ORDINANCE NO. 2017-12

AN ORDINANCE AMENDING CHAPTER 935 OF THE KENT CODIFIED ORDINANCES, TO REFLECT THE COLLECTION OF RECYCLING MATERIALS FROM MULTI-FAMILY APARTMENT COMPLEXES BY DUMPSTERS WHERE APPROPRIATE AND SETTING THE FEES FOR SAID COLLECTIONS.

WHEREAS, the collecting solid waste recycling materials from apartment complexes will be converted to dumpster collection where appropriate; and

WHEREAS, the City of Kent needs to change the billing format for the collection of recycling materials in dumpsters; and

WHEREAS, the rate for collecting recycling materials via dumpsters needs to be set by City Council.

WHEREAS, this will take effect on May 1, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Chapter 935 of the Kent Codified Ordinances be amended to reflect the collection of recycling materials from residential apartment complexes via dumpsters, where appropriate; and setting the rates for the collection of the recycling materials from dumpsters, as shown on the attached Exhibit “A”, attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED: __________
Date

EFFECTIVE: __________
Date

ATTEST: __________
Tara Grimm, CMC
Clerk of Council


__________________________
TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
935.01 COLLECTION PROGRAM ESTABLISHED.

There is hereby established a program for the collection of recyclable materials, including but not limited to metal cans, plastic, glass containers, used newspapers and cardboard within the City. Such collections shall be made periodically under the supervision of the Director of Public Service.

(Ord. 1992 27. Passed 5 6 92.)

935.02 DEFINITIONS.

As used in this chapter:

(a) "Billing unit", with reference to the residential and multi-family recycling program, means a place of abode for persons living separately or together as an independent family or household. "Billing unit", with reference to the commercial, industrial, governmental and institutional recycling program (CIGI), means premises within the City not otherwise defined as a "residential unit" or "multi-family" as defined in the City's mandatory recycling ordinance.

(b) "Residential unit" includes a single family dwelling, duplex, triplex, quadplex or other building with one or more billing units grouped under a common roof and with direct access to a public street.

(c) "Multi-family residence" or "apartment" means the grouping together of three or more billing units under a common roof within a common interior hallway or foyer, NOT INCLUDED IN THE RESIDENTIAL COLLECTION PROGRAM.

(d) "Trailers" means those billing units as defined in Section 1109.01(65) of the Planning and Zoning Code.

(e) "Solid waste" means such unwanted residual solid or semisolid materials resulting from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste, a hazardous waste, an asbestos waste or material defined under "recyclable material". For the purpose of this definition, "material from construction operations or demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wall board, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation but excludes materials whose removal has been required prior to demolition. For the purpose of this definition, semisolid material does not contain liquids which can be readily released under normal climatic conditions as determined by Method 9095 (Paint Filter Liquids Test) in SW 846: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

(f) "Yard waste" means leaves, grass clippings, weeds, Christmas trees, bushes and brush and branch clippings, when securely bound in bundles not exceeding four feet in length.

(g) "Director" means the Director of Public Service of the City.

(h) "Recyclable material" means ferrous (steel and nonferrous (aluminum) cans, newspapers, glass bottles, cardboard, office paper or other products as deemed recyclable by the Director of Public Service GLASS (JARS, BOTTLES), CANS (ALUMINUM, STEEL AND BI-METAL CANS FROM FOOD AND BEVERAGES), PLASTIC (BEVERAGE AND LAUNDRY PRODUCT BOTTLES MARKED WITH A #1 (PET) OR #2 (HDPE) ON THE BOTTOM,
SQUEEZABLE BOTTLES (HONEY/MUSTARD) MARKED WITH A #4 (LDPE) ON THE BOTTOM, YOGURT CONTAINERS, KETCHUP BOTTLES AND DRINKING STRAWS MARKED WITH A #5 (PP) ON THE BOTTOM, PLASTIC CUPS, PLASTIC PLATES, CD CASES AND EMPTY MEDICINE BOTTLES MARKED WITH #6 (PS) ON THE BOTTOM, OTHER PLASTICS SUCH AS TUPPERWARE AND REUSABLE DRINKING BOTTLES ARE MARKED WITH #7 (OTHER) ON THE BOTTOM, ASEPTIC CARTONS, PAPER (NEWSPAPER, MAGAZINES, CATALOGS, OFFICE PAPER, JUNK MAIL AND PAPERBOARD BOXES), CARDBOARD (CLEAN CORRUGATED, WITHOUT WAX COATING OR FOIL), AND AS AMENDED FROM TIME TO TIME BY THE CITY’S RECYCLING CONTRACTOR.

