

ORDINANCE NO. 2010-22

ORDINANCE ENACTING SERVICE FEE FOR  
SOLID WASTE COLLECTION AND RECYCLING

**WHEREAS**, the Village Council has determined that waste collection and recycling services are necessary and imperative and benefit every resident and property in the Village, and that waste collection and recycling services not only protect the health, safety, and welfare of each particular resident receiving the service directly, but that it also protects the health, safety, and welfare of the entire community;

**WHEREAS**, the Council has determined that in order to continue to provide the high level of waste collection and recycling services to its residents, a reasonable fee must be imposed for each household in order to cover the cost of such services;

**WHEREAS**, the Council finds that the amount of the fee is reasonably related to the cost of waste collection services, which are reasonable and just rates, and that the fee shall not, and does not, exceed the cost of providing the service;

**WHEREAS**, the Council has determined that the cost of billing residents a fee for waste collection and recycling services through the water bill, which is understood to currently be five percent of the fee being charged, is a reasonable and just charge and provides an efficient and cost-effective means of implementing and collecting the fee;

**NOW, THEREFORE, BE IT ORDAINED BY THE** Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

**SECTION 1:** That Chapter 52.02 of the Municipal Code of Ordinances, which is to be added to and amends to Municipal Code of Ordinances, reads as follows:

**52.02 Solid Waste Collection Fee**

(A) "Dwelling unit" means a room or group of rooms located within a structure intended for residential use and forming a single habitable unit with living, sleeping, cooking, eating and sanitary facilities used or intended to be used by one family.

(B) All residential dwelling units are required to utilize the solid waste collection and recycling services of the vendor or provider selected by the Village.

(C) All residential dwelling units shall be charged the following amounts per month to defray the cost of collection and disposal of solid waste, garbage and/or refuse, and for recycling services, beginning April 1, 2011:

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Solid Waste Collection:	\$9.70	\$10.00	\$10.30
Recycling:	\$2.70	\$2.80	\$2.90

(D) The provided for by this chapter shall be included and collected on the water bill for the respective dwelling unit and shall be due when the water charges are due. A service charge of up to five percent may be charged on each bill by the billing provider to be paid by each respective dwelling unit. If a water bill is unpaid, in whole or in part, it shall constitute a violation of this chapter. Upon said violation, any or all services provided for and collected through the water bill, including but not necessarily limited to solid waste collection, recycling, water, sewer, and storm water management, may be terminated by the Village or the provider of the respective service.

(E) A dwelling unit shall be exempt from the fee provided for in this chapter upon sufficient evidence provided by the property owner, or other person responsible for paying the fee, to the Village Manager that the dwelling unit is unoccupied and is not generating any solid waste, garbage, refuse, or recycling. Said exemption shall be effective for six months but may be renewed upon a showing that the dwelling unit continues to qualify for the exemption.

**SECTION 2:** The Council hereby authorizes the Village Manager to execute any and all contracts or other documents necessary to implement the imposition of the waste collection and recycling fee as set forth herein and carry out the intent of the Council.

**SECTION 3:** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part hereof.

**SECTION 4:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare, and it shall have immediate force and effect. The reason for such emergency is to ensure that solid waste and recycling services continue without interruption, which would otherwise affects the health and safety of Village residents, to protect property values, and to help ensure the financial health and stability of the Village by levying the fee as of January 1, 2011 in order to obtain essential revenue for the functions of Village government.

Passed this 13<sup>th</sup> day of December, 2010.

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Mayor Merrie Stillpass

Attest:

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Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Hattenbach Second: Chaiken

Stillpass	<u>Aye</u>
Chaiken	<u>Aye</u>
Cohen	<u>Aye</u>
Conway	<u>Aye</u>
Hattenbach	<u>Aye</u>
Katz	<u>Aye</u>
McIntosh	<u>Aye</u>

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_ day of December, 2010, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

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Nicole Browder, Clerk of Council