ORDINANCE NO. 2017-13

AN ORDINANCE APPROVING THE AMENDMENTS TO THE CITY SERVICE DIRECTOR'S RULES AND REGULATIONS FOR THE COLLECTION OF RECYCLING MATERIALS TO REFLECT NEW RATES AND METHODS OF COLLECTING RECYCLING MATERIAL FROM MULTI-FAMILY APARTMENT COMPLEXES EFFECTIVE MAY 1, 2017.

WHEREAS, the method of collecting solid waste recycling materials from multi-family apartment complexes over to a dumpster method; effective May 1, 2017; and

WHEREAS, the City of Kent needs to change its charges to the multi-family apartment utility customers that generate the solid recycling waste beginning May 1, 2017; and

WHEREAS, the current rates and methods do not reflect the best way to collect recycling from multi-family apartment complexes.

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 the City Council hereby approves the amendments to the Service Director's Rules and Regulations for recycling collections amended as shown in the attached draft, marked Exhibit "A", attached hereto and made a part hereof, effective May 1, 2017.

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: Feb 15, 2017

Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: May 1, 2017

Date

ATTEST: Tara Grimm, CMC
Clerk of Council


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TARA GRIMM, CMC
CLERK OF COUNCIL

(SEAL)
RULES AND REGULATIONS
DEPARTMENT OF PUBLIC SERVICE
RESIDENTIAL CURBSIDE COLLECTION RECYCLING PROGRAM

AUTHORITY AND SCOPE

Through provisions of Ordinance 1990-30 AND AS AMENDED IN ORDINANCE 2016-____, incorporated as Chapter 935 (Recycling and Solid Waste Collection) of the Codified Ordinances of the City of Kent, the collection and disposal of recyclable material in the City of Kent is defined as a public utility (935.03). Separation of recyclable material from solid waste is required of all residential units in Kent (935.04), and payment for collection services is provided (935.15-935.13 AND 935.14).

Section 935.10 and 935.17 provide that the City Manager (or his/her authorized representative) shall have the authority to promulgate rules and regulations pertaining to the collection of recyclable material. The Director of Public Service has been designated the rule making authority, and the following rules and regulations are hereby specified. Such regulations have the same validity as ordinances when not repugnant thereto or to the Constitution or the laws of the State of Ohio.

The Director of Public Service reserves the right to deviate from these rules and regulations during emergencies and special cases in which the public health, safety and/or welfare may be endangered.

Rules and regulations are subject to change by direction of the Service Director. Program participants will be notified of these changes and they will be published in the local paper AND/OR THE TREE CITY BULLETIN. City ordinance changes may be made by the Kent City Council.

These rules and regulations supersede any and all previous rules and regulations governing the operation of the Kent City Residential Collection Recycling Program.

DEFINITIONS

(A) "BILLING UNIT" FOR RECYCLING ONLY MEANS A RESIDENTIAL UNIT. IN THE CASE OF UNITS USING SIXTY-FIVE (65) OR NINETY-FIVE (95) GALLON CONTAINERS, A UNIT IS THE SINGLE FAMILY HOME OR APARTMENT. FOR RESIDENTIAL UNITS USING TWO (2) YARD, FOUR (4) YARD OR EIGHT (8) YARD CONTAINERS, THE BILLING UNIT IS THE ENTIRE APARTMENT COMPLEX OR BUILDING.
(a)(B) “Billing unit” FOR OTHER NON-TRASH SOLID WASTE means a place of abode for persons living separately or together as an independent family or household.

(b)(C) “Independent family or household” MEANS any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating and otherwise independent from any other unit.

(c) “Residential unit” shall include 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.

(D) “MULTI-FAMILY RESIDENCE” OR “APARTMENT” MEANS THE GROUPING TOGETHER OF THREE (3) OR MORE BILLING UNITS UNDER A COMMON ROOF WITHIN A COMMON INTERIOR HALLWAY OR FOYER, AND NOT INCLUDED IN THE RESIDENTIAL COLLECTION PROGRAM.

(d)(E) “Director” means the Director of Public Service of the City.

