

**ORDINANCE NO. 10-2018**

**TITLE: REFUSE AND RECYCLABLE COLLECTION  
AND DISPOSAL PROGRAM**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON AMENDING ORDINANCE NO. 16-2013, "REFUSE AND RECYCLABLE COLLECTION AND DISPOSAL PROGRAM," (BCO CHAPTER 1060) DUE TO A NEW FIVE-YEAR CONTRACT WITH KIMBLE RECYCLING AND DISPOSAL, INC., AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That Sections, 1060.01 "Definitions," 1060.02, "Method of Collection," 1060.06 "Utility Billing Review Board" and Section 1060.08, "Residential Payment Fees," of Ordinance No. 16-2013, "Refuse and Recyclable Collection and Disposal Program," (BCO Chapter 1060) shall be amended due to a new, five-year contract with Kimble Recycling and Disposal, Inc., by showing the following additions in **bold print** and deletions with ~~strikethrough~~.

**1060.01 DEFINITIONS.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Multiple family residence" means the grouping together under a common roof of two, three or four residential units.
- (b) "Recyclables" means the following and other materials that can be recycled:
  - Glass: bottles and jars (clear, brown, green);
  - Aluminum and metal food cans, aluminum trays, steel cans and tins;
  - Plastics #1 through #7, PETE - (polyethylene terephthalate), HDPE - (high density polyethylene), PVC - (polyvinyl chloride), LDPE - (low density polyethylene),
  - PP - (polypropylene), PS - (polystyrene);
  - Paper: newspaper, magazines, catalogues, telephone books, brown paper bags, chipboard, card stock, cardboard, paper board; and,
  - Other: three (3) and five (5) gallon water bottles, bullet-proof materials, sunglasses, DVDs, iPod and computer cases, signs and displays, certain food containers, nylon.Items that are not recyclable include window glass, dinner ware or ceramics.
- (c) "Refuse" means all waste or offal of fish, fowl, fruit and other animal and vegetable matter resulting from the preparation of food for human consumption; lawn, hedge and grass clippings and tree trimmings; ~~paper, magazines, barrels, boxes and baskets;~~ and discarded rags, mattresses, furniture, shoes, leather, carpets, scrap metal, broken dishes, glassware, tin cans and other discarded household materials of a similar nature. "Refuse" does not include such materials as tires, broken or whole bricks or cement, wood, ashes, stone, gravel, cinders, asphalt, earth, feces, ~~large household appliances such as stoves, refrigerators, etc., or the following recyclable materials: newspapers, aluminum cans, bimetal cans, tin (steel) cans, plastic (styrofoam), glass jars and bottles, corrugated cardboard, telephone books, and magazines.~~
- (d) "Residential unit" means the place of abode of a person or persons living separately or together as an independent family.

**1060.02 METHOD OF COLLECTION.**

(a) City-wide curbside pickup. On Monday, Tuesday, and Wednesday of each week, a residential unit and multiple family residence shall be entitled to the pickup of refuse by placing it at curbside no earlier than one hour before sunset on the evening before the scheduled pickup and no later than 7:00 a.m. on the morning of the scheduled pickup, under the following method:

- (1) Residential units shall be entitled to the pickup of trash and garbage which is placed at the curb in the **95-gallon cart** assigned by **Kimble Recycling and Disposal, Inc. (Kimble)**. Additionally, residential units may place up to a maximum of two (2) cubic yards in volume in the form of bagged trash, private residential trash containers and/or items listed under (b) for weekly pickup. **Kimble provided disposal carts must be fully utilized prior to the placement of additional bags or private containers at the curb.** ~~Republic Waste Services. No residential unit may place on the curb, for collection, any other items, other than the assigned 64-gallon recycle cart from Republic Waste Services unless a permit has been obtained from Republic Waste Services or from an approved participating establishment.~~

~~Allowable items for permit pickups or any special citywide pickup programs may include:~~

- (b) **Allowable items for weekly pickups (maximum two (2) cubic yards volume per week outside of the provided 95-gallon refuse cart) or any special citywide pickup programs may include:**

**Bags (20 or 30 gallons – securely tied)**

Bathroom fixtures (**residential**)

Bookcases (**no pieces larger than 4' x 4' x 4", must weigh less than 60 lbs.**)

Car seats

Carpet (securely tied in rolls no longer than 4', **must weigh less than 60 lbs.**)

Dog houses, dismantled (no pieces larger than 4' x 4' x 4", **must weigh less than 60 lbs.**)

Fencing (rolled and tied, not over 4' in length, **must weigh less than 60 lbs.**)

Firewood storage boxes, dismantled (not over 4' long)

Furnaces (**residential, cut into 4' lengths, must weigh less than 60 lbs.**)

Furniture (**mattresses and upholstered furniture containing bed bugs must be wrapped in plastic**)

Grass (if bagged **and securely tied**)

House doors (**residential, cut into 4' lengths, must weigh less than 60 lbs.**)