(i) "Recycling bin CONTAINER" means a storage unit CONTAINER provided by the City or its contractor in which recyclable material is to be placed and commingled by the occupants of each billing unit, unless served by other storage units. Such container shall meet the requirements of the Director.

(j) "Recycling contractor" means the contractor authorized by the City for the collection of recyclable materials.

(k) "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals.

(l) "Hazardous waste" means those substances which, singularly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which singularly or in combination, require special handling, processing or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bioconcentrative or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

(m) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite grunerite, anthophyllite and actinolite tremolite.

(n) "Asbestos containing waste materials" means those wastes identified in Chapter 3745 20 01(B)(4) of the Ohio Administrative Code (OAC).

(o) "Infectious waste" means those wastes identified in Chapter 3745 27 01(V) of the Ohio Administrative Code (OAC).

(Ord. 1992-27. Passed 5-6-92.)

935.03 COLLECTION AND DISPOSAL DEEMED A PUBLIC UTILITY.

The system of collection and disposal of recyclable material by the City is hereby declared to be a public utility. The services provided for in this chapter shall be rendered to all persons upon compliance with all City regulations pertaining to such utility and upon payment of the rates provided in Section 935.13, as the same may be amended from time to time.

(Ord. 1992-27. Passed 5-6-92.)

935.04 SEPARATION REQUIRED.

All solid waste set out for collection by the owner or occupant of every billing unit, as defined herein, within the City shall be set out for collection so that recyclable materials are separated from the solid waste, except if the recyclable material is employed in the disposal of other solid waste or if the recyclable material has been contaminated. Newspapers shall be considered clean and
uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard same with regular solid waste, even if such wrapping does not render the newspapers unusable for recycling. (Ord. 1992-27. Passed 5-6-92.)

935.05 WEEKLY COLLECTION OF SEPARATED MATERIAL.

With reference to the City's residential recycling program, collection of recyclable materials shall be weekly and such material shall be set out for collection as follows; OR AS ADJUSTED WITH APPROVAL OF THE CITY’S DIRECTOR OF SERVICE AND THE RECYCLING PROVIDER:

(a) Glass and metal cans shall be placed together in a recycling bin or bins.

(A) GLASS, METAL CANS, PAPER, NEWSPAPER, PAPER BAGS, CARDBOARD AND ACCEPTABLE PLASTICS SHALL BE PLACED INTO THE CONTAINERS, AS SET OUT ON THE CITY’S RECYCLING CONTRACTOR’S WEBSITE.

(b) Newspaper shall be placed loose in a recycling bin or bins.

(B) EXCESS CARDBOARD AND PAPER RECYCLABLE MATERIAL THAT DOES NOT FIT IN THE RECYCLING CONTAINER SHALL BE BUNDLED AND SET OUT NEXT TO THE RECYCLING CONTAINER ON PICK UP DAYS.

(d) Cardboard and paper bags shall be placed together either on top of, or next to, the newspaper bin.

(C) ALL OTHER EXCESS RECYCLING MATERIALS THAT DO NOT FIT IN THE RECYCLING CONTAINER SHALL BE PLACED IN BAGS AND SET OUT NEXT TO THE RECYCLING CONTAINER.

(Ord. 1992-27. Passed 5-6-92.)

935.06 COLLECTION OF RECYCLABLE MATERIAL.

(a) Upon the placement of recyclable material at a designated location for collection by the recycling contractor, the recyclable material shall become the property of the City.

