

CITY OF OBERLIN, OHIO

ORDINANCE No. 13-27 AC CMS

AN ORDINANCE AMENDING CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO PERTAINING TO GARBAGE AND RUBBISH COLLECTION AND THE ADMINISTRATION OF FEES FOR COLLECTION AND DELIVERY OF ORGANIC MATERIAL

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Chapter 925 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended to read as set forth in **Exhibit A** attached hereto and incorporated herein by reference.

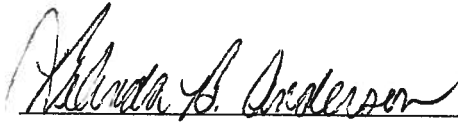
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest possible date allowed by law.

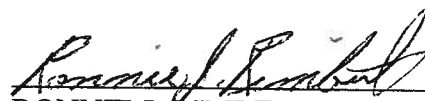
PASSED: 1st Reading – April 15, 2013
2nd Reading – May 6, 2013 (E)
3rd Reading -

In order to collect fees for organic delivery in a timely manner.

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 05/07/2013

EFFECTIVE DATE: 05/06/2013

**ORDINANCE 13-27 AC CMS
EXHIBIT A**

**CHAPTER 925
Garbage and Rubbish Collection**

EDITOR'S NOTE: Council, by Ordinance 739AC, passed December 7, 1970, authorized Lorain County to include the City of Oberlin in a Garbage and Refuse Disposal District created pursuant to and under authority of Ohio R.C. 343.01 et seq. Council also establishes rate schedules for commercial garbage and rubbish collection, which schedules, because of the frequency of change, are not codified herein.

- 925.01 Type of refuse collectible. (Repealed)**
- 925.02 Manner of depositing.**
- 925.03 Type and volume of containers.**
- 925.04 Schedule for regular weekly collections. (Repealed)**
- 925.05 Organics Recovery; open burning.**
- 925.06 Residential collection by City.**
- 925.07 Paper to be separated. (Repealed)**
- 925.08 Commercial collection.**
- 925.09 Large trash pick-up.**
- 925.10 Rates.**
- 925.11 Scavenging of recyclable materials.**
- 925.12 Refuse and recycling collection rules.**
- 925.13 Materials prohibited.**
- 925.14 Temporary dumpsters.**
- 925.15 Resource Conservation and Recovery Commission.**
- 925.16 Dumpster service in Central Business District.**
- 925.17 Unauthorized use of dumpster.**
- 925.99 Penalty.**

CROSS REFERENCES

- Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
- Employment of scavengers - see Ohio R.C. 3707.39
- Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
- Vehicle dropping, sifting, tracking substances on street - see TRAF. [339.08](#)
- Deposit of garbage or refuse - see GEN. OFF. [521.08](#)
- Open burning - see FIRE PREV. Ch. [1505](#)

925.01 TYPE OF REFUSE COLLECTIBLE. (REPEALED)

(EDITOR'S NOTE: Section [925.01](#) was repealed by Ordinance 94-2AC, passed February 22, 1994.)

925.02 MANNER OF DEPOSITING.

Household refuse, including garbage, paper, cardboard, cans and bottles, etc., may be placed in the same container. Garbage should be wrapped or placed in bags before depositing in containers. Yard waste shall not be placed in containers with household refuse.

(Ord. 94-2AC. Passed 2-22-94.)

925.03 TYPE AND VOLUME OF CONTAINERS.

Household refuse shall be placed in suitable containers not exceeding thirty gallons capacity. Weight of containers placed shall not exceed fifty pounds.

(Ord. 00-12AC. Passed 3-6-00.)

925.04 SCHEDULE FOR REGULAR WEEKLY COLLECTIONS. (REPEALED)

(EDITOR'S NOTE: Section 925.04 was repealed by Ordinance 94-2AC, passed February 22, 1994.)

925.05 ORGANICS RECOVERY; OPEN BURNING.

a The City may schedule collection of brush and branches and shall provide for annual fall leaf collection, both of which will be without additional fee or cost to the resident.

b Leaves may be raked to the curb lawn or gutter edge in the fall season only. At other times, leaves shall be treated as yard waste.

The City will collect bagged yard waste weekly on a fee-for-service basis. Collection must be scheduled in advance and will be available March through December excluding holidays. Yard waste shall be placed in compostable bags not exceeding thirty gallons capacity and shall be placed at the curb no earlier than 12:00 noon of the day preceding the collection.

c The City may schedule and provide delivery service for leaves, leaf compost and wood chips according to such policies and procedures adopted by the City. The fees for delivery of materials from the City's Class IV Compost Facility shall be:

Residents	\$35/load
Non-residents	\$40/load

d Open burning of refuse or yard waste is prohibited.

