

ORDINANCE NO. 2021-078

AN ORDINANCE TO AMEND TITLE 7 OF THE KENT CODIFIED ORDINANCES, TITLED "GARBAGE," CHAPTERS 933, 935 AND 936; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Title 7 of the Kent Codified Ordinances, titled "Garbage", Chapters 933, 935 and 936 in reference to refuse, solid waste and recycling; and

WHEREAS, the majority of changes consist of addressing definitions, clarifying utilities as defined by the chapter, and aligning pick up dates, times, containers and service locations. The changes further define the fees levied for such service and what is covered by all services; and

WHEREAS, additional changes will address the removal of the multi-family recycling collection program from the City of Kent residential recycling program and establish the requirements for the collection of recycling for the multi-family recycling program, which mirrors our commercial, industrial, governmental and institutional programs.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Kent City Council does hereby accept the amendment to Title 7 titled "Garbage", Chapters 933, 935 and 936, of the Kent Codified Ordinances as shown on Exhibit "A", attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: August 18, 2021
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: August 18, 2021
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2021-078, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 18, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

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CHAPTER 933

City Wide Refuse, Solid Waste, Garbage, Rubbish and Trash Collection

- 933.01 Definitions.
- 933.02 Collection and disposal of public interest, purpose and concern.
- 933.03 Storage containers for trash.
- 933.04 Additional item (bulk item) service.
- 933.05 Prohibited wastes.
- 933.06 Uncollected **refuse, solid waste, garbage and trash** ~~or refuse~~ declared a nuisance.
- 933.07 Dumping on public places or vacant lots prohibited.
- 933.08 Supervision of collection and removal.
- 933.09 **Refuse, solid waste, garbage and trash** collection permit.
- 933.10 Permit; fee.
- 933.11 Disposal methods and permit revocation.
- 933.12 Vehicle inspection.
- 933.13 Vehicle requirements; covering and spillage.
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- 933.17 Dumping **refuse, solid waste, garbage and trash** in public receptacles prohibited.
- 933.18 Unlawful periods of accumulation.
- 933.19 Anti-scavenging.
- 933.20 Frequency of service.
- 933.21 Rules and regulations.
- 933.22 Liability insurance required.
- 933.23 License transfers.
- 933.24 Collectors records required.
- 933.25 Collection and disposal of solid wastes.

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[933.26](#) License revocation.

[933.99](#) Penalty.

CROSS REFERENCES

Municipal powers for collection and disposal of garbage - see Ohio R.C. 715.43, 717.01

Disposal and transporting on public ways - see Ohio R.C. 3767.20 et seq.

Vehicle loads dropping, leaking - see TRAF. [339.08](#)

Littering - see GEN. OFF. [521.08](#)

Recycling and solid waste collection - see S.U. & P.S. CH. [935](#), [936](#)

933.01 DEFINITIONS.

As used in this chapter:

(a) "Additional Items for Pickup" means items not fitting in the subscriber's refuse container and as defined by the Bulk Item List (also known as Bulk Items).

(b) "Asbestos" means the asbestiform varieties or serpentinite, riebeckite, cummingtonite-grunerite, anthophyllite and actinolite-tremolite.

(c) "Asbestos-Containing Waste Materials" means those waste identified in Chapter ~~3734-20-01(b)(4)~~ of the Ohio Administrative Code (OAC).

(d) "Billed Units" means all Residential Units Subscribing to the collection of residential trash provided for by the City' Refuse Contractor shall be considered a Billing Unit.

(e) "Bulk Items List" means those items not fitting in the subscriber's refuse container and included in the City's Refuse Contractor's Contract for collection.

(f) "City's Refuse Contractor" means the Contractor authorized by the City for the collection of **refuse**, solid waste, garbage, ~~and~~ rubbish, **and trash**.

(g) "City's Recycling Contractor" means the Contractor authorized by the City for the collection of recyclable materials. ~~and the low bidder in the last bidding process.~~

(h) "Commercial Operator" means all persons, firms or corporations who own or operate stores, restaurants, industries, institutions and other similar places including multi-family dwellings or multi-family residential structures containing four or more dwelling units. Commercial Operators are not required to subscribe to the City's Refuse Contractor's service.

