

ORDINANCE NO. 003-24

AN ORDINANCE AMENDING SECTIONS 925.07, 925.12, 925.13, 925.16, 925.17, 925.19, AND 925.22 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES AS THEY RELATE TO REFUSE SERVICE; ALSO AMENDING ORDINANCE NO.(S) 082-04 AND 062-18, RULES FOR DISPOSAL AT THE CITY'S YARD WASTE COLLECTION SITE

WHEREAS, the Board of Public Affairs and the Water, Sewer, Refuse Recycling and Litter Committee of Council met on January 8, 2024, and reviewed and recommended the following changes to the City of Napoleon, Ohio Codified Ordinances as they relate to refuse service; **Now Therefore**,

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

Section 1. That, Section 925.07 of the Codified Code of Napoleon, Ohio shall be amended and enacted as follows:

“925.07 BAGS AND TAGS.

Plastic bags must be used for garbage, refuse or rubbish and shall be properly tagged, except as permitted in Section 925.13, and shall not exceed 30 gallons each in capacity. The weight of the bag and contents shall not exceed 25 pounds. Paper sacks, cardboard boxes, and fiber drums are not approved type garbage or refuse containers. Unapproved containers will be left untouched by collection crews. Where the subscriber chooses to use a bag holder, a clean refuse can, not to exceed 35 gallon capacity, may be used. When the bag is filled, it shall be tied securely for pickup. Broken glass or sharp objects shall be wrapped in newspaper before placing in plastic bags or liners and in such a manner as to avoid puncturing and injury to collection personnel. Plastic bags not properly tagged may be either left at the place found or picked up at the discretion of the Operations Superintendent or his or her designee; however, when found at the curb site or normal pickup area, it shall be deemed placed there by the subscriber for the purpose of pickup by the collection crews. Because of the additional labor involved in tracking and invoicing a picked up untagged bag, the cost of such service, when picked up, will be ~~twice the normal tag rate~~ six dollars (\$6.00) per bag. The amount will be invoiced or placed on the subscriber's utility bill.”

Section 2. That, Section 925.12 of the Codified Code of Napoleon, Ohio shall be amended and enacted as follows:

“925.12 ROUTE-SCHEDULES.

(a) Collections will be made in accordance with a regular route schedule established by the Operations Superintendent. Time of collections can vary due to weather conditions, City approved holidays, difference in volumes of pickup materials, failure of equipment. etc. Should a permanent change in any collection route become necessary, notification of the change will be carried in newspaper advertisements, or other convenient form of notification at least 5 days before the beginning in change of pickup time.

(b) No garbage or refuse collections will be made on Sundays and, generally, not City approved holidays. Collection schedules for weeks during which holidays occur will be carried in the local newspaper, [the City website](#), [Facebook page](#) and [utility bill](#).

Section 3. That, Section 925.13 of the Codified Code of Napoleon, Ohio, shall be amended and enacted as follows:

"925.13 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.

<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
\$18.00 \$20.00	\$24.30 \$26.00

(b) Each subscriber to the City's bag refuse service will be permitted to have 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~~ \$4.00 per tag. ~~that~~ Tags shall be affixed to the outside of each bag after the first 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~~ \$21.00 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 the 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."

Section 4. That, Section 925.16 of the Codified Code of Napoleon, Ohio, shall be amended as follows:

"925.16 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 tags are found affixed at time of scheduled collection (except for the 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.”

Section 5. That, Section 925.17 of the Codified Code of Napoleon, Ohio, shall be amended and enacted as follows:

“925.17 CHARGE FOR SPECIAL SANITATION SERVICES.

(a) No additional fee, except as may be otherwise provided in this chapter, shall be charged to subscribers utilizing the City’s bag refuse service within the corporation limits of the City for the purpose of providing the following special sanitation services:

- (1) The City’s seasonal pickup program at a time or times as determined by the City;
- (2) Limited leaf collection each year;
- (3) Mosquito control (within the City);
- (4) Specially-announced pickups for storm debris;
- (5) Yard-waste drop-off site operation;
- (6) Equipment and supply costs for a curbside recycling program;
- (7) Operating costs for a curbside recycling program;
- (8) Pickup of public garbage containers (within the City).

(b) The sum of ~~\$5.00~~ \$6.00 per month shall be charged to all electric utility accounts, other than all subscribers utilizing the City's bag refuse service as provided in division (a) above, within the corporation limits of the City for the purpose of providing the following special sanitation services:

- (1) Mosquito control;
- (2) Specially announced pickups for storm debris;
- (3) Yard-waste drop-off site operation;
- (4) Pickup of public garbage containers.