(b) During the twenty four hour period commencing at 6:7:00 p.m. on any day preceding a day designated for collection of recyclable material, no person, other than an authorized recycling collection contractor, shall remove recyclable material which has been placed at a designated collection location. Any and each such removal of recyclable material in violation hereof from one or more designated recycling collection locations shall constitute a separate and distinct offense punishable as provided in this chapter.

(c) Nothing in this section shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable material, provided that any such disposal is in accordance with the provisions of this chapter.

(Ord. 1992-27. Passed 5-6-92.)

935.07 PLACING GARBAGE AND SOLID WASTE FOR COLLECTION; PROHIBITED ITEMS.

The following requirements apply to all City recycling programs:
(a) All items of solid waste shall be placed in standard garbage and solid waste containers as provided in Section 935.15. However, brush and branch clippings may be tied securely in bundles not exceeding four feet in length and placed at the usual place of collection.

935.08 PLACING RECYCLABLE MATERIAL.
On the regularly scheduled collection day, persons residing in SINGLE FAMILY AND OTHER residential units as defined herein USING SIXTY-FIVE (65) AND/OR NINETY-FIVE (95) GALLON CONTAINERS shall place the recycling bin Container at the curb in front of the residential unit. All persons residing in residential units in the City affected by this chapter shall place their recyclable material in the appropriate recycling bin Container or other storage unit and keep such material separate from their other garbage and solid waste. Residents of apartments, condominiums and multi-family billing units shall have specially designated storage units to be used for placement of recyclable material. Carry out service FOR SIXTY-FIVE (65) AND/OR NINETY-FIVE (95) GALLON CONTAINERS shall be provided by the recycling contractor for residential units of handicapped, disabled, impaired persons or persons who are otherwise precluded from or physically incapable of placing recycling bin CONTAINERS at curbside. Haulers collecting from "CIGI" units shall only be required to meet source separation and reporting requirements of this chapter.
(Ord. 1992-27. Passed 5-6-92.)

935.09 POINTS OF COLLECTION FOR SOLID WASTE; TIME LIMIT FOR SOLID WASTE CONTAINERS ON TREE LAWNS.
The following requirements shall be met by all residential and multi-family billing units within the City.
(a) SIXTY-FIVE (65) AND NINETY-FIVE (95) GALLON solid waste containers shall be placed at the street curb, provided that such containers may be placed for collection at other locations when approved by the Director of Public Service.
(b) No solid waste container is permitted to remain on the tree lawn of the public street for a period longer than twenty-four hours after the pickup and removal of the refuse contained therein.
(Ord. 1992-27. Passed 5-6-92.)

935.10 FREQUENCY OF COLLECTION.
All recyclable material shall be collected in accordance with schedules promulgated by the City Manager, or his/her authorized representative, pursuant to the rule making authority granted in Section 935.17.
(Ord. 1992-27. Passed 5-6-92.)

935.11 ANTI SCAVENGING CLAUSE.
It shall be a violation of this chapter for any person other than the authorized recycling collection contractor, authorized personnel of the Department of Public Service or the resident to collect, pick up or cause to be collected or picked up, such recyclable materials. Each such collection in violation hereof from one or more residences during such period shall constitute a separate and distinct offense. This section of the chapter shall not apply to commercial, industrial, governmental or institutional billing units in the City who choose to recycle under the "in house" or "private hauler" program as is more fully set forth in Section 935.18.
(Ord. 1992-27. Passed 5-6-92.)
935.12 ADDITIONAL METHODS OF DISPOSAL.
Any resident may donate or sell recyclable materials to any person, partnership or corporation whether operating for profit or not for profit. Such person, partnership or corporation may not, however, under any circumstances pick up the recyclable material from the curbside in the City. This section shall be a requirement of CIGI units who choose to recycle under the City program as the same is more fully defined in Section 935.18.  
(Ord. 1992-27. Passed 5-6-92.)