(i) "Commissioner" means the Health Commissioner of the City of Kent or their designee.

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(j) "Container" means the approved containers or receptacles into which **refuse, solid waste, garbage, rubbish and** trash materials are placed by producers. All such receptacles are subject to standards set and approved by the City of Kent.

(k) "Contract" means the actual performance Contract signed between the City of Kent and a single solid waste hauler, through the open and competitive Bidding process for the exclusive right to collect residential refuse in the City of Kent.

(l) "Contract Documents" means the Advertisements for Bids, Information for Bidders, Contractor's Bid, Contractor's Bid Bond, the Contract Performance Bond, and any addenda or changes to the foregoing documents agreed to by the City and the Contractor. Additionally, all Supplemental Information for Bidders, Supplemental General Conditions, Change Orders, all laws referenced as written in full herein, all addenda issued and all modification to come are also Contract Documents.

~~(m) "Contractor" means the City's Refuse Contractor authorized by the City of Kent for the exclusive collection of residential refuse.~~

(m) ~~(n)~~ "Curbside" means that portion of the right-of-way adjacent to paved or traveled City roadways, including the end of a driveway, curb line or alley line.

(n) ~~(o)~~ "Delivery Site" means for Recyclable Materials the District Recycling Processing Facility located at 3588 Mogadore Road, Brimfield Township, Portage County, Ohio, or as otherwise agreed.

(o) ~~(p)~~ "Director" means the Director of Public Service of the City of Kent

(p) ~~(q)~~ "Disposals Site" means an approved location where the City's Refuse Contractor disposes of trash collected in the City of Kent which is operated with an approved license to receive residential trash.

(q) ~~(r)~~ "District" means The Portage County Solid Waste Management District.

(r) ~~(s)~~ "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals. ~~means all putrescible waste (except human excreta, sewage and other water carried waste, including vegetable and animal offal and carcasses of dead animals) and shall include all such substances from all public and private establishments and from all residences.~~

(s) ~~(t)~~ "Hazardous Waste" means those substances which, singularly or in combination, pose a significant present or potential threat to human health or to the environment, and which singularly or in combination, require special handling, processing or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bio-concentrative or persistent in nature, potentially lethal or an irritant or strong sensitizer.

(t) ~~(u)~~ "Holidays" means the following shall be holidays for purposes of **refuse, solid waste, garbage, and rubbish, and trash** collection:

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

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The City's Refuse Contractor shall not collect **refuse**, solid waste, garbage and rubbish on the above listed holidays but shall start collection the day immediately following the holiday and continue ~~his~~**their** operation during the same week that the holiday occurs in, until all **refuse**, solid waste, garbage, ~~and~~ rubbish, **and trash** collection is complete.

(u) ~~(v)~~ "Households" means Residential units.

(v) ~~(w)~~ "Multi-family residence or apartment" means the grouping together of four or more billing units under a common roof.

(w) ~~(x)~~ "Occupied Residential Unit" means a residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto.

(x) ~~(y)~~ "Pickup Location" means the location agreed to between the City's Refuse Contractor and the Subscriber where the Subscriber shall place their trash for pickup and the City's Refuse Contractor shall pickup said trash.

(y) ~~(z)~~ "Premises" means the land or buildings or both, occupied, by a householder or a commercial operator.

(z) ~~(aa)~~ "Producer" means an occupant of a residential unit who generates **refuse**, solid waste, garbage, rubbish, **and** trash and/or recyclable material.

(aa) ~~(bb)~~ "Quadrant(s)" means the total area of the City shall be divided into four subareas that shall be known as Quadrants(s) for the purpose of trash collection.

(bb) ~~(cc)~~ "Solid Waste" means such unwanted residual solid or semi-solid materials as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be in demolition debris, non-toxic fly ash, spent non-toxic foundry sand and slag and other substances that are not harmful or inimical to public health, and includes but is not limited to, garbage, tires, combustible and non-combustible material, street dirt and debris. Solid waste does not include any material that is an "infectious waste", a "hazardous waste", and "asbestos waste" or material defined under "recyclable material". The definition of solid waste shall include all **refuse**, garbage, ~~and~~ rubbish **and trash** as defined herein.