(e)(F) “Recyclable material” means SEE ATTACHED EXHIBIT “A” AND AS AMENDED HEREAFTER ferrous (steel) and non-ferrous (aluminum) cans, newspaper, glass bottles and jars, and cardboard and paper.

(f)(G) “Recycling bin CONTAINER” means a storage unit CONTAINER provided by the City or its contractor in which recyclable material is to be placed and co-mingled by the occupants of each billing unit, unless served by other storage units. Such CONTAINER bin shall meet the requirements of the Director.

(g)(H) “Recycling contractor” means the contractor authorized by the City for the collection of recyclable materials.

100.00 GENERAL ADMINISTRATION AND CUSTOMER SERVICE

100.01 Scope of Service:

The Kent City Residential Collection Recycling Program includes provision of recycling bins CONTAINERS to each residential unit in the City of Kent; specification of recyclable materials to be placed in the recycling containers; collection of recyclable material from residential units by the recycling contractor once every two weeks OR AS ADJUSTED WITH THE CITY’S DIRECTOR OF SERVICE AND THE RECYCLING PROVIDER; provision of information on the curbside recycling program to residential units included in the program; documentation of processing and marketing of collected recyclable material; and
payment for collection services by residential units and billing units AND BILLING UNITS.

101.00 RECYCLING BINS CONTAINERS

101.01 Bins CONTAINERS Provided:

A) Each residential unit included in the curbside recycling program will be provided ONE NINETY-FIVE (95) GALLON OR SIXTY-FIVE (65) GALLON CONTAINER, or one eighteen (18) gallon and one fourteen (14) gallon plastic bin container for storage of recyclables. These bins CONTAINERS are the property of the City of Kent OR ITS RECYCLING CONTRACTOR. In October 1990, THESE bins CONTAINERS will be delivered to each residential unit included in the program by the recycling contractor. Thereafter, two bins CONTAINERS will be provided to new residential units.

B) LARGE RESIDENTIAL UNITS FOUR (4) OR MORE LIVING UNITS OR APARTMENTS WILL BE GIVEN LARGE CONTAINERS – TWO (2) YARD, FOUR (4) YARD, OR EIGHT (8) YARD CONTAINERS AS NEEDED. EXCEPTIONS MAY BE GRANTED BY THE CITY SERVICE DIRECTOR FOR GOOD CAUSE SHOWN BY THE PROPERTY OWNER.

101.02 Extra Bins CONTAINERS Provided: If residential units are in need of extra recycling bins CONTAINERS to store recyclables for two weeks A WEEK, they must notify the Kent Recycling Coordinator SERVICE DEPARTMENT by phone or mail. Up to two Extra bins CONTAINERS will be provided to each residential unit AS NEEDED. Residents who receive bins CONTAINERS in excess of numbers specified above will be billed $5.00 per additional bin CONTAINER(S) on their next utility bill. LARGE Residential units WITH FOUR (4) OR MORE LIVING UNITS OR APARTMENTS included in the curbside collection recycling program which house more than five individuals may receive in addition to the extra bins provided above, two extra bins for each additional four individuals in residence at the unit. LARGE CONTAINERS SUCH AS TWO (2) YARD, FOUR (4) YARD OR EIGHT (8) YARD CONTAINERS AS SPECIFIED BY THE KENT CITY SERVICE DIRECTOR.

101.03 Bins CONTAINERS Replaced: Recycling bins CONTAINERS which are stolen from a residential unit or are damaged beyond use must be reported to the Recycling Coordinator KENT SERVICE DEPARTMENT by phone or mail. Up to four (4) bins CONTAINERS per residential unit will be replaced. If more replacements are needed, a charge of $5.00 per bin CONTAINER will be added to the next utility bill for that residential unit.
101.04 **Additional Bins CONTAINERS Delivered:** The recycling contractor will deliver any additional bins CONTAINERS requested to the residential unit during the next scheduled collection date after the Recycling Coordinator is notified.

101.05 **Return of Bins CONTAINERS:** When occupants of a residential unit included in this program vacate the premises, the recycling bins CONTAINERS must be left by the water meter to be picked up by the Kent Service Department when the final meter reading is taken. If the recycling bins CONTAINERS are not at this location, a charge of $5.00 per container will be added to the final utility billing to cover the cost of replacement.