(c) The sum of \$15.00 per cubic yard shall be charged to subscribers requesting special pickup of refuse. Special pickups will only occur on normally scheduled pickup date.”

Section 6. That, Section 925.19 of the Codified Code of Napoleon, Ohio, shall be amended and enacted as follows:

“925.19 CHARGES FOR SPECIALLY REQUESTED PICKUP SERVICES.

The following items, although not an exhaustive list, shall be considered specially requested pickup services by the Sanitation Department of the City. Any such item shall incur additional charges, which charges shall be closely calculated as the actual labor, equipment and disposal cost thereof as incurred by the City.: ~~Such labor, equipment and disposal cost shall be recommended by the Board of Public Affairs, approved by motion of Council and placed on file with the City Finance Director, subject to modification. Any modification of rates shall be on file 7 days prior to the effective date for public viewing.~~

- (a) All appliances, which shall include, but not be limited to, refrigerators, stoves, freezers, washers, dryers, air conditioners, water heaters, dishwashers, compactors.
- (b) Furniture, including, but not limited to, couches, chairs and tables.
- ~~(c) Loose yard waste, including, but not limited to, brush, leaves and other vegetative wastes.~~
- (dc) All other items and loose materials.
- (ed) Tires and automotive parts and any other item, mentioned or not, that is not part of the normal weekly garbage or refuse pickup.”

Section 7. That, Section 925.22 of the Codified Code of Napoleon, Ohio, shall be amended and enacted as follows:

“SECTION 925.22 PROHIBITION AGAINST PLACING YARD WASTE FOR COLLECTION.

~~Except as provided for in Section 925.19,~~ It shall be a violation of this chapter for any person to place yard waste for collection, removal or disposal by the City's Sanitation Department.”

Section 8. That, Sections 925.07, 925.12, 925.13, 925.16, 925.17, 925.19, and 925.22 of the Codified Code of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, are repealed.

Section 9. That, the rules for disposal at the City's yard waste collection site were previously recommended to Council by the Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee of Council.

Section 10. That, the rules for disposal at the City's yard waste collection site as recommended were approved by Council by unanimous passage of Ordinance No. 082-04 on June 21, 2004 and Ordinance No. 062-18 passed on December 3, 2018.

Section 11. That, the rules for disposal at the City's yard waste collection site shall be amended and enacted as follows:

“YARD WASTE COLLECTION SITE(S) RULES

Rule 1. ACCEPTED MATERIAL

The only materials accepted and to be deposited at the Yard Waste Site are: grass, brush, flower waste, domestic vegetative waste, leaves. No person shall deposit any other material at said Site.

Rule 2. GRASS

All grass deposited at the Site must be removed from bags and deposited in a loose condition. No bagged grass shall be deposited at the Site.

Rule 3. BRUSH PILES

Brush piles found at the Site are to be used only for drop brush, flower waste, leaves, and domestic vegetative waste (e.g. corn stalks, tomato vines, hedge clippings). The items mentioned in this Rule 3 shall only be placed in loose condition in the brush pile and shall not be deposited in bags or boxes. No person shall deposit items as mentioned in this Rule 3 that exceed 10” (inches) in diameter or 48” (inches) in length.

Rule 4. LEAVES

Leaves deposited at the Site must be removed from bags and deposited in loose condition only in the designated area.

Rule 5. CONCRETE RECYCLING

Any person depositing scrap concrete at the Yard Waste Site shall have prior written permission from the Operations Superintendent, or his/her designee.

Rule 6. APPLICABLE LAW

All persons utilizing the Yard Waste Collection Site shall follow all Regulations, Rules and Laws of this City and State pertaining to dumping at Yard Waste Collection Site.

Rule 7. MULCH AVAILABILITY

- a. Mulch is available during daylight hours to anyone at no charge, so long as quantity exists.
- b. The city will load a vehicle upon request, within the capacity of City equipment, at a charge of ~~\$5.00~~ \$8.00 per load first scoop (2-3 cubic yards) and \$4.00 for each additional scoop.
- c. The City will deliver a small dump truck load of mulch (approximately 2 cubic yards) inside the City limits for a charge of ~~\$10.00~~ \$16.00. Outside the City limits, but inside Henry County, the charge will be ~~\$10.00~~ \$16.00 plus ~~\$1.00~~ \$3.00 per loaded mile.
- d. The City will deliver a large dump truck load of mulch (approximately 6 cubic yards) inside the City limits for a charge of ~~\$15.00~~ \$24.00. Outside the City limits, but inside Henry County, the charge will be ~~\$15.00~~ \$24.00 plus ~~\$1.25~~ \$3.00 per loaded mile.
- e. Any request for loading or delivery of mulch must be made through the Operations Department Offices at 419-599-1891, between the hours of ~~8:00 a.m.~~ 7:00 a.m. and ~~5:00 p.m.~~ 3:00 p.m. Loading and delivery will occur on Fridays ONLY. No delivery or loading will be scheduled on weekends or at anytime that could result in overtime or when work schedules would need to be adjusted to accommodate this service.