(cc) ~~(dd)~~ "Subscriber" means a resident of Kent, an owner of rental property in Kent and the City of Kent in so much as collection of trash from City Facilities, required to have trash collected by the City's Refuse Contractor. Residential Unit defines those properties ~~who's~~**whose** owner shall become a Subscriber and is required by the terms of ~~this~~**the City's Refuse Contractor** to have their **refuse**, solid waste, garbage, ~~and~~ rubbish **and trash** collected.

(dd) ~~(ee)~~ "Recycling bin **container**" means a storage unit provided by the City or its Recycling Contractor in which recyclable materials are to be placed **and** commingled by the occupants of each billing unit, unless served by other storage units. Such ~~bins~~**must containers** **shall** meet the requirements of the Director and will be specified by the City. Only the City's Recycling Contractor shall be permitted to remove the contents of a recycling bin.

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(ee) (ff) "Recyclable Material" means this term shall refer to recyclable materials in the form of glass, aluminum and steel containers, magazines, phone books, junk mail, mixed paper, newspaper, #1 and #2 plastics, and cardboard designated for removal from a residential or apartment unit. **This list may be reduced or A-additional materials** may be designated by mutual agreement of the Recycling Contractor and the City.

(ff) (gg) "Required Services" means it shall include the collection and disposal of the **refuse, solid waste, garbage, rubbish and** trash for residential units in the City.

(gg) (hh) "Residential Unit" means it shall include owner occupied and/or rented single family dwellings, duplex, triplex, boarding houses or other similar buildings with one or more billed units grouped under a common roof with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes. Non-Residential Units are all units not as defined above and will not be required to subscribe to the City Refuse Contractor's service.

(hh) (ii) "Rubbish" means ashes, glass, crockery, tin cans, paper, boxes, rags and old clothing and all other similar non-putrescible wastes. The term "rubbish" shall not include any material such as earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction or demolition operations. For the purpose of this definition, "material from construction operations or demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wall board, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation, but excludes materials whose removal has been required prior to demolition. For the purpose of this definition, semi-solid material does not contain liquids which can be readily released under normal climatic conditions as determined by Methods 9095 (Paint Filter Liquids Test) in SW-846: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

(ii) (jj) "Refuse" means trash and discarded items listed as Additional Items for Pickup (also known as Bulk Items).

(jj) (kk) "Trash" means the component of Solid Waste that includes garbage and rubbish as defined herein but does not include recyclable materials.

(kk) (ll) "Yard Waste" means leaves, grass clippings, weeds, **holiday trees, shrub trimmings, bushes, and brush, and branch clippings,** and tree trimmings.

933.02 COLLECTION AND DISPOSAL DEEMED OF PUBLIC INTEREST, PURPOSE AND CONCERN.

The system of collection and disposal of refuse, **solid waste, garbage, rubbish and trash** by the City is hereby declared to be of public interest, purpose and concern. Pursuant to the City's "home rule" powers under the State of Ohio Constitution, the City is establishing the following laws for the betterment of the City, its aesthetics, its roads, and its ability to have trash collected on a less expensive basis, and on a timelier basis. The services provided in this chapter shall be rendered to all persons upon compliance with all City regulations pertaining to such utility.

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Mandatory Subscriptions. All property owners in the City who utilize any refuse collection and disposal service shall subscribe to the refuse collection service of the City's Refuse Contractor. All property owners except those specifically identified below as Exceptions shall become mandatory subscribers unless a Certification of Exception is obtained from the Director of Public Service.

Exceptions. All multifamily, commercial, industrial, governmental and institutional establishments in the City shall subscribe to any refuse collection service that is licensed by the City of Kent Board of Health. **Multifamily** & commercial, industrial, governmental and industrial establishments may enter into private contracts with the City's Refuse Contractor for refuse collection, but shall not be a subscriber under the terms of the City's Refuse Contract between the City and the City's Refuse Contractor.

933.03 STORAGE CONTAINERS FOR TRASH.

Each subscriber shall place his trash at the curb line, alley line or regular place of pick up, and shall provide for himself/herself and at his/her own expense the number of containers needed to properly dispose of his/her refuse.

Metal or plastic cans or barrels, with a maximum capacity of forty-five (45) gallons or fifty (50) pounds, and two (2) handles and a tightly-fitting lid, are considered to be authorized containers for trash.

