

ORDINANCE NO. 062-18

AN ORDINANCE ESTABLISHING A YARD WASTE SITE POLICY AND ENACTING NAPOLEON CODIFIED ORDINANCE 925.24 A PROHIBITION AGAINST UNAUTHORIZED USE OF THE CITY YARD WASTE SITE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That this Council hereby adopts and enacts the Yard Waste Site Policy attached hereto as Exhibit "A."

Section 2. That Part IX, Streets, Utilities and Public Services Code, shall be amended by enacting Napoleon Codified Ordinance 925.24 to read as follows:

**925.24 Prohibition Against Unauthorized Use of the City Yard Waste Site**

a. **No person or business entity with a physical address, street address, residential address, or business address outside the corporate limits of the City of Napoleon, Ohio, shall utilize or in any way make use of the City of Napoleon Yard Waste Site without prior written approval by the City Manager.**

b. **The lack of notice of restricted access, posted or otherwise, is not a defense to this section.**

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.


Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: December 3, 2018

  
Joseph D. Bialorucki, Council President

Approved: December 3, 2018

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 1 Nay 1 Abstain

Attest:

Gregory J. Heath/CP

Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 062-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 8th day of December, 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

Gregory J. Heath/CP  
Gregory J. Heath, Clerk/Finance Director



Ordinance No. 062-18 Exhibit A

# City of *NAPOLÉON*, Ohio

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Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**Mayor**  
Jason Maassel

**Members of Council**

**PRESIDENT:**  
Joseph Bialorucki

**PRESIDENT PRO-  
TEM:**  
Daniel Baer

Jeff Comadoll  
Travis B. Sheaffer  
Kenneth Haase  
Jeff Mires  
Lori Siclair

**City Manager**  
Joel L. Mazur

**Finance Director**  
Gregory J. Heath

**Law Director**  
Billy D. Harmon

**Public Works  
Director**  
Chad E. Lulfs, P.E., P.S.

**To:** *Members of Napoleon City Council  
Board of Public Affairs*

**From:** *Joel L. Mazur, City Manager  
Billy D. Harmon, Law Director*

**Date:** *October 3, 2018*

**RE:** *Proposed Yard Waste Site Policy Changes*

As we discussed in regularly scheduled meetings, the Henry County Commissioners have ceased paying \$4,100 annually to the City of Napoleon to allow residents to dispose of yard waste at the City Yard Waste Site. Below is a generalization of policies to address allowing only residents to dispose of yard waste at the yard waste site:

- Only City residents and select businesses that pay a fee to dispose of yard waste will be permitted to dispose of yard waste at the Yard Waste Site.
- If a person other than a resident is disposing of yard waste at the Yard Waste Site for a resident, the individual must provide proof that the yard waste being disposed of is from a resident's address.
- A business that does not already pay the refuse fee on the utility bill may be permitted to disposed of yard waste at the Yard Waste Site if they contact the City Utility Department and elect to pay \$5 per month for unlimited use of the Yard Waste Site.
- Non-residents or businesses caught disposing of yard waste at the Yard Waste Site may be cited for "Unauthorized Use of the City Yard Waste Site" under proposed new Ordinance Section 925.24. The prohibition would read as follows:
  - No person or business entity with a physical address, street address, residential address, or business address outside the corporate limits of the City of Napoleon, Ohio, shall utilize or in any way make use of the City of Napoleon Yard Waste Site without prior written approval by the City Manager.

Ordinance No. 062-18 Exhibit A

- The lack of notice of restricted access, posted or otherwise, is not a defense to this section.
- Pursuant to already established Ordinance Section 925.99 a violation of the proposed prohibition would be a minor misdemeanor punishable by a fine of up to \$150.00.
- A sign will be placed near the entrance of the Yard Waste Site identifying these policies.
- All individuals disposing of yard waste at the Yard Waste Site are subject to having their identification checked when disposing of yard waste.

STATE OF OHIO  
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 8th day of December, 2018.

Kimberly Imm

Kimberly Imm

Subscribed and sworn to before me this  
11<sup>th</sup> day of December, 2018

Beverly Griteman

Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$153.40

Notary Fee: \$2.00

**Summary of Ordinance No. 062-18  
and Resolution No. 068-18**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance No. 062-18**

**AN ORDINANCE ESTABLISHING A YARD WASTE SITE POLICY AND ENACTING NAPOLEON CODIFIED ORDINANCE 925.24, A PROHIBITION AGAINST UNAUTHORIZED USE OF THE CITY YARD WASTE SITE**

In this legislation, the City of Napoleon established a policy regarding the use of the Yard Waste Site and enacted Codified Ordinance 925.24 which prohibits unauthorized use of the Site.

**Resolution No. 068-18**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF REFUNDING CERTAIN CITY TAX OVERPAYMENTS, WHICH WAS NOT INCLUDED IN THE 2018 APPROPRIATION BUDGET, ALSO AUTHORIZING THE CITY FINANCE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER THE NECESSARY FUND BALANCES PER OHIO REVISED CODE (ORC) SECTION 5705.14 AS LISTED IN EXHIBIT A (TRANSFER NO. 4); AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the expenditure of funds over \$25,000 for the purpose of refunding certain City tax overpayments.

*All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director*