Household appliances: washers, dryers, stoves, etc. (no items with freon and/or refrigeration compressors)

Mufflers (**cut into 4' lengths**)

Pallets (no longer than 4', dismantled and tied in bundles, **must weigh less than 60 lbs.**)

Picnic tables, dismantled (no pieces larger than 4' x 4' x 4", **must weigh less than 60 lbs.**)

**Private waste containers (33 gallons or less, must weigh less than 60 lbs.)**

**Remodeling debris (homeowner generated only – no pieces larger than 4' x 4' x 4" – nails removed, must weigh less than 60 lbs.)**

Spouting (**cut into 4' lengths, must weigh less than 60 lbs.**)

Storm doors (**residential**)

Storm windows (**residential**)

Swing sets, dismantled (**no pieces larger than 4' x 4' x 4", must weigh less than 60 lbs.**)

Tail pipes

Tree trimmings, brush or hedge trimmings (if tied in bundles no longer than 4')

TV antenna, dismantled

Water heaters (**residential**)

Window boxes or planters (not over 4' long, **must weigh less than 60 lbs.**)

Wood (no larger than 4' x 4' x 4", with no exposed nails, tied in bundles)

Exceptions:

No appliances containing freon

No **contractor generated** construction/**remodeling** material

No dirt, soil or feces

No evictions or whole-house cleanouts

**No tires**

**No hazardous waste**

- (2) Upon written notice to the Service Department, cancellation of this program requires a thirty (30) day written notice, the water must be turned off, may be cancelled

only in increments of thirty (30) days, and may not be cancelled more than twice a year. The residential unit must continue to pay for the service for the first 30 days of the cancellation period. When the residential unit intends to resume its entitlement to citywide pickup service, such service shall be reinstated upon proper notification to the Service Department.

- (3) All **Kimble provided** trash and recycle containers, **along with any materials allowed for collection under 1 (b)** must be available for pickup at the curb unless the resident is physically disabled. In such cases, special arrangements will be made. **Special arrangements do not include the service of bulk items. Such items must be placed at the curb.**
- (4) All recyclable items must be placed in assigned ~~Republic Waste Services~~ **Kimble Recycling and Disposal, Inc.** recycling containers, **except large cardboard boxes, which may be placed outside of the container. Such boxes must be broken down and secured at placement** and placed at curbside along with non-recyclable trash and garbage.
- (5) All trash **and recyclables** must be generated in the City of Barberton to be eligible for the citywide trash services. Any trash **and recyclables** not generated from the City of Barberton is prohibited from being placed curbside for residential citywide pickup.
- (6) **Carts and additional allowable trash placed for pick-up must be placed at the curbside or designated collection point of the residence that generated such trash and recyclables.**

(c) Private haulers not permitted. No residential unit may hire a private hauler licensed under Section 1060.03.

(d) Pickup of Court-ordered Evictions and Whole-house Cleanouts.

(1) After twenty-four (24) hours, a property owner/landlord shall be responsible to remove any items and/or trash left on the curb. If the property owner/landlord fails to do so, the City has the authority to have the items removed and any and all costs related to this removal shall be the responsibility of the property owner/landlord.

(2) The Municipal Court may also charge said costs as part of a fine in any criminal action. Any costs collected as a fine shall be remitted back to the City and placed in the General Fund.

(3) If the City is not reimbursed for these removal costs, the City reserves the right to assess these costs on the taxes of said property and collect them as a lien on the property, as well as recovering these costs in any other manner provided by law.

(e) Bylaws and regulations. Upon written notification to Council, the Director of Public Service may make such bylaws and regulations as the Director deems necessary for the safe, economical and efficient management of the services provided under this section, provided that such bylaws and regulations do not expressly conflict with any provisions of this chapter.

- (7) All trash containers and receptacles must be removed from the City right-of-way within twenty-four (24) hours of trash pickup.

#### **1060.03 PERMIT.**

(a) No person shall engage in the business of collecting, hauling, removing and/or disposing of recyclables, garbage, animal or vegetable refuse, ashes, rubbish, trash or waste materials of any kind within the City and upon its streets without first obtaining an annual permit from the Director of Public Service and without complying with the requirements of this chapter. The fee for such a permit shall be three hundred dollars (\$300.00) per year for each motor vehicle to be operated within the City.

(b) Whoever desires a permit to engage in any business described in subsection (a) hereof shall make written application therefore at the Municipal Building. The written application must be made on the form provided, correctly stating the following information:

1. The name, address and telephone number of applicant;
2. The make, model, year and current registration license of any motor vehicle used in the business;
3. A brief description of the type of materials to be collected;
4. The applicant's business name, address and telephone number;
5. The name, address and telephone number of each principal owner of the applicant;
6. The type of business (commercial or residential);
7. The location of the site for disposing of solid waste and recyclables;
8. A list of customers for whom the applicant has provided or is currently providing solid waste and commercial/ industrial recycling collection services.