Carts of capacity of ninety (90) **or ninety five (95)** gallons or less provided or approved by the City's Refuse Contractor are ~~not~~ limited to the maximum capacity of forty-five (45) gallons or fifty (50) pounds.

The use of fifty-five (55) gallon drums are prohibited as refuse containers.

Sealed plastic bags, as purchased for Minimum Generator Service shall have a mil thickness of at least 1.5 and a maximum capacity of thirty (30) gallons or fifty (50) pounds. Plastic bags must be placed in a can or barrel for pickup. **Plastic bags must be identifiable by the City's Refuse Contractor.**

The City's Refuse Contractor shall tag all containers which are unauthorized or unserviceable, which do not have serviceable handles for lifting and carrying, which have holes in the bottom, or which are otherwise not suitable for use. These tags shall advise the subscriber of the reason why the container may not be used.

The subscriber shall properly wrap, bag or bundle **refuse/ solid Waste, garbage, rubbish and trash** before depositing it in collection containers. The City's Refuse Contractor shall not be required to collect animal wastes or disposable diapers unless they are wrapped in a moisture-proof material and are undetectable by odor.

Cardboard boxes will be acceptable containers for bulky or loose materials other than garbage; however, the City's Refuse Contractor may refuse to accept such boxes if they are overloaded or become wet. No cardboard box and contents shall exceed fifty (50) pounds or have a dimension greater than four (4) feet **cubed.**

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Residents will be required to place all items for pick up at their regular place of pick up, unless alternative arrangements are made with the City's Refuse and Recycling Contractors.

Each container placed at the curb or alley as designated above, and each other item set out for collection, shall be placed at the location no earlier than 7:00 p.m. of the day before collection, ~~in the locality as established by the City's Refuse and Recycling Contractor.~~ The containers shall be removed from the required designated location for pickup by 7:00 p.m. the day collection has taken place.

~~Recyclable items eligible for the curbside recycling program maintained by the City's Recycling Collection Contract as provided for in Kent Codified Ordinance Chapter 935 shall be placed at the curb line or alley line in such separate and distinctly marked containers as shall be provided by the City's Recycling Contractor or as specified by the City's Director of Public Service.~~

Yard waste (leaves, grass clippings, weeds, shrub trimmings, holidays trees and **bushes, brush, branch** and tree trimmings) shall be collected at proscribed times by the City or may be taken to the City's Yard Waste Transfer Site by the subscriber. Curb side pickup shall conform to the Director of Public Service's Rules and Regulations relating to Yard Waste.

933.04 ADDITIONAL ITEM (BULK ITEM) SERVICE.

The ~~pick-up~~ **pickup** of additional items is subject to the charge listed for this service in the City's Refuse Contract. Additional items not fitting within approved containers shall be subject to established additional charges and collected by the City's Refuse Contractor as follows:

(a) Bulk material (boards, fencing, paneling, carpeting, etc.) shall be in four (4) foot lengths and tied in eighteen (18) inch bundles, weighing not more than fifty (50) pounds. The ~~pick-up~~ **pickup** of these items is subject to the charge listed for this service in the City's Refuse Contract.

(b) Loose material (rock, bricks, blocks, dirt, sand, cement, etc.) must be bagged, boxed or placed in trash cans and also subject to the above weight restrictions. Cardboard boxes used as receptacles will not be picked up if they have become wet. The ~~pick-up~~ **pickup** of these items is subject to the charge listed for this service in the City's Refuse Contract.

(c) Large items (discarded furniture, appliances, bicycles, etc.) shall be placed at the usual place of collection at the curb or alley line prior to the time of regular collection on the day of collection. The ~~pick-up~~ **pickup** of these items is subject to the charge listed for this service in the City's Refuse Contract.

All upholstered furniture, mattresses, or cloth furniture items must be completely wrapped in plastic. The pickup of these items is subject to the charge listed for this service in the City's Refuse Contract.

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For items containing Freon the subscriber must notify the City's Refuse Contractor, prior to being placed at the point of collection by the resident. The ~~pick-up~~ pickup of these items is subject to the charge listed for this service in the City's Refuse Contract.