101.06 **New Resident Bins CONTAINERS:** At the time new Kent residents have their water turned on, recycling bins CONTAINERS will be delivered to their residence by the Kent Service Department.

102.00 **REQUIRED MATERIALS**

102.01 **Material Specified:** Materials NO LONGER HAVE to be source separated for the residential collection recycling program. 

- Glass bottles and jars
- Food and beverage cans (tins cans; bimetal cans; aluminum cans/foil)
- Newspaper
- Cardboard
- PAPER

102.02 **Preparation of Material:** All metal and glass containers must be clean. Paper labels must be removed from metal containers; metal lids and caps must be removed from glass containers. Newspaper must be kept separate from all other paper products. Cardboard includes brown paper bags and all other types of cardboard, except wax-coated (milk cartons).

102.03 **Placement of Material in Recycling Bins CONTAINERS:** One THE recycling bins CONTAINER MAY must be used for all metal and glass containers RECYCLABLE MATERIALS. Newspaper must be placed loose in the bottom of the second bin. Cardboard must be flattened, reduced to no more than EXCESS MATERIAL MUST BE PLACED IN three foot-(3') sections and bundled or put in brown paper bags on top of the loose newspaper in the second bin NEXT TO THE CONTAINER.
102.04 **Material Excluded from Curbside RECYCLING Collection Program:** The following material must **not** be placed in recycling bins CONTAINERS for curbside collection (ANYTHING NOT ON EXHIBIT “A”).

- Magazines
- Window Glass
- Scrap Metal
- Catalogs
- Light Bulbs
- Pyrex Glass
- Waxed Cardboard
- Pottery
- Plastic of Any Type
- Books
- Ceramics
- Motor Oil
- Office Paper/Mail
- Paint Cans
- Household Hazardous
- Phone Books
- Aerosol Cans
- Waste Containers

102.05 **Additions To/Deletions From Recycling Material List:** The Director may, when required, add material to the list of recyclables to be collected from the curb, or delete material from said list. In the event of this action, all residential units in the curbside collection recycling program will be notified by mail at least two (2) weeks before said changes take effect.

103.00 **COLLECTION OF RECYCLABLES**

103.01 **Collection Schedule:** The recycling contractor will collect recyclables from the curb on Monday, Tuesday, Wednesday, Thursday and Friday. One each of ten residential curbside routes will be collected each day to ensure coverage of all residential units in two weeks. The collection vehicle will start collections at 7 a.m. each morning. **THE CITY WILL BE DIVIDED INTO QUADRANTS, WITH EACH QUADRANT’S RECYCLING CONTAINERS TO BE COLLECTED ON A SPECIFIC DAY OF WEEK, MATCHING THE DAY TRASH IS COLLECTED IN SAID QUADRANT.** Residential units WITH SIXTY-FIVE (65) AND NINETY-FIVE (95) GALLON CONTAINERS, included in any given route must have recycling bins CONTAINERS at the curb by 7:00 a.m. the day that route is scheduled.

The recycling contractor will **not** collect recyclables on the following holidays:

- New Year’s Day
- MARTIN LUTHER KING
- PRESIDENT’S DAY
- Memorial Day (observed)
- July 4
- Labor Day
- COLUMBUS DAY
- VETERAN’S
- Thanksgiving Day
- DAY AFTER THANKSGIVING
- Christmas Day

To assure uninterrupted service, routes falling on observed holidays will be collected the day after the holiday, with other routes scheduled for later the same
week being collected one day later than usual, and the Friday route being collected on Saturday.

103.02 **Notification of Interrupted Service:** If on occasion recyclables cannot be collected by the recycling contractor, every attempt will be made to alert residential units on the affected collection routes through delivery of written notes.

103.03 **Notification of Routing Changes:** In the event it becomes necessary to change the collection dates of streets or individual residential units, all affected units will be notified in writing of the change, and will be provided information on the new collection days.

103.04 **Placement and Removal of Collection Bins CONTAINERS:** Recycling bins CONTAINERS must be placed at the curb not more than twelve (12) hours before the scheduled collection day, and must be removed from the curb within twelve (12) hours after being collected.