(Ord. 94-2AC. Passed 2-22-94.)

925.06 RESIDENTIAL COLLECTION BY CITY.

(a) The City, through its personnel or by contract, shall provide for the collection of garbage, trash, yard waste and recyclables from residential property according to a schedule published by the City.

(b) Such pick-up shall be at curbside or at such location as may be determined by the City

and it shall be the obligation of the persons being served to place the garbage and/or trash on the curbside at the specified location at the proper time for such pick-up.

(c) It shall be the obligation of persons being served to place the containers no sooner than 12:00 noon on the day preceding the collection and to remove the containers by 12:00 midnight on the day of collection.

(d) Basic residential service shall entitle a customer to place up to three refuse containers and an unlimited amount of properly prepared recyclable materials for collection.

Owners of multi-family residences containing four or fewer units or of a rooming house may request service in excess of the basic residential service. Such additional service shall be in the form of multiples of the basic unit service and charge.

(Ord. 00-12AC. Passed 3-6-00.)

925.07 PAPER TO BE SEPARATED. (REPEALED)

(EDITOR'S NOTE: Section 925.07 was repealed by Ordinance 94-2AC, passed February 22, 1994.)

925.08 COMMERCIAL COLLECTION.

(a) The City exclusively shall provide for the collection of refuse and trash and recyclable materials at all commercial and industrial establishments, schools, offices, churches, apartment buildings, nursing homes and other institutions. Where the City cannot provide adequate service to a commercial or industrial establishment, as determined by the City, the City Manager shall be authorized to waive Municipal collection and approve the use of a private collection service. All costs associated with the use of such private collection service shall be borne by the customer. All waivers shall be reviewed on an annual basis.

This section shall not be construed as prohibiting the re-use or sale by a commercial or industrial establishment of recyclable materials resulting from the operations of the establishment.

(b) No person shall place any waste into a dumpster except as may be authorized by the part responsible for paying the collection charges thereof.

(Ord. 94-2AC. Passed 2-22-94.)

925.09 LARGE TRASH PICK-UP.

(a) Residents desiring large trash pick-up service shall be required to make an appointment for a pick-up.

(b) Items scheduled for large trash pick-up shall be placed on the curb lawn no sooner than 12:00 noon on the day preceding the collection, and any containers into which large trash has been placed shall be removed from the curb lawn by 12:00 midnight on the day of collection.

(c) The following items shall not be collected through the large trash pick-up service: refuse prohibited elsewhere in this chapter, yard wastes and recyclables, including newspapers,

steel and aluminum cans, glass bottles, clear plastic milk and soft drink containers.

(d) Each residential property shall be entitled to one scheduled free large trash pick-up per year of up to two cubic yards. Additional large trash pick-up service shall be charged at the rate of twelve dollars (\$12.00) per cubic yard.

(e) Large trash items placed for collection where a large trash collection has not been scheduled may, at the option of the City, be collected, and the resident or homeowner shall then be billed fifty dollars (\$50.00), or eighteen dollars (\$18.00) per cubic yard, whichever is greater.

(f) Where refuse is greater than two yards, or where the nature of the refuse is such that loading by hand is impractical, the homeowner may be required, at the option of the City, to pay for the use of a temporary dumpster.

(Ord. 00-12AC. Passed 3-6-00; Ord. 09-46AC. Passed 6-15-09.)

925.10 RATES.

(a) Residential Rates.

(1) Commencing August 1, 2009, a basic residential rate of six dollars (\$6.00) per month shall be charged.

(2) The basic residential service rate for all bills rendered on or after May 1 of each ensuing twelve-month period, beginning May 1, 2010 shall be determined by the formula:

$$RR = \frac{OM + C}{Q}$$

Where:

A. "RR" means the basic residential service rate.

B. "Q" means the number of residential customers as calculated by the Auditor's office for the calendar year immediately prior to the year in which the rate is to take effect.

C. "OM" means that portion of the refuse operation and maintenance appropriation attributable to residential collection less the portion of refuse operating levies attributable to residential properties. For purposes of this section, forty-four percent (44%) of the cost of downtown trash receptacles shall be considered to be a cost attributable to residential collection.

D. "C" means capital expense and reserve appropriation attributable to the residential collection.

(b) Commercial Rates.

(1) Commencing August 1, 2009 commercial refuse rates shall be charged as follows:

<u>Dumpster Size</u>	<u>Per Service</u>
1	\$5.85

2	\$11.10
3	\$15.30
4	\$18.60
6	\$26.10
8	\$32.40

(2) Customers whose service is less than one cubic yard and where a dumpster is not required shall pay fifteen dollars (\$15.00) per month. Customers with intermittent service requirements (on-call service) shall pay a twenty-five dollars (\$25.00) per month demurrage fee in addition to the dumpster charge for each service.