Residents will be required to place all additional items for pick up at their regular place of pick up, unless alternative arrangements are made with the City's Refuse Contractor.

933.05 PROHIBITED WASTES.

No person shall deposit or cause to be deposited hazardous waste, asbestos, asbestos-containing waste materials or infectious waste into any public or private ~~refuse, solid waste,~~ garbage, ~~or~~ rubbish ~~or~~ trash receptacle.

933.06 UNCOLLECTED GARBAGE OR REFUSE DECLARED A NUISANCE.

Fermenting, putrefying or odoriferous garbage or refuse in containers or dumped in the open is hereby declared to be a nuisance and the person responsible therefore shall be guilty of violating this section.

933.07 DUMPING ON PUBLIC PLACES OR VACANT LOTS PROHIBITED.

No person shall throw or deposit or cause to be thrown or deposited, any refuse or garbage on any vacant lot, public thoroughfare or street or any public place and the person responsible therefore shall be guilty of violating this section.

933.08 SUPERVISION OF COLLECTION AND REMOVAL.

The collection and removal of ~~refuse, solid waste,~~ garbage, ~~and~~ rubbish ~~and~~ trash shall be conducted under the supervision, direction and control of the Director of Public Service of the City and the City of Kent Board of Health and in strict conformance with the provisions of this chapter and the rules of the City of Kent Board of Health. The City's Refuse Contractor must adhere to the specific collection logistics as agreed to within the City's Refuse Contract.

933.09 GARBAGE COLLECTION PERMIT.

No person shall collect or haul ~~refuse, solid waste,~~ garbage, ~~or~~ rubbish ~~or~~ trash upon the streets of the City, without first obtaining a permit from the City of Kent Board of Health and complying with the provisions of this chapter and the rules and regulations of the City of Kent Board of Health relative to such collection and removal.

A schedule of residential rates that will be charged based upon both volume of container and frequency of collection for all refuse, ~~solid waste, garbage, rubbish and~~ trash collection services rendered, shall be filed with the City of Kent Director of Public Service. ~~Such rates shall specify within the basic monthly charge for collecting solid waste from a container of an approximate or nominal capacity of forty five (45) gallons at least once per week, and the increased monthly charge for each additional container of the same capacity that is serviced at the same frequency as the primary container.~~ Rates for the other solid waste collection programs, as specified in the City's Refuse Contract, shall also be required to be on file with the City of Kent Service Director.

Only the City of Kent's Refuse Contractor shall be permitted to collect refuse from subscribers as defined by this ordinance. ~~The~~ Any person, firm or corporation ~~not~~ responsible for collection of subscribers refuse and not the City's Refuse Contractor shall be guilty of violating this section.

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933.10 PERMIT; FEE.

No person shall collect or transport **refuse, solid waste, garbage, rubbish or trash** within the City, unless possessing a valid, unrevoked permit. The permit shall be issued by the City of Kent Health Commissioner or their designee only upon payment of the applicable annual fee, and only after the City of Kent Health Commissioner or their designee and the City of Kent Board of Health has determined that the permittee is capable of complying with the requirements described herein. The City's Refuse Contractor must also adhere to the performance bond specifications as set forth in the City's Refuse Contract.

933.11 DISPOSAL METHODS AND PERMIT REVOCATION.

All refuse, **solid waste, garbage, rubbish and trash** collected or transported within the City shall be disposed of in a manner as prescribed by the City of Kent Board of Health and the City of Kent Health Commissioner or their designee. Collection permits shall be issued only to those collectors who can provide adequate equipment, reliable service and proper disposal methods. Failure to comply with the provisions of this chapter shall be cause for revocation of the permit by the City of Kent Health Commissioner or their designee. The City's Refuse Contractor must also adhere to the methodology of collection and other productivity and quality standards as outlined in the City's Refuse Contract, or the City reserves the right to exercise its option of terminating the Contract as set forth in the City's Refuse Contract.

933.12 VEHICLE INSPECTION.

All vehicles used in the collection of refuse **solid waste, garbage, rubbish and trash** shall be inspected by the City of Kent Health Commissioner to ensure compliance with the provisions of the chapter and any relative rules and regulations of the City of Kent Board of Health, as well as specifications outlined in the City's Refuse Contract and as provided for in the Director of Public Service's Rules and Regulations.

