

ORDINANCE NO. 128-2020 (MS)

By Council Member Dunbar

An Ordinance repealing Chapter 935, “Solid Waste Collection and Disposal,” of Part Nine, *Streets, Utilities and Public Services Code*, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 935, “Solid Waste Collection and Disposal.”

WHEREAS, pursuant to Resolution No. 7-2019, this Council created a Refuse and Recycling Task Force to offer advice and recommendations to City Council concerning the City’s refuse and recycling practices, including advising on the possibility of automated trucks, City recycling programs, public vs. private service providers, the costs of any recommended changes, and funding and financing of such costs; and

WHEREAS, the Refuse and Recycling Task Force submitted its report and recommendations to this Council, which included as a core recommendation that residential municipal solid waste and recycling collection should remain an in-house service and that collection of the City’s solid waste and recycling should be converted to utilize an automated means of collection; and

WHEREAS, in light of the Task Force’s core recommendation, the City conducted a study to review the current fees charged to residents for municipal solid waste and recycling services; and

WHEREAS, upon conclusion of the study, it was determined that the current fees are inadequate to acquire the equipment and supplies necessary to implement automated collection of municipal solid waste and recycling, along with the conducting the necessary improvements to the City’s current collection infrastructure resulting from the conversion to automated services; and

WHEREAS, based on the Task Force’s core recommendation and the study of the City’s current fee structure for municipal solid waste and recycling services, this Council has determined that it would be in the best interests of the City and its residents to convert to an automated means of collection and that a fee increase is necessary as a source of revenue to finance the required capital outlays to convert to an automated collection system; and

WHEREAS, in addition, this Council has determined that it is necessary to establish a special Equipment Replacement Fund for the purpose of maintaining, repairing, and replacing capital equipment and buildings related to refuse operations and assist in future equipment needs necessary to carry out automated refuse and recycling operations; and

WHEREAS, the Director of Public Works has additionally recommended that certain other Sections of Chapter 935 of the Codified Ordinances of the City of Cleveland Heights either be repealed or amended to better reflect current practice; and

WHEREAS, based on the foregoing, this Council desires to modify Chapter 935 of the Codified Ordinances of the City of Cleveland Heights.

ORDINANCE NO. 128-2020 (MS)

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. An amended Chapter 935, “Solid Waste Collection and Disposal,” of Part Nine, *Streets, Utilities and Public Services Code*, of the Codified Ordinances of the City of Cleveland Heights, is hereby adopted to read in total as set forth in Exhibit A hereto.

SECTION 2. Current Chapter 935 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 3. This Council hereby establishes a dedicated Equipment Replacement Fund for the purpose of maintaining, repairing, and replacing capital equipment and buildings related to refuse and recycling operations and assisting in future equipment needs necessary to carry out the same.

SECTION 4. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance shall take effect and be in force at the earliest time permitted by law.

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JASON S. STEIN, Mayor  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: November 16, 2020

# EXHIBIT A

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## CHAPTER 935 Solid Waste Collection and Disposal

935.01	Rules and regulations by City Manager.	<del>935.03</del>	<del>Custom refuse collection.</del>
935.02	Fees established.	<del>935.04</del>	<del>Strash bags.</del>
		935.99	Penalty.

### CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01

Truck loads leaking, sifting, causing litter - see TRAF. 339.08; GEN. OFF. 527.07

Upsetting public or private receptacles - see GEN. OFF. 527.04

Private scavenging prohibited - see GEN. OFF. 527.15

### 935.01 RULES AND REGULATIONS BY CITY MANAGER.

In the interests of the public health, safety and welfare, the City Manager is authorized complete control and supervision over the collection, conveyance and disposal of solid wastes within the City. He may make such rules and regulations as he deems necessary, proper or convenient to provide for the sanitary, economical and efficient method of solid waste collection, and the operation of the transfer station. He may deny or discontinue service whenever any person, firm or corporation receiving such service, whether free or otherwise, has violated or refused to obey any rule or regulation promulgated by the City Manager.

### 935.02 FEES ESTABLISHED.

The City Manager shall charge fees relating to special services provided by the City in the collection and disposal of solid wastes within the City as follows:

- (a) Ordinary Refuse and Recyclables. Ten dollars (\$10.00) per collection if collected on a date other than scheduled day of collection.
- (b) Domestic Appliances, ~~or Furniture, or other Bulk Waste.~~ Five dollars (\$5.00) per item on scheduled day of collection by the City for each appliance, item of furniture, or other bulk item of similar size and weight. Charge on date other than scheduled day ~~of~~ for bulk collection shall be ten dollars (\$10.00) with an advance call, and twenty dollars (\$20.00) without an advance call. Fees must be paid in advance.

- (c) Specials. Charges for other special collections shall be twenty dollars (\$20.00) a cubic yard ~~or sixty dollars (\$60.00) a ton~~ on scheduled collection days; thirty dollars (\$30.00) a cubic yard ~~or ninety dollars (\$90.00) a ton~~ on dates other than scheduled collection days with an advance call; ~~and forty dollars (\$40.00) a cubic yard or one hundred five dollars (\$105.00) a ton on dates other than the scheduled collection day without an advance call.~~
- (d) Acceptance at Transfer Station. Sixty dollars (\$60.00) per ton or any portion thereof of solid wastes accepted by the City and delivered to the transfer station. Those who call for a special pickup shall pay in advance. ~~If an invoice is not paid within thirty (30) days, a late fee of ten dollars (\$10.00) shall be imposed.~~ All charges herein are in addition to the regular collection fees set forth in subsection (e) hereof.