103.05 **Special Collection Arrangements:** If it is impossible for a residential unit to place recycling bins CONTAINERS at the curb, the Recycling Coordinator KENT SERVICE DEPARTMENT must be notified FORTY EIGHT (48) HOURS before a scheduled collection day. The recycling contractor KENT SERVICE DEPARTMENT will provide special collections services (e.g., pick up from a porch or beside a garage). However, all such collections must be scheduled by the Recycling Coordinator SERVICE DIRECTOR OR THEIR DESIGNEE, and may not involve walking a distance of more than seventy (70) feet from curb or entrance into an enclosed area through a closed door.

103.06 **Route Change Requests:** When a residential unit is on the corner of two (2) streets that are on different collection routes, a request for a route change to increase residential unit convenience may be made to the Recycling Coordinator SERVICE DIRECTOR. If such change will not adversely affect the recycling contractor, it will be made and the residential unit will be notified of the new collection route schedule.

103.07 **Call Back Service:** In the event the recycling collection vehicle fails to collect from a residential unit on the specified day, contact with the Service Director or their designee will assure collection by the end of the next day, provided, however, that the recycling bins were at the curb or a special collection location by 7 a.m. on the regularly scheduled collection day.

The Recycling Coordinator SERVICE DIRECTOR reserves the right to investigate missed collections. The recycling contractor turns collection bins upside down after emptying them, so streets already collected are easily distinguishable on any
given day. Under terms of the recycling collection contract, unscheduled call backs can be made only if the contractor fails to collect material which is in its designated place by 7 a.m. on the collection day.

When recycling bins CONTAINERS are placed improperly or placed at the curb after 7 a.m. and, therefore, are not collected, residential units will be asked to store the recyclables until the next scheduled collection day for that route.

103.08 **Protection from Elements:** In the event of inclement weather, residential units are expected to protect recyclables from blowing, moisture and freezing when at all practicable. Refraining from putting recycling bins CONTAINERS at the curb until morning, covering paper material with plastic sheeting, andanchoring paper material with a heavy object all are acceptable means of protection.

103.09 **Notification of Improper Material / Separation / Placement:** In the event recycling bins CONTAINERS contain contaminated recyclables (see Section 102.01 – 102.04), or are improperly placed for collection (see Sections 103.01; 103.04; 103.05), the residential unit will be notified of the infraction through a written notice left in ON the bin CONTAINER. Proper preparation and placement will be expected for the next collection.

103.10 **Refusal of Material:** The recycling contractor may, after having served three (3) notices of infractions to a residential unit, refuse to collect material in recycling containers until the material is properly prepared and the recycling bins CONTAINERS are properly placed. Residential units will be notified of refusal to collect through a written notice left in ON the recycling bin CONTAINER.

103.11 **Documentation of Participants:** The recycling contractor will keep records of those residential units participating in the residential curbside collection program. These records will be used both to determine participation rates and to identify those residential units that are not in conformance with provisions of Chapter 935 of the Codified Ordinances.

104.01 **INFORMATION ON SERVICE PROVIDED**

104.01 **Distribution of Information to Residential Units:** Each year, each residential unit included in the curbside collection recycling program will be provided written information on ANY CHANGES IN collection dates for the following year, and on preparation of material for the curbside recycling collection program IF THERE ARE CHANGES TO THE ABOVE. This material will be mailed or hand delivered to each residential unit.
104.02  **Information to New Customers:** At the time new Kent residents sign up for water service at Kent City Hall, they will be given written information on collection dates for their collection route and on preparation of material for the curbside recycling collection program.

104.03  **Change in Service or Material:** At any time either the curbside recycling collection service or the material to be included in the curbside recycling collection program is changed, each affected residential unit will receive written notification at least two (2) weeks before the change will occur.

105.00  **PROCESSING AND MARKETING RECYCLABLES**

105.01  **Delivery of Recyclables to Portage Recycling Organization:** All recyclable material collection from the curb by the recycling contractor will be delivered to the Portage Recycling Organization processing facility at 918 Marvin Street in Kent, in accordance with arrangements between the recycling contractor and the processing center.

105.021  **Documentation of Amount Delivered to Processor:** The ALL recycling contractors must obtain documentation from the processing facility of the weight of recyclables delivered from each collection route each day, by material. This data will be provided to the Recycling Coordinator SERVICE DIRECTOR and will be used to determine the average amount of recyclable material set out at the curb per residential unit participating in the curbside RECYCLING collection program as well as the total amount of material processed through the residential curbside collection recycling program.

105.032  **Documentation of Marketing of Recyclables:** The recycling contractor must obtain documentation from the processor of the end use of all recyclables delivered from the collection program. This documentation must include where the material is marketed, whether this market is the end user of the recyclables, and if so, what the end use is. If the market is not the end user, there must be documentation of who the end user is and what the end use is. The recycling contractor must provide the Recycling Coordinator SERVICE DIRECTOR with this information on a weekly MONTHLY basis.

200.00  **ACCOUNTING AND BILLING**

200.01  **Recycling Declared a Utility:** Collection of recyclables from curbside is declared a utility under provisions of Chapter 935 of the Codified Ordinances. As such, billing for collection services will be included on the utility bills of each residential unit included in the recycling collection program.
BILLING AND RATES

Billing Dates: Residential units included in the curbside recycling collection program will be billed for service provided during the same time period as the meter readings taken for water/sewer charge billing.

Collection Rates: The Codified Ordinances provide the following rates for collection of recyclables per residential unit per month, SEE KENT CODIFIED ORDINANCE SECTION 935.13.

- November 1990—October 1991: $2.50 per month
- November 1991—October 1992: $2.75 per month
- November 1992 and Beyond: $3.00 per month

A) RESIDENTIAL UNITS USING SIXTY-FIVE (65) OR NINETY-FIVE (95) GALLON CONTAINERS WILL BE BILLED $2.28 PER MONTH FOR RECYCLING.

B) LARGER RESIDENTIAL WILL BE BILLED FOR RECYCLING AS FOLLOWS:

i) TWO (2) YARD CONTAINERS WILL BE BILLED AT $10.00 PER COLLECTION;
ii) FOUR (4) YARD CONTAINERS WILL BE BILLED AT $12.00 PER COLLECTION;
iii) EIGHT (8) YARD CONTAINERS WILL BE BILLED AT $15.00 PER COLLECTION.

Discount Rates: The Codified Ordinances provide that residential units USING SIXTY-FIVE (65) OR NINETY-FIVE (95) GALLON CONTAINERS, whose head of household has a Golden Buckeye Card will receive a discount rate of $1.50 per month for collection of recyclables. Application forms for this discount are available at the Utility Billing Office at Kent City Hall 930 OVERHOLT ROAD, phone number (330) 678-8104.

Requests to Temporarily Discontinue Collection Service: Occupants or owners of residential units who cannot use the recycling collection service for a specific reason (e.g., extended vacations; vacancy at the unit) are eligible to have charges for the service temporarily suspended. To receive this suspension of charges, the owner or occupant must obtain from the Recycling Coordinator SERVICE DIRECTOR OR THEIR DESIGNEE(S) an application form. This form documents the dates through which the suspension is requested, the reason for the request, and
must be notarized. Upon expiration of this notarized application, charges will be resumed.

201.05 **Payment of Collection Fees:** The recycling collection fee is payable at the Utility Billing Office at City Hall 930 OVERHOLT ROAD, or through the mail, on or before the fifteenth (15th) day after the date of billing. After this date, a late payment is attached to the entire utility bill.

201.06 **Failure to Remit Fees:** The recycling collection fee is an integral part of each residential unit’s utility bill. Failure to remit the entire amount of utility charges constitutes delinquency and will result in termination of all utility services according to provisions of Section 913.07 and 935.14 of the Codified Ordinances. Such termination, with due notification, will occur thirty (30) days after failure to remit utility charges.

300.00 **VIOLATION OF RULES AND REGULATIONS**

Failure of residential units to comply with the above set forth rules and regulations will result in penalties provided for in Section 935.99 of the Codified Ordinances.