933.13 VEHICLE REQUIREMENTS; COVERING AND SPILLAGE.

All refuse **solid waste, garbage, rubbish and trash** transported on the streets or other public thoroughfares in the City shall be in vehicles, the bodies of which are leakproof and of easily cleanable construction and shall be completely covered with metal.

Spillage or drainage from vehicles or subscriber containers shall be considered a misdemeanor, as specified in this chapter. It shall be a violation of this chapter for any person or Contractor to spill or drain refuse **solid waste, garbage, rubbish and trash**, or cause to have refuse **solid waste, garbage, rubbish and trash** spilled or drained, anywhere within the City of Kent. The individual or Contractor responsible for the aforementioned drainage or spillage, will have full logistical and financial responsibility for the immediate cleanup of such spillage or drainage. Failure to immediately cleanup such spillage or drainage shall be a violation of this chapter.

933.14 DRIVER TO ENSURE LOAD TO BE COVERED.

As set forth in the City's Refuse Contract, no driver of any motor vehicle or truck hauling refuse shall fail to have the load covered with a tarpaulin, canvas or other suitable covering so as to prevent the contents of the motor vehicle or truck from

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blowing, spilling or scattering on the streets and alleys of the City. Failure to secure the load shall be a violation of this chapter.

933.15 COLLECTION RATES.

There shall be a charge billed to each Subscriber by the City's Refuse Contractor for Refuse collection, the fee for which is set forth in the City's Refuse Contract as modified from time to time by change order. The fee for Refuse collection will be assessed for each Subscriber based on level of service elected monthly, but will be billed quarterly. The payment for the aforementioned service shall be remitted to the City's Refuse Contractor. Subscribers electing Minimum Service (pay per bag) shall not be billed for Refuse collection quarterly by the City's Refuse Contractor but instead shall pay for Refuse collection through the purchase of special bags. (Ord. 2008-178. Passed 10-17-08.)

933.16 BILLING; FAILURE TO REMIT FEES.

The charge billed to each Subscriber by the City's Refuse Contractor for refuse, **solid waste, garbage, rubbish and trash** collection and not paid within thirty days of delivery of said invoice shall be a violation of this chapter. The City's Refuse Contractor shall be permitted to terminate the subscriber's service after a thirty days past due notice is delivered to the City.

933.17 DUMPING GARBAGE IN PUBLIC RECEPTACLES PROHIBITED.

No person shall dump their residential refuse, **solid waste, garbage, rubbish and trash** into the public receptacle provided on the public areas of the City.

933.18 UNLAWFUL PERIODS OF ACCUMULATION.

No Subscriber shall keep refuse, **solid waste, garbage, rubbish and trash** on any premises in the City for a longer period of time than that expiring between three consecutive collection dates when actual collections are made by the City's Refuse Contractor.

No subscriber, **multifamily**, commercial, industrial, governmental or institutional establishment shall keep waste of any kind on premises in the City for such a period of time as to endanger the health, welfare and safety of the residents of the City, as determined by the City Health Commissioner or Fire Chief.

It shall be unlawful for any ~~subscriber~~, **multifamily**, commercial, industrial, governmental or institutional establishment to keep refuse, **solid waste, garbage, rubbish and trash** on the premises of the ~~subscriber~~, **multifamily**, commercial, industrial, governmental or institutional establishment for a period longer than ten days.

933.19 ANTI-SCAVENGING.

Upon the placement of refuse, **solid waste, garbage, rubbish and trash** at a designated location for collection by the City's Refuse Contractor, the material shall become the property of the City.

It shall be violation of this chapter for any person other than the authorized personnel of the Department of Public Service, the authorized personnel of the Health Department, the authorized personnel of the Police Department, the authorized personnel of the Fire Department, the City's Refuse Contractor or the resident placing such refuse, **solid**

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waste, garbage, rubbish and trash for collection, to collect, pick up, or cause to be collected or picked up, such refuse **solid waste, garbage, rubbish and trash**. Each such collection in violation hereof shall constitute a separate and distinct offense. (Ord. 2008-178. Passed 10-17-08.)

933.20 FREQUENCY OF SERVICE.

All subscribers shall receive refuse, **solid waste, garbage, rubbish and trash** service at a frequency of at least once a week except those subscribers that have elected the Minimum Generator Service level (per bag).