(c) Upon payment by the applicant of a permit fee as set forth in subsection (a) hereof, the Director of Public Service shall issue to the applicant a permit, valid from the date of issuance to March 1 of the following year, together with a license identification to affix to each motor vehicle in an unobscured, conspicuous place. The permit fee shall be collected for the purpose of reimbursing the City for the cost of processing the permit application.

(d) Each permit holder shall be required to post with the City a five hundred-dollar (\$500.00) cash or surety bond to insure the faithful performance of duties and responsibilities required of such permit holder by this chapter and by ordinances regulating vehicular traffic in the City as well as trash and recyclable collection and transportation.

(e) Each permit holder must carry proper liability insurance for each vehicle in the following amounts: personal injury, one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per occurrence; property damage, three hundred thousand dollars (\$300,000.00) per occurrence.

(f) Each permit holder must provide the name of the facility to which the Municipal solid waste and recyclables are transported and disposed.

(g) Each permit holder, as well as any other trash collector or hauler, shall not operate within the City limits between the hours of 11:00 p.m. and 5:00 a.m.

**1060.04 TRANSPORTING.**

Industrial, commercial or individual producers of refuse may transport such refuse through the streets of Barberton; provided, that such transport is made in trucks or vehicles so constructed as to prevent the leakage or scattering of the contents thereof. All such vehicles shall be provided with a suitable tarpaulin which shall at all times cover the contents thereof except when being loaded or unloaded. Further, the ultimate disposal of such garbage or refuse must be made without violating any other provisions of this chapter.

**1060.05 PROHIBITED DISPOSAL.**

No person within the limits of the City of Barberton shall throw any refuse upon the ground or bury the same upon any premises, public or private, or burn the same in any place, provided, however, that this section shall not prevent the use of mechanical disposal devices.

**1060.06 BOARD OF SANITARY COLLECTION APPEALS. UTILITY BILLING REVIEW BOARD**

(a) ~~Establishment; Right of Appeal; Hardship Cases.~~ There is hereby established a Board of Sanitary Collection Appeals consisting of the Director of Public Service, a resident elector appointed by Council and a resident elector appointed by the Mayor. Any administrative decision made by any person charged with the enforcement

of this chapter may be appealed to the ~~Board of Sanitary Collection Appeals~~ **Utility Billing Review Board** by any person claiming to be adversely affected by such decision. Where there are unnecessary hardships due to lack of adequate income, the ~~Board of Sanitary Collection Appeals~~ **Utility Billing Review Board** shall have the power, in a specific case, to authorize refuse **and recycle** collection without charge or for a reduced charge and to interpret any such provision in harmony with the general purpose and intent of this chapter so that the public health, safety and general welfare may be secured and so that substantial justice and equity may be done.

~~(b) — Meetings; Rules and Regulations. — All meetings of the Board of Sanitary Collection Appeals shall be open to the public. — The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if any member is absent or fails to vote, indicating such fact. — The Board shall, from time to time, adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter. — Two members shall constitute a quorum and two affirmative votes will be needed to pass any resolution or motion.~~

~~(c) — Term; Compensation. — The members of the Board of Sanitary Collection Appeals shall serve without compensation for a term of two years. — However, the term of the first member appointed to the Board by the Mayor shall be for only one year.~~

**1060.07 EXEMPTION FOR CITY.**

The City of Barberton is expressly exempted from the provisions of this chapter pertaining to permits or any other section of this chapter which might be construed as requiring the City of Barberton to pay any fee or obtain any permit or license.

**1060.08 RESIDENTIAL PAYMENT FEES.**

Residents of the City will be charged **as provided in the Rate Schedule (a).** ~~a fee of \$16.25 per month for the provision of curbside refuse and recyclable pick-up.~~ Residents participating in the “Barberton Residential Services Relief Program” are eligible for a reduced fee **per the Rate Schedule (a).** ~~of \$13.00 per month.~~ The fees provided by **the Rate Schedule (a)** ~~this section~~ shall be included in monthly utility bills received by customers. ~~All residents shall pay the required amount set by Republic Waste Services for a permit regarding the pickup of additional residential items too large for the assigned containers.~~

**(a) Rate Schedule**

	April 1, 2018	March 1, 2019	March 1, 2020	March 1, 2021	March 1, 2022
<b>Monthly Rate</b>	<b>\$19.00</b>	<b>\$19.45</b>	<b>\$19.91</b>	<b>\$20.38</b>	<b>\$20.86</b>
<b>Residential Relief Program Rate</b>	<b>\$15.75</b>	<b>\$16.20</b>	<b>\$16.66</b>	<b>\$17.13</b>	<b>\$17.61</b>

The fees laid out in the paragraph above are subject to future changes based upon provisions made in the Contract authorized by the within ordinance and as authorized by future legislation passed by City Council should any become necessary.

**1060.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues after the offender has been notified of the violation. The Barberton Building Commissioner shall have the authority to enforce this section under the provisions set out by the **ICC International BOCA National Property Maintenance Code.**

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that the amendments be implemented as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2018

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

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2018

\_\_\_\_\_  
Mayor