935.13 SOLID WASTE FEE RATES.
(a) There shall be charged a fee of five dollars and one cent ($5.01) per month per residential and multi-family billing unit for any solid waste activity necessary to meet the reduction goals outlined in the Portage County Solid Waste Management Plan or to find alternate disposal programs for items banned from the landfill, except that any billing unit whose head of household is a qualified residential water user and the holder of a Golden Buckeye Card shall be charged a fee of two dollars and fifty cents ($2.50) per month;
(i) This rate becomes effective for billing dates after January 20, 2016;
(b) Beginning with the first billing after January 20, 2016, there shall be a three percent (3%) increase in the base rate for solid waste collections. The new rate will be five dollars and one cent ($5.01) per residence;
(c) Thereafter, the rates for collection of solid waste will increase as follows:
(i) The rate for billing for solid waste collection in 2016 and all future years will increase by three percent (3%) annually;
(d) City Council reserves the right to review these increases annually during the capital plan budget review. (Ord. 2016-05. Passed 1-20-16.)

935.13 SOLID WASTE RECYCLING FEE RATES.
(A) THERE SHALL BE A FEE, BILLED TO EACH RESIDENTIAL UNIT IN THE CITY OF KENT, WEEKLY OR MONTHLY BASIS FOR THE FOLLOWING:
(I) ANNUAL SPRING CLEANUP, YARD WASTE, BRANCHES, LEAF PICKUP, MULCH SUPPLY..................................................$2.88 MONTHLY
(II) RECYCLING COLLECTION
(A) FOR SINGLE AND SMALLER UNIT RESIDENTIAL PROPERTIES USING A 65 OR 95 GALLON CONTAINER.................................................$2.28 MONTHLY
(B) FOR MULTI-FAMILY RESIDENTIAL COMPLEXES USING LARGER CONTAINERS:
(1) 2 YARD CONTAINERS WILL BE BILLED AT $10.00 PER COLLECTION;
(2) 4 YARD CONTAINERS WILL BE BILLED AT $12.00 PER COLLECTION; AND
(3) 8 YARD CONTAINERS WILL BE BILLED AT $15.00 PER COLLECTION.
(4) SENIOR CITIZENS DISCOUNT DOES NOT APPLY TO THESE LARGER CONTAINERS.

935.14 BILLING; FAILURE TO REMIT FEES.
(a) The fee provided in Section 935.13 shall be billed monthly at the conclusion of the period for which service has been rendered and shall be payable at the Utility Billing Office at City Hall on or before the fifteenth day after the date of billing. Such fee shall appear on the utility bill rendered by the City for water and sewer service as a separate item and shall be considered an integral part of such bill. Failure to remit the entire amount of the charges for all services shall constitute a delinquency, with termination of all services to take place in accordance with the provisions of Section 913.03 of the Codified Ordinances, thirty days after such delinquency. However, upon proof satisfactory to the Director of Budget and Finance that service for the collection of recyclable material is not required at any billing unit, due to vacancy or other reason, such fee shall be waived by the Director.
(b) In addition, city council may also certify delinquent recycling and solid waste collection charges, late charges and fees imposed by this chapter to the county auditor, and have the delinquencies charged to the real property that generated the delinquent charges. (Ord. 2012-110. Passed 10-17-12.)

935.15 CONTAINER REQUIREMENTS.
Each person or family requiring the removal of solid waste shall provide suitable containers for storing solid waste on the premises. No person shall store any solid waste in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except in proper containers for storage. Each storage container shall be made of metal or an approved plastic watertight material, and provided with suitable handles on the outside and a tightly fitting cover which shall not be removed except when necessary in the use of such container. Such containers shall be kept in a clean, neat and sanitary condition at all times. Condominium owners shall provide and maintain their own solid waste storage containers of a size and type approved by the Director of Public Service. Solid waste, excluding garbage, may be placed for collection at curbside in plastic bags provided such bags have a thickness of at least 1.5 mil and are securely tied. This section shall apply only to the City's residential and multi-family recycling program.
(Ord. 1992-27. Passed 5-6-92.)

935.16 SOLID WASTE AND RECYCLING COLLECTION REPORTING REQUIREMENTS.
Each hauler who collects either solid waste or recyclables within the Kent city limits shall, in addition to the licensing procedure in Section 933.02 of the Codified Ordinances, comply with the following requirements:
1. Register with the Health Department. Registration forms will be available during the yearly Health Department licensing procedure.
2. Provide weekly MONTHLY reports as to the destination and the volume of recyclables and trash collected from within the City of Kent. Weight slips are required for verification of delivery of trash and recyclables from Kent.
3. File with the Health Department a schedule of rates that will be charged based on both volume of containers and frequency of collection for all solid waste and recycling collection services rendered.

(Ord. 2002-56. Passed 5-15-02)

935.17 RULES AND REGULATIONS.
The City Manager, or his/her authorized representative, shall have full and complete authority to make such other rules and regulations, not inconsistent herewith, pertaining to the collection and disposal of solid waste and the collection for recycling of recyclable material, as well as to the administration thereof, as may be deemed advisable.

(Ord. 1992-27. Passed 5-6-92.)

935.18 COMMERCIAL, INDUSTRIAL, GOVERNMENTAL, INSTITUTIONAL (CIGI) RECYCLING PROGRAM FOR THE CITY.
Each commercial, industrial, governmental or institutional premises within the City (CIGI unit) shall be required to separate recyclable materials from the solid waste stream and cause them to be recycled through the Portage County Solid Waste Management District with one of three options:

A. Small business curbside collection route - Business will receive small residential bins and be added to the residential collection route for a cost of $3.00 per month.
B. Rental Container Recycling Service - Business will receive weekly collection with one of the following options:

<table>
<thead>
<tr>
<th>Container Type</th>
<th>Monthly Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>95-gallon toter once per week</td>
<td>$6.50/month</td>
</tr>
<tr>
<td>2-Yard Container once per week</td>
<td>$15.00/month</td>
</tr>
<tr>
<td>4-Yard Container once per week</td>
<td>$21.00/month</td>
</tr>
<tr>
<td>8-Yard Container once per week</td>
<td>$27.00/month</td>
</tr>
</tbody>
</table>

Each bill will also include a $1.50/month administrative charge.
C. Independent Option - Business would choose to have their recyclables collected by a private hauler would be required to submit volume and participation records to the Portage County Solid Waste Management District and would be billed a $3.00/month administrative fee.
A Hardship Variance will be permitted for those businesses that have less than 3 employees, receive no trash collection at the business and take their recyclables home to be collected with their residential recyclables.

(Ord. 2007-49. Passed 5-02-07)

935.19 COMMINGLED COLLECTION PROHIBITED.
Unless approved by the Environmental Services Manager, no person shall commingle, collect or have collected after the effective dates established by the Portage County Solid Waste
Management District Plan, the State of Ohio and/or any other federal law or regulation, any of the following with any other type or kind of solid waste:
   (a) Lead acid batteries or any other batteries banned from solid waste disposal by the State.
   (b) All forms of yard waste.
   (c) All types of household hazardous waste.
   (d) All items defined as recyclable.
   (e) Refrigerators and other types of white goods.
   (f) Tires.
   (g) All other items banned from solid waste disposal by Portage County Solid Waste Management District Plan and/or the State of Ohio and/or any other federal law or regulation.
(Ord. 1992-52A. Passed 8-19-92.)

935.99 PENALTY.
Whoever violates or fails to comply with any of the provisions of this chapter except Section 935.08 and 935.09 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00). A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues. Violations of Sections 935.08 and 935.09 shall cause the following actions to be taken:
   (a) On the first violation, a notice of noncompliance with this section shall be posted on the recycling bin or on a regular garbage container, at the residential unit where the noncompliance occurs.
   (b) On the second violation, there shall be a termination of all recyclable collection services to the residential unit where the violation occurs with written notice of such termination to be delivered to the residential unit occupant by regular mail, or by posting on the door of the residential unit.
Violations of Section 935.16 and 935.17 shall cause the following actions to be taken:
   (a) License revocation to occur pursuant to Section 933.26 of the Codified Ordinances.