Any person found violating Rule 1, 2, 3, 4, 5 or 6 of the Yard Waste Collection Rules shall be deemed guilty of a minor misdemeanor offense.”

Section 12. That, the City Yard Waste Policy shall be amended and enacted as follows:

“YARD WASTE SITE POLICY

1722 Oakwood Ave.

Ordinance No. 062-18

1. The Yard Waste Site will only be open from dawn until dusk.
2. 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.
3. A non-resident may utilize the Yard Waste Site if an annual Yard Waste Site Pass is purchased for ~~sixty dollars (\$60)~~ seventy-five dollars (\$75) per year. The Pass will be valid for each calendar year.

4. If a person other than the 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.
5. A business that does not already pay the refuse fee on the utility bill may be permitted to dispose of yard waste at the Yard Waste Site if the business contacts the City Utility Department and elects to pay ~~five dollars (\$5)~~ six dollars (\$6) per month for unlimited use of the Yard Waste Site.
6. A contractor (Handyman/Lawn Service) with a business address inside Henry County may utilize the Yard Waste Site if an annual Yard Waste Site Pass is purchased for two hundred dollars (\$200) per year. The Pass will be valid for each calendar year.
7. A Tree Service/Tree Removal contractor with a business address inside Henry County may utilize the Yard Waste Site if an annual Yard Waste Site Pass is purchased for ~~two hundred dollars (\$200)~~ one thousand dollars (\$1,000) per year. The Pass will be valid for each calendar year.
8. A Tree Service/Tree Removal contractor with a business address outside Henry County may utilize the Yard Waste Site if an annual Yard Waste Site Pass is purchased for ~~two hundred dollars (\$200)~~ two thousand dollars (\$2,000) per year. The Pass will be valid for each calendar year."

Section 13. 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 14. 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 15. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: 4-1-24


J. Ross Durham, Council President

Approved: 4-1-24


Joseph D. Bialorucki, Mayor

VOTE ON PASSAGE 5 Yea 2 Nay 0 Abstain

Attest:



Marrisa Flogaus, Clerk of Council

I, Marrisa Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 003-24 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 6 day of April, 2024; & 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.


Marrisa Flogaus, Clerk of Council

Heather Lane

Heather Lane

Subscribed and sworn to before me this 7th day of April, 2024.

Caroline Ellen Betts
Notary Public, State of Ohio
My Commission Expires:
June 25, 2028

Caroline Ellen Betts Notary Public

Caroline Ellen Betts

PUBLISHERS FEE: \$204.75
NOTARY FEE: \$4.00

**Summary of Ordinance No.(s) 003-24, 012-24, 013-24 and Resolution No. 010-24
(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. 003-24

An Ordinance amending Sections 925.07, 925.12, 925.13, 925.16, 925.17, 925.19, and 925.22 of the City of Napoleon, Ohio Codified Ordinances as they relate to refuse service, also amending Ordinance No.(s) 082-04 and 062-18, rules for disposal at the city's yard waste collection site
In this legislation, the City of Napoleon amended the City refuse service rules.

Ordinance No. 012-24

An Ordinance supplementing the annual appropriation measure (Supplement No. 1) for the year 2024; and declaring an Emergency
In this legislation, the City of Napoleon supplemented the annual appropriation measure for 2024.

Ordinance No. 013-24

An Ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation 1) from one appropriation line item to another appropriation line item pursuant to ORC. Section 5705.40 for the fiscal year ending December 31, 2024 as listed in Exhibit A; and declaring an Emergency

In this legislation, the City of Napoleon authorized the Finance Director to make Transfer of Appropriation 1 pursuant to ORC. Section 5705.40 for fiscal year ending December 31, 2024.

Resolution No. 010-24

A Resolution authorizing the expenditure of funds over fifty thousand dollars (\$50,000) for the purpose of purchasing a vehicle and snowplow for the City of Napoleon Wastewater Department, and to award said purchase to Dave White Chevrolet; and declaring an Emergency

In this legislation, the City of Napoleon authorized the expenditure in excess of \$50,000 to purchase a vehicle and snowplow from Dave White Chevrolet for the Wastewater Department.

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