933.21 RULES AND REGULATIONS.

The Director of Public Service or their representative, shall have full and complete authority to make such rules and regulations, not inconsistent herewith, pertaining to the collection and disposal of refuse, **solid waste, garbage, rubbish and trash**, the collection and disposal of yard waste ~~and the collection for recycling of recyclable material~~, as well as the administration thereof, as may be deemed advisable.

933.22 LIABILITY INSURANCE REQUIRED.

At the time application is made for a solid waste collector's license the owner or operator of each vehicle for which such license is sought shall show proof that each such vehicle is covered by liability insurance in an amount of no less than five hundred thousand dollars (\$500,000.00) per person, one million (\$1,000,000.00) per occurrence per vehicle.

933.23 LICENSE TRANSFERS.

Collector's licenses are not transferable. However, vehicles which are listed on a valid collector's license may be transferred to another valid collector's license by the Commissioner upon his/her receipt of a written application from the transferee together with a fee of ten dollars (\$10.00) per vehicle to be transferred.

933.24 COLLECTORS RECORDS REQUIRED.

All solid waste collectors who have obtained a collector's license pursuant to this chapter must submit to the Health Department complete, current and legible records indicating all names and addresses of customers as well as the frequency of collections made. Such records must be submitted six (6) months after the issuance of a license and at the time application is made for the reissuance of a license. The records, as they relate to names and addresses of customers shall not become public information, but shall be treated confidentially by the Health Department.

933.25 COLLECTION AND DISPOSAL OF SOLID WASTES.

(a) No person collecting **refuse, solid wastes, garbage, rubbish and trash** from any commercial or residential property within the City shall begin collection activities before 7:00 a.m. or after 7:00 p.m.

(b) No person collecting **refuse, solid wastes, garbage, rubbish and trash** within the City shall dispose of such wastes at a site not properly licensed in accordance with Ohio R.C. Chapter 3734.

933.26 LICENSE REVOCATION.

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Violation by a collector, of one or more of the regulations imposed by this Chapter, the Health Commissioner or the Director of Public Service, may constitute grounds for the revocation by the Commissioner, of a collector's license. Such a revocation may be for either a specific or an indefinite length of time and may be imposed regardless of whether or not the licensee involved has been convicted in a judicial proceeding of a violation of a requirement of this chapter. Notice of such revocation shall be sent by the Commissioner to the collector at the address provided in collector's application for licensing.

933.99 PENALTY.

Whoever violates any provision of this Chapter shall be fined not more than five hundred dollars (\$500.00). Any such violation shall constitute a separate offense on each successive day continued. Whoever violates any provision of this chapter and is fined for such violation, may appeal the aforementioned fine to the Director of Public Service and/or the Health Commissioner. (Ord. 2008-178. Passed 10-17-08.)

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CHAPTER 935 Recycling and Other Solid Waste, Yard Waste Collection

- 935.01 Collection program established.
- 935.02 Definitions.
- 935.03 Collection and disposal deemed a public utility.
- 935.04 Separation required.
- 935.05 Weekly collection of material.
- 935.06 Collection of recyclable material.
- 935.07 Placing ~~garbage~~ and **other** solid waste **and yard waste** for collection; prohibited items.
- 935.08 Placing recyclable material.
- 935.09 Points of collection for **recyclables and other** solid waste; time limit for **recyclables and other** solid waste containers on tree lawns.
- 935.10 Frequency of collection.
- 935.11 Anti scavenging clause.
- 935.12 Additional methods of disposal.
- 935.13 ~~Solid waste~~ **R**ecycling **and other solid waste, yard waste** fee rates.
- 935.14 Billing; failure to remit fees.
- 935.15 Container requirements.
- 935.16 Solid waste and recycling collection reporting requirements.
- 935.17 Rules and regulations.
- 935.18 Commercial, industrial, governmental, institutional (~~CIGI~~) **and multi-family residential** recycling program for the City
- 935.19 Commingled collection prohibited.
- 935.20 Collection times.
- 935.99 Penalty.

CROSS REFERENCES

Municipal powers for collection and disposal of garbage see Ohio R.C. 715.43, 717.01

Disposal and transporting on public ways see Ohio R.C. 3767.20 et seq.