(Ord. 19-1992. Passed 3-2-92.)

- (e) Commencing ~~January 1, 2013~~ April 1, 2021, the City shall assess against all owners of property receiving City solid waste disposal service a charge for the service in accordance with the following schedule: ~~for each single family dwelling receiving the homestead rate for sewage treatment service pursuant to Codified Ordinance Section 911.01(c), a charge of three dollars (\$3.00) per month; for each single family dwelling not receiving the homestead rate, a charge of eleven dollars and fifty cents (\$11.50) per month; for each dwelling unit in a multiple dwelling a charge of eleven dollars and fifty cents (\$11.50) per month; and for all others a charge of eighteen dollars (\$18.00) per month. The charge for the service shall be billed to the owner of the property monthly and shall appear on the monthly statement for water and sewer charges.~~

	<u>Year</u> <u>1</u>	<u>Year</u> <u>2</u>	<u>Year</u> <u>3</u>	<u>Year</u> <u>4</u>	<u>Year</u> <u>5</u>	<u>Year</u> <u>6</u>	<u>Year</u> <u>7</u>	<u>Year</u> <u>8</u>	<u>Year</u> <u>9</u>	<u>Year</u> <u>10</u>
<u>Non-Homestead Households</u>	<u>\$16.17</u>	<u>\$16.48</u>	<u>\$16.83</u>	<u>\$17.20</u>	<u>\$17.60</u>	<u>\$17.93</u>	<u>\$18.27</u>	<u>\$18.61</u>	<u>\$18.96</u>	<u>\$19.32</u>
<u>Homestead Households</u>	<u>\$7.67</u>	<u>\$7.98</u>	<u>\$8.33</u>	<u>\$8.70</u>	<u>\$9.10</u>	<u>\$9.43</u>	<u>\$9.77</u>	<u>\$10.11</u>	<u>\$10.46</u>	<u>\$10.82</u>

~~Non-homestead households shall mean either a single family dwelling not receiving the homestead rate or each dwelling unit in a multiple dwelling.~~

~~Homestead eligibility is limited to owner-occupied, residential customers for each single family dwelling receiving the homestead rate for sewage maintenance service pursuant to Codified Ordinance Section 911.01.~~

~~The charge for the waste disposal service shall be billed to the owner of the property monthly and shall appear on the quarterly utility statement for local sewer charges.~~

- ~~(f) A charge of \$0.80 per each unit per month shall be assessed to each property owner and reserved for future capital outlays related to Refuse & Recycling.~~

(Ord. 163-2012. Passed 11-19-12.)

~~**935.03 CUSTOM REFUSE COLLECTION.**~~

~~The City Manager is authorized and directed to provide custom refuse collection to business units and residential units within the City, effective on or after January 2, 1978, provided that at least 2,000 customers enroll in such program. The Custom Refuse Program is designed to provide once-a-week backyard pick-up at the following costs:~~

## EXHIBIT A

<del>Single family home, duplex, or two family home</del>	<del>\$4.00 per dwelling unit per month.</del>
<del>Multi family building</del>	<del>\$8.00 for the first two (2) dwelling units per month.</del>
	<del>\$1.00 per month for each additional unit through ten (10) units.</del>
	<del>\$ .50 per month for each additional unit over ten (10) units.</del>

~~Commercial pick up at side  
or rear of business  
location~~

~~\$4.00 per business unit per  
month, provided that such  
business does not generate more  
than one and one half (1 1/2)  
cubic yards of refuse per week.~~

~~The City Manager shall create a separate cost center to maintain cost records for  
periodic review of such program.~~

~~If two thousand customers or more do not enroll in this program within a reasonable  
time, this program shall be cancelled.  
(Ord. 93-1977. Passed 12-19-77.)~~

#### ~~935.04 STRASH BAGS.~~

~~(a) Effective March 1, 1985, the City Manager shall determine the rates to be  
charged to the public for purchase of strash bags from the City. Such rate shall be based upon  
the actual current cost paid by the City for such strash bags plus not to exceed twenty percent  
(20%) of such cost to cover the City's overhead in the sale of such commodities.~~

~~(b) Retail businesses operating in Cleveland Heights may purchase these 100 bag  
boxes of strash bags in quantities of more than ten (10) at the City's actual cost of purchase.  
(Ord. 9-1985. Passed 1-21-85.)~~

#### **935.99 PENALTY.**

Whoever violates any provision of this chapter, or any rule or regulation promulgated  
by the City Manager pursuant thereto, shall be guilty of a minor misdemeanor on a first offense,  
and of a misdemeanor of the fourth degree for a second or subsequent violation occurring within  
six (6) months of a prior conviction or plea of guilty or no contest for a similar offense. Penalty  
shall be as provided for in Section 501.99 of the Codified Ordinances.  
(Ord. 40-1978. Passed 4-17-78.)