Oops! The rules of the game have changed yet again ... Now, the City says that the bags and bundles will be picked up on Friday and Saturday because the contractor is "resuming regular solid waste

collection" during regular collection days.

Hmmm ... what happened to all of the contractor crews from Atlanta, Akron, and Lexington that were supposed to be coming in FOR FREE to pick up debris?

#### WEEK 25 - DAY 1

In other news, I got a call from a landscape contractor yesterday afternoon. He had been called in by his customers to clean up their yards littered with trees and debris from the storm last Sunday. Given all that needed to be done (after all, the Governor declared it to be an "emergency,") he was working on Sunday to clean up yards and haul stuff away.

Well ... apparently someone called the UA Police because there is an ordinance that no activity generating excessive noise can be done on Sunday, so they escorted him out of the city.

Here's the article from the *Dispatch* in which the incident is reported ...



If they're referring to C.O. 517.15, I don't see "lawnmowers" or "blowers" listed as being prohibited. As a matter of fact, they are specifically excluded from the ordinance! If lawnmowers were prohibited, then residents wouldn't be allowed to take care of their lawns on Sunday!

Just what is going on here? Isn't it in everyone's best interest to have all of this stuff cleaned up as quickly as possible? Between recyclables all over the streets and tree branches bursting from every curb, not only does our city look horrible, but it is presenting a hazard for motorists.

I hold City administration and Council responsible for this. They easily could have clarified that yard cleanup work, including that done by contractors, was OK to be done on Sundays until all trees and debris had been removed.

But they didn't.

#### So ... what does this have to do with "trash?"

Well ... there's also an ordinance, C.O. 351.35, that expressly prohibits persons from riding on the outside of moving vehicles. This is also a statute in the Ohio Revised Code, and garbage trucks, even emergency vehicles are not exempted from this rule.

Each and every day, the contractor's workers are in violation of that ordinance. They hang off of the back of the packers throughout the whole day. And yet, City administration turns a blind eye to it.

Why is this important? Because no less than two police reports have been filed in which the "hanging" workers have claimed to have been hit by passing motorists.

And back in May, a resident reported in a letter to Council that inappropriate driving by one of the contractor's personnel nearly caused one of the "hanging" workers to be crushed.

This practice is dangerous, and there is a reason why such a rule exists.

Why have City administration and Council let this go on for 6 months now, knowing the potential danger lurking in its practice? If someone does get severely hurt or killed, they should be held responsible for such an occurrence. They knew about both the rule and the attendant dangers if a violation of that rule were to occur, and yet they did nothing about it.

So ... we're all over a landscaper who is doing yard cleanup on a Sunday after a major storm, and not addressing a true danger in the solid waste contractor's common practice of hanging off of trucks, week after week?

I'm confused.

**YARD SIGNS are in!**

If you want one (or more) or lost yours in the storm, contact Mike (554-5607, [uatrash@aol.com](mailto:uatrash@aol.com)) to get them!



WINDSTORM AFTERMATH

## Pockets of Franklin County still in the dark

Monday, September 22, 2008 3:13 AM

BY JODI ANDES AND HOLLY ZACHARIAH

THE COLUMBUS DISPATCH

An American Electric Power official said yesterday that the company hoped to have electricity restored to 99 percent of its Ohio customers by midnight last night.

A week after high winds knocked out power to hundreds of thousands, dark pockets persisted in Clintonville and other parts of Columbus, according to AEP's Web site.

By 10:30 p.m. yesterday, 10,168 Ohio customers and 3,974 Franklin County customers, all in Columbus, were without power. That was down from 17,863 in Columbus yesterday morning.

That leaves about 1 percent left without power, AEP spokesman Jeff Rennie said.

Restoration of power is taking longer than expected because of the severity of damage, Rennie said. "We are running into a lot of areas (where) the damage is a lot more extensive than we originally thought," he said.

Customers on the southern side of Columbus may not see power until midnight Tuesday, and those on the northern side, until midnight Wednesday, Rennie said.

At 10:30 last night, 9 percent of AEP customers in Mount Vernon, 2 percent in Newark and less than 1 percent in Zanesville were without power. That translates to 1,380 customers in Newark, 1,851 in Mount Vernon and 109 in Zanesville.

An official with South Central Power Co., which had widespread outages in Fairfield County after the storm, said all customers there are back online.

