

ORDINANCE NO. 7-06
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 17th DAY
OF April, 2006.

**AN ORDINANCE AMENDING CHAPTER 1060 OF THE
CENTERVILLE MUNICIPAL CODE TO REQUIRE
MUNICIPAL GARBAGE SERVICE FOR RESIDENTS;
ESTABLISH COLLECTION PROCEDURES FOR FEES;
AND TO ALLOW ASSESSMENT OF UNPAID FEES TO
THE COUNTY TAX DUPLICATE.**

WHEREAS, The City of Centerville has enacted regulations in the Centerville Municipal Code for garbage and trash collections system for residents of the City; and

WHEREAS, The City of Centerville has previously declared its exclusive right to provide residential garbage and trash collection services for residential collection; and

WHEREAS, residential garbage collection is required for all residents of the City; and

WHEREAS, the City collects a fee for said services; and

WHEREAS, some residents have either refused service and/or refused to pay for said services and as a result, the City intends to proceed with collection from those failing or refusing to pay for said services;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. That the following amendments to Chapter *1060* of the Centerville Municipal Code are hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

1060.04 REQUIREMENTS FOR SERVICE.

(a) Each housekeeping unit, by virtue of residence, shall have garbage collection service, ~~except that the City may discontinue service as provided in Section 1060.05 (d).~~ Inhabiting a residence shall be prima-facie evidence of generation of garbage. The householder of residential property shall be responsible for payment of fees as prescribed herein.

(b) Each business, industry, service/profession and /or multifamily dwelling must have garbage disposal service.

(c) No householder, person, firm or corporation shall fail to have garbage disposal service.

1060.05 FEES.

(a) Effective January 1, 2006, the fee for residential refuse collection service shall be Eighteen Dollars (\$18.00) per month; however there shall be an additional charge of Twenty-five Dollars (\$25.00) for the first half hour of each special pick-ups and/or chipper service and Ten Dollars (\$10.00) for each additional 15 minutes thereafter. The fee for residential refuse collection may be adjusted periodically to reflect any fees charged by the County for refuse disposal. The adjustment shall become effective upon approval by Council. The fee for residential refuse collection service shall be paid by all residential customers, and the City may bill in advance for a quarter-annual period. The City may bill for special pick-ups and chipper service following completion of the work and shall be paid by the customer within the period provided in, and subject to the provisions of, subsection (d) hereof.

(b) Residential customers may pay in advance for four quarters of service and shall be entitled to a discount of five percent for prepayment.

(c) The fee per pick-up for commercial/industrial service shall be Six Dollars (\$6.00) per cubic yard or fraction thereof, based on the capacity of the refuse container in service and adjusted periodically to reflect any fees charged by the County for refuse disposal.

(d) Fees shall be paid by all users of the service. Customers shall be billed on a regular basis, ~~and if bills remain unpaid for thirty days, the service may be discontinued by the City, and the householder or any other person, firm or corporation receiving said service but failing to pay therefore may be duly prosecuted as provided in Section 1060.99.~~ A second billing shall be made to customers whose bills are unpaid for a period of thirty days or more and a twenty percent penalty shall be added thereto and paid by the customer. ~~If bills remain unpaid by the end of the quarterly service period, the service may be discontinued by the City and/or the City may proceed as set forth in Section 1060.05(e).~~

(e) If a householder fails to pay the second billing provided for in Section 1060.05(d) by the end of the quarterly service period, the householder or any other person, firm or corporation receiving said service by failing to pay therefore may be duly prosecuted as provided in Section 1060.99; or have said charges along with the penalty become a lien as provided in Section 1060.09; or have said charges be collectible by a civil suit as other debts of like amount are recoverable together with any interest, penalty, collection costs and attorneys' reasonable fees incurred by the City with regards to the collection. The service period shall be the quarter to which the second billing, provided in Section 1060.05(d), applies.

1060.09 CHARGES AS LIEN.

Each charge for service under Section 1060.05, is made a lien upon the corresponding householder lot, parcel of land, building or premises and shall be certified to the Auditor of Montgomery County on an annual basis, at which time the lien shall vest, and the Auditor

shall place the same on the tax duplicate of the County with the interest, penalties and attorneys' reasonable fees allowed by law and be collected as other taxes.

Section 2, This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 17th day of April, 2006.

C. Mark King
Mayor of the City of
Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 7-06, passed by the Council of the City of Centerville, Ohio on the 17th day of April, 2006.

Debra A. James
Clerk of the Council

Approved as to form, consistency with the Charter
and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney