

City of Oberlin, Ohio

ORDINANCE No. 14-50 AC CMS

AN ORDINANCE AMENDING CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO TO ESTABLISH A PURPOSE, TO RE-ORGANIZE THE CHAPTER BY TOPIC, TO AMEND PROVISIONS RELATED TO REFUSE AND RECYCLING COLLECTION SERVICES AND TO UPDATE FEE SCHEDULES FOR RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION SERVICES

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

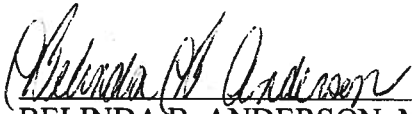
SECTION 1. That Chapter 925 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended to read as set forth in **Exhibit A** attached hereto and incorporated herein by reference.

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: September 2, 2014
2nd Reading: September 15, 2014 (S) (Effective in 30 days)
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



H. SCOTT BROADWELL
PRESIDENT OF COUNCIL

POSTED: 09/16/2014

EFFECTIVE DATE: 10/15/2014

“EXHIBIT A”

CHAPTER 925 Refuse and Recycling Collection

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| 925.01 | Purpose. |
| 925.02 | Refuse and Recycling Collection Rules. |
| 925.03 | Residential Collection Services. |
| 925.04 | Commercial Collection Services. |
| 925.05 | Organics recovery; open burning. |
| 925.06 | Large Trash Collection Service. |
| 925.07 | Rates. |
| 925.08 | Dumpster Service in Central Business District. |
| 925.09 | Temporary Dumpsters. |
| 925.10 | Unauthorized use of Collection Container. |
| 925.11 | Scavenging of Materials. |
| 925.12 | Materials prohibited. |
| 925.13 | Resource Conservation and Recovery Commission. |
| 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 PURPOSE.

Chapter 925 is adopted to provide for the safe, sanitary and efficient collection of refuse, recycling and compost materials for the residents, businesses and institutions of the City of Oberlin.

925.02 REFUSE AND RECYCLING COLLECTION RULES.

- (a) The City Manager is authorized to promulgate and publish such rules as are necessary for the efficient and economical collection of refuse, recycling and compost materials.
- (b) Customers shall keep all refuse and recycling materials separate in accordance with all collection program guidelines.

925.03 RESIDENTIAL COLLECTION SERVICES.

- (a) The City, through its personnel or by contract, shall provide for the collection of refuse and recyclable materials from residential properties by methodology prescribed by the City and according to a collection schedule published by the City.
- (b) Such pick-up shall be at curbside or at such location as may be determined by the City. It shall be the obligation of the persons being served to place the refuse and

recyclable materials at curbside in the manner, location and at the proper time specified by the City.

- (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 one (1) refuse collection cart and one (1) or more recycling collection cart(s), provided by the City, for collection each week.
- (e) Persons may request refuse service in excess of the basic residential service. Charges for such additional service shall be established by City Council.
- (f) Beginning July 1, 2015, residential customers are required to participate in the City's curb-side recycling collection program.

925.04 COMMERCIAL COLLECTION SERVICES.

- (a) The City exclusively shall provide for the collection of refuse and recyclable materials at all commercial and industrial establishments, schools, offices, churches, multi-family dwellings, 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.
- (b) Section 925.04(a) 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.
- (c) All owners of such commercial, industrial and institutional establishments as defined in 925.04(a) shall provide refuse and recycling collection services for said facility in accordance with program collection guidelines established by the City. Beginning July 1, 2015, commercial customers are required to participate in the City's commercial recycling collection programs.

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.
- (c) 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.
- (d) 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:

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

- (e) Open burning of refuse, recyclable materials or yard waste is prohibited. (Ord. 13-27AC CMS. Passed 5-6-13.)

925.06 LARGE TRASH COLLECTION SERVICE.

- (a) Residential customers 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 recyclable materials collected under current program guidelines. Items placed for collection shall be bagged, boxed, bundled, or otherwise secured.
- (d) Each residential property shall be entitled to two scheduled free large trash pick-up per year of up to four cubic yards each. 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 four 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. 13-27AC CMS. Passed 5-6-13.)

925.07 RATES.

(a) Residential Rates.

- (1) Commencing January 1, 2015, a basic residential rate of seven and 50/100 dollars (\$7.50) per month shall be charged.
- (2) The basic residential service rate for all bills rendered on or after February 1 of each ensuing twelve-month period, beginning February 1, 2016 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 Finance 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.

(3) Each additional residential service shall be charged at the rate of 50% of the basic residential service charge.

(b) Commercial Rates.

(1) Commercial refuse rates shall be charged as follows:

| Dumpster Size | Per Service Commencing on: | | | |
|---------------|----------------------------|-----------------|-----------------|-----------------|
| | August 1, 2009 | January 1, 2015 | January 1, 2016 | January 1, 2017 |
| 1.5 | \$5.85 | \$10.53 | \$12.63 | \$14.54 |
| 2 | \$11.10 | \$13.32 | \$15.98 | \$18.38 |
| 3 | \$15.30 | \$18.36 | \$22.03 | \$25.34 |
| 4 | \$18.60 | \$22.32 | \$26.78 | \$30.80 |
| 6 | \$26.10 | \$31.32 | \$37.58 | \$43.22 |
| 8 | \$32.40 | \$38.88 | \$46.66 | \$53.65 |

(2) Customers with intermittent service requirements (on-call service) shall pay a twenty-five dollar (\$25.00) per month demurrage fee in addition to the dumpster charge for each service.

(3) Customers whose service is less than one cubic yard and where a dumpster is not required shall be provided with a 96-gallon refuse collection cart. The basic commercial service fee for a 96-gallon cart shall be eleven dollars and 25/100 (\$11.25) per month. Each additional commercial service shall be charged at the rate of 50% of the basic commercial service charge.

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

925.08 DUMPSTER SERVICE IN CENTRAL BUSINESS DISTRICT.

(a) 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.

(b) 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 1.5-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. |

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| 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. 13-27AC CMS. Passed 5-6-13.)

925.09 TEMPORARY DUMPSTERS.

- (a) 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.
- (b) 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.
- (c) Persons ordering a temporary dumpster are required to pay in advance for the dumpster.
- (d) 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 |

- (e) 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. 13-27AC CMS. Passed 5-6-13.)

925.10 UNAUTHORIZED USE OF COLLECTION CONTAINER.

- (a) No person shall place any waste or recyclable materials into a City-owned collection container except as may be authorized by the party responsible for paying the collection charges thereof.
- (b) For dumpsters placed pursuant to Section 925.08, 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. 13-27AC CMS. Passed 5-6-13.)

925.11 SCAVENGING OF MATERIALS.

Scavenging of materials placed for collection by the City shall be prohibited. Said materials shall remain the property of the customer disposing of said material until such time as the material is collected by the City.

925.12 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 refrigerants or in which the refrigerant 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. 13-27AC CMS. Passed 5-6-13.)

925.13 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. 13-27AC CMS. Passed 5-6-13.)

925.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00).
(Ord. 13-27AC CMS. Passed 5-6-13.)