A Dayton Power & Light spokesman said the company expected to have 90 percent of the more than 300,000 customers who lost power back up and running by last night. Work on pockets of outages will continue this week, Tom Tatham said.

A week later, effects of the storm lingered.

Landscaper Scott Teegardin said he and two members of his crew tried to help an elderly Upper Arlington resident clear away her brush and mow her yard yesterday but were stopped by police.

A nearby resident complained to police that Teegardin was violating a city ordinance that prohibits some noisy commercial work such as mowing and building on Sundays, said Sgt. Michael Nagode.

Teegardin said he knew about the ordinance but hoped the rules could be bent because of the storm.

The ordinance allows clearing debris around power lines, but mowing isn't an exception, and violators can be fined, Nagode said.

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## General Offenses Code – City of Upper Arlington

### §517.15 HOURS OF WORK IN CITY: PURPOSE AND INTENT

(A) These standards are intended to protect persons from excessive noise levels, which interfere with the comfortable enjoyment of life, property and recreation because they can interfere with sleep, communication, relaxation and the full enjoyment of one's property.

(B) Notwithstanding the provisions of Article 3 of the Unified Development Code and C.O. § 517.14, the following types of work conducted outside are considered to be loud, disturbing and unnecessary noises and shall not be performed in the City on Sunday or on other days between the hours of 7:00 p.m. and 7:30 a.m.

- (1) Commercial Garbage Collection: The servicing of private, commercial garbage dumpster by any person(s) using garbage collection vehicles and equipment within one thousand five hundred feet (1,500') of any residential area.
- (2) Pile Drivers, Hammers, Etc: The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (3) Tools: The use of or operation of any power saw, poser planer or other powered tool or appliance.
- (4) Construction: The erection, including construction, excavation, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work.
- (5) Commercial parking lot sweeping.

(C) Notwithstanding the provisions of Article 3 of the Unified Development Code and C.O. § 517.14, the loading or unloading of any commercial truck or van in a commercially zoned area which borders a residential area shall not be performed in the City between the hours of 11:00 p.m. and 7:00 a.m., Monday through Saturday and 10:00 p.m. and 9:00 a.m. on Sunday. This section shall include the usage of any trash hydraulic compacting equipment.

### (D) SPECIAL PERMITS

Any person desiring relief from the provisions of C.O. Chapter 517.15 shall apply for a special permit to cause or create noise which would otherwise be in violation of this article at least twenty-one (21) days prior to the date for which the relief is requested. Applications for a special permit shall be made in writing to the City Manager on forms provided for that purpose. Payment of a fee of one hundred dollars (\$100.00) shall accompany the application. The City Manager or his designee shall grant a special permit upon a showing by the applicant of the following:

- (1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this article; or
- (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this article; and
- (3) No reasonable alternative is available to the applicant.

Any permit granted pursuant to this section shall obtain thereon all conditions upon which the permit has been granted, including but not limited to the effective date, time of day, location and equipment limitation. No special permit shall be issued for a period in excess of fifteen (15) consecutive days. Any special permit granted hereunder may be renewed upon application to the City Manager's office upon a showing that the reasons for which the permit was granted still exist. (E) The following types of work shall be exempt from the provisions of this ordinance if such work does not violate any provision of C.O. § 517.14:

- (1) Use of any mechanical device, apparatus or equipment used, related to or connected with emergency activities or emergency work or associated with work performed by private or public utilities in the maintenance or modification of its facilities.
- (2) Noise sources resulting from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.
- (3) Lawn maintenance including the use of lawnmowers, blowers, edge trimmers, electric trimmers or tree trimming equipment may be conducted on Sunday but may not be conducted on any day between the hours of 8:00 p.m. and 7:30 a.m.
- (4) Work performed completely inside a house, building or other enclosed structure.

### **§351.35 RIDING ON OUTSIDE OF VEHICLES**

(A) No person shall hang onto, or ride on the outside of any motor vehicle, streetcar, or trackless trolley, while it is moving upon a street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(B) No operator shall knowingly permit any person to hang onto, or ride on the outside of any motor vehicle, while it is moving upon a street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under the authority of a public agency.

(C) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen (16) years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle, if the vehicle is traveling faster than twenty-five (25) miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with Federal standards for an occupant restraining device as defined in division (A)(2) of section 4513.263 of the Ohio Revised Code, the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt.

(2) An emergency/public safety exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(D) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or trash collection vehicles or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.