(3) The commercial rates shall be increased upon the recommendation of the Public Works Director, the City Manager and the City Auditor with the approval of Oberlin City Council.

(Ord. 09-46AC. Passed 6-15-09.)

925.11 SCAVENGING OF RECYCLABLE MATERIALS.

Scavenging of recyclable materials placed for collection shall be prohibited. Recyclable material shall remain the property of the resident, business or industry collecting said material until such time as the material is placed at the curb or at another location for collection by the City. At the time the materials are placed by the resident, business or industry for collection by the City, said materials become the property of the City.

(Ord. 94-2AC. Passed 2-22-94.)

925.12 REFUSE AND RECYCLING COLLECTION RULES.

The City Manager is authorized to promulgate and publish such rules as are necessary for the efficient and economical collection of refuse, recyclable materials and yard waste.

(Ord. 94-2AC. Passed 2-22-94.)

925.13 MATERIALS PROHIBITED.

The following materials shall not be included or otherwise introduced into residential or commercial refuse: hazardous or infectious wastes, tires, storage batteries, refrigerators or other appliances still containing freon or in which the freon was not removed by a person licensed to do so, brush, grass clippings or other yard waste, waste oil, bricks, rocks or concrete (other than a nominal amount incidental to other refuse), dirt or any material prohibited by State or Federal law from being landfilled.

(Ord. 94-2AC. Passed 2-22-94.)

925.14 TEMPORARY DUMPSTERS.

Temporary six-yard dumpsters may be requested by business, industrial or residential customers. Temporary dumpsters will be provided subject to availability and provided that the City can deliver, service and remove the dumpster without damage to trees, buildings and overhead wires. Dumpsters are full when the material reaches the top sill. Do not overload dumpsters. Refuse in excess of 6 yards will be billed at the rate of Twelve Dollars (\$12.00) per cubic yard.

Temporary dumpsters set at a customer's site are limited to a three-week maximum. The dumpster will be picked up by the City at the end of the prescribed time.

Persons ordering a temporary dumpster are required to pay in advance for the dumpster. Charges for temporary dumpsters shall be:

	<u>Charges</u>
Delivery of a dumpster for a one week period and collection	\$75.00
Additional pickups, each	\$37.50
In addition to the pickup charge above, there shall be a weekly demurrage fee.	\$30.00
Construction Debris Surcharge (per service)	\$15.00

The City will make a single attempt to deliver the dumpster. If the dumpster cannot be set due to actions of the customer (e.g., cars in the way), a twenty-dollar (\$20.00) fee will be charged with balance of the prepayment refunded to the customer.
(Ord. 09-46AC. Passed 6-15-09.)

925.15 RESOURCE CONSERVATION AND RECOVERY COMMISSION.

The Resource Conservation and Recovery Commission shall advise Council regarding the City's refuse, recyclable materials, and yard waste collection programs, including the use, reuse, and procurement of sustainably-produced goods.
(Ord. 08-87AC. Passed 1-20-09.)

925.16 DUMPSTER SERVICE IN CENTRAL BUSINESS DISTRICT.

The City shall make available sufficient dumpsters to provide refuse service in the downtown district for businesses, offices, and apartments that have not individually contracted for refuse service.

Businesses, offices and apartment units making use of these dumpsters shall be charged as follows:

Apartments	Twice the basic residential service rate.
Small retail and small professional	Commercial rate for a 1-yard dumpster serviced once per week.
Medium professional services (office with more than 3 persons)	Commercial rate for a 2-yard dumpster serviced once per week.
Medium retail	Commercial rate for a 3-yard dumpster serviced once per week.

Large retail	Commercial rate for a 4-yard dumpster serviced once per week.
Restaurants	Commercial rate for a 6-yard dumpster serviced once per week.
Restaurants with bar	Commercial rate for an 8-yard dumpster serviced once per week.

(Ord. 00-12AC. Passed 3-6-00.)

925.17 UNAUTHORIZED USE OF DUMPSTER.

No person shall place any waste into a dumpster except as may be authorized by the party responsible for paying the collection charges thereof.

For dumpsters placed pursuant to Section 925.16, no person shall place any waste in any such dumpster other than waste generated by an establishment located in the Central Business District and being charged for such service.

(Ord. 00-12AC. Passed 3-6-00.)

925.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00).

(Ord. 94-2AC. Passed 2-22-94.)

