

**NOTICE OF ADOPTION**

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;  
and
2. That on the 11th day of July, 2022,  
Ordinance No. 15-22 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 15-22 was published in the  
posting locations prescribed by the City of Centerville Council.

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 15-22

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Duke Lunsford ON THE 11<sup>th</sup> DAY OF July, 2022.

**AN ORDINANCE AMENDING CHAPTER 1060 OF THE MUNICIPAL CODE OF THE CITY OF CENTERVILLE, OHIO TO REVISE AND UPDATE DEFINITIONS, POLICIES, REQUIREMENTS, FEES, AND COLLECTION PROCEDURES FOR MUNICIPAL WASTE COLLECTION SERVICES.**

**PREAMBLE AND PURPOSE**

**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 intends to revise and update definitions, policies, requirements, set an increase of the rates, and collection procedure for garbage collection services for the City.

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:

**1060.01 DEFINITIONS.**

As used in this chapter:

- (a) “Commercial/industrial customer” means any business, industry, service, profession or multifamily dwelling units with five or more housekeeping units per building.
- (b) “Householder” means a residential customer, including, but not limited to, a landlord, tenant, lessor, lessee and the person holding legal title to the residence, including his or her spouse.

- (c) "Residence" means any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer, trailer-coach or other temporary or transient structure or facility.
- (d) "Residential customer" means any housekeeping unit, including units in multifamily dwelling units up to and including four units per building.
- (e) "Regular residential service" means the pick-up of normal household *waste garbage* and *recycling trash* once per week at the curb, except for those persons granted an exemption pursuant to the rules and regulations promulgated pursuant to Section 1060.06. Service includes special pick-ups on call for household discards over fifty pounds or bulky items and brush pick-up and/or chipping.

#### **1060.02 COLLECTION SYSTEM ESTABLISHED.**

A *waste garbage* and *recycling 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 Waste Collection.

#### **1060.03 PRIVATE COLLECTORS PROHIBITED; EXCEPTIONS.**

(a) The City hereby declares its exclusive right to perform *single family residential refuse waste* 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. *Residents who reside on private streets are excluded from city waste and recycling collection services, unless granted by the Public Works Director.*

(b) *Current commercial accounts that the City collects are grandfathered into waste collection. No new commercial accounts will be established unless approval is granted by the Public Works Director..*

#### **1060.04 REQUIREMENTS FOR SERVICE.**

- (a) Each housekeeping unit, by virtue of residence, shall have *waste -garbage* collection service. Inhabiting a residence shall be prima-facie evidence of generation of *waste 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 *waste garbage* disposal service.

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

#### 1060.05 FEES.

- (a) Effective ~~January 1, 2006~~ *January 1, 2023*, the fee for residential ~~refuse~~ *waste and recycling* collection service shall be ~~twenty-four~~ *eighteen* dollars (\$~~24~~ *18.00*) per month; however, there shall be an additional charge of ~~fifty~~ *thirty-five* dollars (\$~~50~~ *35.00*) for the first half hour of each special pick-up and/or chipper service. ~~and fifteen dollars (\$15.00) for each additional 15 minutes thereafter.~~ The fee for a second ~~container~~ *toter* shall be five dollars (\$5.00) per month. Said ~~additional toter~~ shall be limited to one 64-gallon size. If a customer discontinues the second ~~container toter~~ service, a ~~fifty~~ *thirty-five* dollar (\$~~50~~ *35.00*) reactivation and delivery fee shall be charged upon the customer's subsequent request for a second ~~container-toter~~. The fee for residential ~~refuse~~ *waste and recycling* collection may be adjusted periodically to reflect any fees charged by the County for ~~refuse~~ *waste* disposal. The adjustment shall become effective upon approval by Council. The fee for residential ~~refuse~~ *waste* 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 (c~~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.~~
- (c~~d~~) Fees shall be paid by all users of the service. Customers shall be billed on a regular basis. 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 division (d~~e~~) of this section.
- (d~~e~~) If a householder fails to pay the second billing provided for in division (d) of this section 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 division (c) of this section, applies.

#### **1060.06 PROMULGATION OF 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 *waste and recycling refuse* collection rules shall periodically be sent to the householders of all residential property in the City. Every householder or other resident of property in the City shall abide by the refuse collection rules.

#### **1060.07 HARDSHIP EXEMPTIONS.**

- (a) Exemptions from the operation of this chapter may be granted by the ~~City Manager~~ *Director of Finance* upon proper application to him or her made by citizens of the City who, in said application, can demonstrate that the payment of the ~~refuse~~ *waste* collection fees herein provided for 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 1060.06, the Department of Service shall make the necessary rules and regulations regarding the applications for said exemptions.
- (b) Each citizen who files an application for exemption must attach a copy of the page from his or her U.S. Income Tax Return that shows his or her adjusted gross income for the tax year most recent in time to the time of the application for exemption *and/or proof of all income for each household member*.
- (c) Upon receipt of a completed application with all required attachments, the City Manager or his or her designee shall determine the percentage of exemption to be allowed in accordance with the following schedule:
  - (1) Poverty level income plus additional income up to an additional twenty percent - full exemption.
  - (2) Poverty level income plus additional income over twenty percent up to thirty-nine percent - fifty percent exemption.
  - (3) Poverty level income over an additional thirty-nine percent of income - no exemption.
- (d) For the purposes of this section, "poverty level income" means that amount of annual income determined to be poverty level as determined by the U.S. Department of Health and Human Services, and as published annually in the Federal Register.

- (e) Annually, each approved applicant who has received an exemption hereunder shall be required to supplement his or her original application with a copy of that page of his or her U.S. Income Tax Return that shows his or her adjusted gross income for the previous tax year *and/or proof of all income for each household member*. The City Manager or his or her designee shall give written notice of the supplement requirement at least thirty days before the same is due for filing. Any failure to make said supplemental filing may cause the applicant to lose his or her exemption at the sole discretion of the City Manager.

**1060.08 HOURS AND PERIODS OF TIME WHEN INDUSTRIAL AND COMMERCIAL WASTE COLLECTION MAY BE MADE.**

No person, firm or corporation shall collect or cause or permit to be collected industrial or commercial waste between the hours of 9:00 p.m. and 7:00 a.m. of the following day from June 10 through August 29 of each year.

**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.

**1060.99 PENALTY.**

- a. Whoever violates or fails to comply with any of the provisions of this chapter, *except Section 1060.08*, is guilty of a minor misdemeanor and shall be fined not more than one hundred *fifty* dollars (~~\$100~~*150.00*) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- b. *Whoever violates or fails to comply with Section 1060.08 is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.*

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

PASSED THIS 11<sup>th</sup> day of July, 2022.



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Mayor of the City of  
Centerville, Ohio

ATTEST:



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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. 15-22, passed by the Council of the City of Centerville, Ohio on the 11<sup>th</sup> day of July, 2022



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Clerk of the Council

Approved as to form, consistency with the  
Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney