

**ORDINANCE NO. 007-20**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF  
CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY  
OF NAPOLEON, SPECIFICALLY SECTION 925.13 "WASTE  
COLLECTION RATES," AND SECTION 925.16 "PURCHASE OF  
TAGS AND UTILITY PAYMENTS," AND REPEALING  
ORDINANCE NO.(S) 067-12 AND 028-95**

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

Section 1. That, Section 925.13 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

**"925.13 WASTE COLLECTION RATES.**

(a) The following rates are established as a monthly base fee as it relates to City bag refuse service, and shall be charged to each subscriber utilizing or mandated to utilize the City's bag refuse service. Commercial use of residential type recycling service is permitted in accordance with paragraph (c). Nothing in this provision shall be construed as mandating the City to provide refuse service outside its corporate limits.

Inside Corporate Limits	Outside Corporate Limits
\$18.00	\$24.30

(b) Each subscriber to the City's bag refuse service will be permitted to have ~~one~~ **two** (2) bags of garbage or refuse, per week, at no additional cost (without necessity of a tag), as part of the established monthly fee paid by all City bag refuse subscribers; thereafter, there will be a charge of \$2.00 per tag that shall be affixed to the outside of each bag after the first ~~one~~ **two** (2) bags as provided for in Section 925.07. Tags may be purchased at the office of the City Utilities Department or at other locations as may be designated.

(c) Commercial recycling service when provided by the City, in or outside the corporation limits, shall be at the rate of \$18.00 per month for up to six residential type recycling bins with additional bins, up to ten in total, at the rate of \$1.00 per month for each additional bin over six. Levels of service shall be established on an annual basis.

(d) Low occupancy: The City will allow residential customers to request a partial credit on the monthly refuse charge provided the residential customer demonstrates and/or proves that no garbage was generated during the entire month and/or billing cycle. Proof will be in the form of a sworn affidavit signed and notarized by the residential customer stating the reason for non- generation of garbage and requesting a partial credit for the period of the billing cycle. Refuse charge will remain on the monthly bill and requests must be made after each billing cycle, and no later than sixty (60) days after the utility bill "billing due date" for which the request of is being made. Proof will be subject to verification by the Refuse Collection Department in operations. Additionally, the customer's utility account will be checked for consumption history of electric, water, and sewer. If consumption history is minimal for electric and there is neither water nor sewer consumption during the time period of the billing the request will be approved. However, if there is average or normal consumption history for electricity or there is water or sewer usage the request will not be approved. Approved requests will

be credited to customer account on the next earliest possible billing. However, the customer will not receive any credit for special sanitation services as established in Section 925.17(b). The customer's affidavit is only valid for six (6) months and must be renewed thereafter. Affidavit forms will be provided upon request.  
(Ord. 067-12. Passed 11-19-12.)"

Section 2. That, Section 925.13 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed upon the effective date of this Ordinance.

Section 3. That, Section 925.16 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

**"PURCHASE OF TAGS AND UTILITY PAYMENTS.**

(a) Tags shall be purchased in advance from the Utilities Department of the City or their designated agent and, when required, shall be firmly affixed to the bag containing the garbage or refuse. If no tag is found affixed at time of scheduled collection (except for the ~~one~~ **two** (2) weekly bags of garbage or refuse that is allowed at no additional charge by the City), the garbage or refuse will not be collected.

(b) If a customer makes payment on or before the due date of a bill to an agent designated or authorized by the public utility to accept payment, the payment shall not be considered past due regardless of whether or not it is received in the company offices by the due date.

(ORC. 4905.775) (Ord. 28-95. Passed 4-3-95.)"

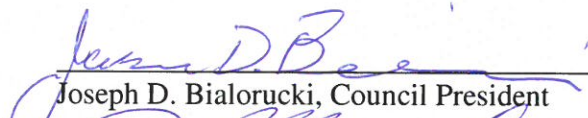
Section 4. That, Section 925.16 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed upon the effective date of this Ordinance.

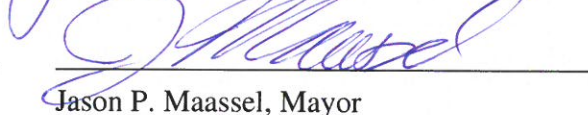
Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal 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 6. 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, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: April 6, 2020

  
Joseph D. Bialorucki, Council President

  
Jason P. Maassel, Mayor

Approved: April 6, 2020

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain



Attest:

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 007-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 11th day of April, 2020; & 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.*

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, says that she is the General Manager 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, publishing on the 11th day of April, 2020

*Sally Heaston*

Sally Heaston

Subscribed and sworn to before me this 16th day of April, 2020

*Ramona L. Engelberth*

Notary Public

Ramona L. Engelberth

RAMONA L. ENGELBERTH  
NOTARY PUBLIC, STATE OF OHIO  
DEFIANCE COUNTY  
My Commission Expires 7/11/2022

PRINTER'S FEE \$230.85

NOTARY FEE \$2.50

Summary of Ordinance No.(s) 007-20, 015-20, 017-20  
and Resolution No.(s) 012-20, 016-20

(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. 007-20

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, SPECIFICALLY SECTION 925.13 "WASTE COLLECTION RATES," AND SECTION 925.16 "PURCHASE OF TAGS AND UTILITY PAYMENTS," AND REPEALING ORDINANCE NO.(S) 067-12 AND 028-95  
In this legislation, the City of Napoleon amended certain sections of Chapter 925 of the City Codified Code, and repealed Ordinance No.(s) 067-12 and 028-95.

Ordinance No. 015-20

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 1) FOR THE YEAR 2020; AND DECLARING AN EMERGENCY  
In this legislation, the City of Napoleon approved supplemental no. 1 to the annual appropriation measure for the year 2020.

Ordinance No. 017-20

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION NO. 1) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO ORC SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 AS LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY  
In this legislation, the City of Napoleon approved appropriation transfer no. 1 for the fiscal year 2020.

Resolution 012-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE IN COOPERATION WITH ODOT; AND DECLARING AN EMERGENCY  
In this legislation, the City of Napoleon authorized the City Manager to enter into a contract for the purchase of sodium chloride with ODOT.

Resolution 016-20

A Resolution authorizing the Finance Director to transfer certain fund balances (Transfer No. 2) from respective funds to other funds per section 5705.14 ORC on an as needed basis in fiscal year 2020, listed in Exhibit "A;" and declaring an Emergency  
In this legislation, the City of Napoleon approved fund transfer no. 2 for the fiscal year 2020.

The above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director