

ORDINANCE NO. 23-85

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Bernard Samples ON THE 16th DAY OF December, 1985.

AN EMERGENCY ORDINANCE REPEALING EXISTING
CHAPTER 957 OF THE CENTERVILLE CODE AND
ENACTING A NEW CHAPTER 957.

WHEREAS, the Council of the City of Centerville hereby determines that garbage and waste collection must be provided to all residential citizens and made available to other users to promote public health within the City of Centerville; and

WHEREAS, the Council in repealing the existing Chapter 957 relating to refuse collection and enacting a new chapter to provide the same desirous to extend the existing service to more adequately serve the needs of the community;

NOW, THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS;

Section 1. Existing Chapter 957 of the Centerville Municipal Code and Ordinances 42-75, 4-76, 61-77, 25-82 and 26-76 are hereby repealed, effective March 1, 1986.

Section 2. The following Chapter 957 with included sections entitled Refuse Collection is hereby enacted in lieu of the chapter repealed in Section 1 hereof.

957.01 DIVISION OF REFUSE COLLECTION ESTABLISHED.

A garbage and trash collection system is hereby established beginning November 1, 1970, to provide an essential city service and an improved service for residents of the city. The system shall be administered by the Division of Refuse Collection which is hereby permitted under the Department of Service.

957.02 PRIVATE COLLECTORS PROHIBITED; EXCEPTION.

The City hereby declares its exclusive right to perform residential refuse collection service and no private collectors shall be permitted to operate within the City except those collectors providing service to apartment, commercial and industrial customers.

957.03 DEFINITIONS.

a. Residence: Any building or portion thereof occupied, or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer-coach or other temporary or transient structure or facility.

b. Residential Customer: Any housekeeping unit including units in multiple family dwelling units up to and including four units per building.

c. Commercial/Industrial Customer: Any business, industry, service, profession or multi-family dwelling units with five or more housekeeping units per building.

d. Regular Residential Service: The pick-up of normal household garbage and trash once per week at the curb, except for those persons granted an exemption pursuant to the Rules and Regulations; service includes special pick-ups on call for

household discards over fifty pounds or bulky items; includes brush pick-up and/or chipping.

e. Householder: A residential customer, including, but not limited to, a landlord, a tenant, a lessor, a lessee, and the person holding legal title to the residence including his or her spouse.

957.04 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 957.05(d) hereof. 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 and/or industry and/or service/profession multi-family must have garbage disposal service.

c. No householder, person, firm or corporation shall fail to have garbage disposal service. Whoever violates this section shall be guilty of a minor misdemeanor.

957.05 FEES AND PENALTIES FOR NONPAYMENT.

a. Effective March 1, 1986 the fee for residential refuse collection service shall be Seven Dollars Eighty Cents (\$7.80) per month; provided, however, there shall be an additional charge of Ten Dollars (\$10.00) for each special pick-up and a charge of Ten Dollars (\$10.00) for each half hour of chipper service. The Seven Dollar Eighty Cent (\$7.80) fee for residential refuse collection service shall be periodically adjusted to reflect any fees charged by Montgomery County for a disposal of refuse. 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, 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 for commercial/industrial service shall be Four Dollars (\$4.00) per cubic yard or fraction thereof per pick-up based upon the capacity of the refuse container in service.

d. The fee shall be paid by all users of the service. Customers shall be billed on a regular basis and if unpaid for thirty days, the service may be discontinued by the City of 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 957.04 hereof. A second billing shall be made to customers whose bills are unpaid for a period of thirty days or more and a twenty percent (20%) penalty shall be added thereto and paid by the customer.

957.06 RULES AND REGULATIONS.

The Department of Service shall supervise the collection and removal of all waste within the City and shall make all the necessary rules and regulations governing the same. A copy of the refuse collection rules shall periodically be sent to the householder of all residential property in the City. Every householder or other resident of property in the City shall abide by the refuse collection rules and any failure to do so shall be a minor misdemeanor.

957.07 HARDSHIP EXEMPTIONS.

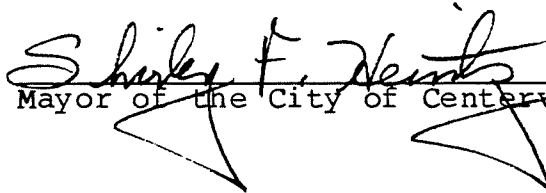
Exemptions from the operation of this chapter may be granted by the City Manager upon proper application to him made by citizens of the City of Centerville over the age of 62 who, in said application, can demonstrate that the payment of the refuse collection fees herein provided causes a financial hardship, and, further, that the full services provided pursuant to this chapter are not needed by said applicant. In accordance with Section 957.04, the Department of Service shall make the necessary rules and regulations regarding the applications for said exemptions.

957.99 PENALTY

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00).

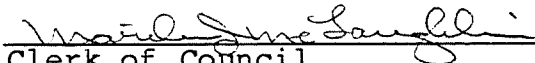
Section 3. This Ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency effecting public health and welfare is hereby declared to exist by virtue of the need to continue refuse collection services without interruption.

PASSED THIS 16th day of December, 1985.



Mayor of the City of Centerville, Ohio

ATTEST:



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. 23-85, passed by the Council of the City of Centerville, Ohio, on the 16th day of December, 1985.



Clerk of Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney,

ALTICK & CORWIN