

CITY OF OBERLIN, OHIO
ORDINANCE No. 20-37 AC CMS

AN ORDINANCE AMENDING SECTIONS 925.03, 925.04, 925.05, 925.07 AND 925.09 of CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO TO PROVIDE FOR SUBSCRIPTION BASED OPT-IN RECYCLING SERVICES AND TO UPDATE FEE SCHEDULES FOR CERTAIN SERVICES AS AN EMERGENCY MEASURE

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That sections 925.02, 925.04, 925.05, 925.07 and 925.09 of Chapter 925 of the Codified Ordinances of the City of Oberlin, Ohio, are 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.

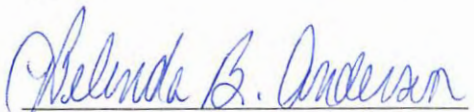
SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: **to authorize the necessary changes to Chapter 925 in order to resume recycling services as soon as possible** and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

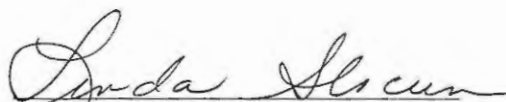
PASSED: 1st Reading: August 17, 2020

2nd Reading: September 8, 2020

3rd Reading: September 21, 2020

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 09/22/2020

EFFECTIVE DATE: 09/21/2020

“EXHIBIT A”

CHAPTER 925 Refuse and Recycling Collection

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) Residential refuse customers who are not in compliance with program guidelines as described in 925.02 and 925.03 (a-c) hereinabove shall be:
 - (1) Contacted by the City to explain program guidelines and to request compliance.
 - (2) Upon the second event, the customer will be notified in writing. Said violation notice shall include documentation of the 1st notification, documentation of the subsequent violation(s) and a written copy of the City’s guidelines.
 - (3) For the 3rd and all subsequent violations of program guidelines, the City shall notify the customer in writing as described above and a \$10 administrative fee will be added to the customer’s refuse bill. This penalty will not accrue at the rate of more than one penalty per scheduled collection day.
- (g) Residential customers may subscribe to participate in the City’s curb-side recycling collection program. All participants shall abide by the recycling collection rules published by the City.
- (h) Residential recycling customers who are not in compliance with program guidelines as described in 925.02 and 925.03 (a-c, g) hereinabove shall be:
 - (1) Contacted by the City to explain program guidelines and to request compliance.
 - (2) Upon the second violation, the customer will be notified in writing. Said violation notice shall include documentation of the 1st notification, documentation of the subsequent violation(s) and a written copy of the City’s guidance.
 - (3) On the 3rd violation, the City may elect to not collect materials placed for recycling that are not in compliance with program guidelines.
 - (4) On the 4th violation, the City shall notify the customer in writing that recycling services are being suspended and the City shall remove its recycling collection cart(s) from the property.

- (5) The City may implement processes and procedures necessary to restore suspended recycling services.

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 said establishments defined in 925.04(a) shall provide refuse and may provide recycling collection services for said facility in accordance with program collection guidelines established by the City. Commercial customers may subscribe to participate in the City's curb-side recycling collection program. All participants shall abide by the recycling collection rules published by the City.
- (d) Commercial recycling customers who are not in compliance with program guidelines as described in 925.02 and 925.04 hereinabove shall be:
 - (1) Contacted by the City to explain program guidelines and to request compliance.
 - (2) Upon the second violation, the customer will be notified in writing. Said violation notice shall include documentation of the 1st notification, documentation of the subsequent violation(s) and a written copy of the City's guidance.
 - (3) On the 3rd violation, the City may elect to empty the commercial recycling container(s) as refuse and to bill same in accordance with the currently applicable charge.
 - (4) On the 4th violation, the City shall empty the commercial recycling container(s) as refuse and bill same in accordance with the currently applicable charge and notify the customer in writing that recycling services are being suspended. The City shall remove its recycling collection container(s) from the property.
 - (5) The City may implement processes and procedures necessary to restore suspended recycling services.

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 from approximately March to November 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:

| | |
|---------------|-----------|
| 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.)

925.07 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 thirty-five dollar (\$35.00) per month demurrage fee in addition to the dumpster charge for each service.
- (3) A \$17.50 per service surcharge will be applied for all commercial services on Saturday and/or Sunday.
- (4) 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 fifteen dollars and 00/100 (\$15.00) per month. Each additional commercial service shall be charged at the rate of 50% of the basic commercial service charge.
- (5) 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.

925.09 TEMPORARY DUMPSTERS.

- (a) Temporary dumpsters may be requested by residential or commercial customers. Temporary dumpsters will be provided subject to availability and provided that the City can deliver, service and remove the dumpster without damage to the property. . Dumpsters are full when the material reaches the top sill. Do not overload dumpsters. Refuse in excess of the capacity of the container will be billed at the rate of eighteen dollars (\$18.00) 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>6-Yard</u> | <u>10-Yard</u> |
|---|---------------|----------------|
| Delivery of a dumpster for a one week period and collection | \$100.00 | \$175.00 |
| Additional pickups, each | \$75.00 | \$150.00 |
| In addition to the pickup charge above, there shall be a weekly demurrage fee | \$30.00 | \$30.00 |

- (e) 10 yard dumpsters only shall be used for the disposal of building materials and large furniture and appliances.
- (f) 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.)