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Vehicle loads dropping, leaking see TRAF. [339.08](#)

Littering see GEN. OFF. [521.08](#)

Citywide refuse service - see S.U. & P.S. Ch. [933](#)

Residential collection recycling program - see S.U. & P.S. Ch. [936](#)

935.01 COLLECTION PROGRAM ESTABLISHED.

There is hereby established a program for the collection of recyclable materials, including but not limited to metal cans, plastic, glass containers, used newspapers and cardboard within the City. Such collections shall be made periodically under the supervision of the Director of Public Service.

935.02 DEFINITIONS.

As used in this chapter:

(a) "Billing unit", with reference to the residential ~~and multi-family~~ recycling program, means a place of abode for persons living separately or together as an independent family or household. "Billing unit", with reference to the commercial, industrial, governmental, ~~and institutional~~ **and multi-family** recycling program (~~CIGI~~), means premises within the City not otherwise defined as a "residential unit" ~~or "multi-family"~~ as defined in the City's mandatory recycling ordinance.

(b) "Residential unit" includes a single family dwelling, duplex, triplex, ~~quadplex~~ or other building with one or more billing units grouped under a common roof and with direct access to a public street.

(c) "Multi-family residence" or "apartment" means the grouping together of ~~three~~ **four** or more billing units under a common roof within a common interior hallway or foyer, not included in the Residential Collection Program.

(d) "Trailers" means those billing units as defined in the Planning and Zoning Code.

(e) "Solid waste" means such unwanted residual solid or semisolid materials resulting from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste, a hazardous waste, an asbestos waste or material defined under "recyclable material". For the purpose of this definition, "material from construction operations or demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wall board, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation but excludes materials whose removal has been required prior to demolition. For the purpose of this definition, semisolid material does not contain liquids which can be readily released under normal climatic conditions as determined by Method 9095

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(Paint Filter Liquids Test) in SW 846: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

(f) "Yard waste" means leaves, grass clippings, weeds, ~~Christmas holiday trees, shrub trimmings, bushes, and brush, and branch clippings, and tree trimmings. when securely bound in bundles not exceeding four feet in length.~~

(g) "Director" means the Director of Public Service of the City.

(h) "Recyclable material" means ~~this term shall refer to recyclable materials in the form of glass, aluminum and steel containers, magazines, phone books, junk mail, mixed paper, newspaper, #1 and #2 plastics, and cardboard designated for removal from a residential or apartment unit. This list may be reduced or additional materials may be designated by mutual agreement of the Recycling Contractor and the City.~~ means glass (jars, bottles), cans (aluminum, steel and bi-metal cans from food and beverages), plastic (beverage and laundry product bottles marked with a #1 (PET) or #2 (HDPE) on the bottom, squeezable bottles (honey/mustard) marked with a #4 (ldpe) on the bottom, yogurt containers, ketchup bottles and drinking straws marked with a #5 (PP) on the bottom, plastic cups, plastic plates, cd cases and empty medicine bottles marked with #6 (PS) on the bottom, other plastics such as tupperware and reusable drinking bottles are marked with #7 (other) on the bottom, aseptic cartons, paper (newspaper, magazines, catalogs, office paper, junk mail and paperboard boxes), cardboard (clean corrugated, without wax coating or foil), and as amended from time to time by the city's recycling contractor.

(i) "Recycling container" means a storage unit provided by the City or its **Recycling Contractor** in which recyclable materials are to be place and commingled by the occupants of each billing unit, unless served by other storage units. Such containers shall meet the requirements of the Director **and will be specified by the City. Only the City's Recycling Contractor shall be permitted to remove the contents of a recycling bin.**

(j) "Recycling contractor" means the contractor authorized by the City for the collection of recyclable materials.

(k) "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals.

(l) "Hazardous waste" means those substances which, singularly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which singularly or in combination, require special handling, processing or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bioconcentrative or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

(m) "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummintonite grunerite, anthophyllite and actinolitetremolite.

(n) "Asbestos containing waste materials" means those wastes identified in Chapter ~~3745-20-01(B)(4)~~ of the Ohio Administrative Code (OAC).

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(o) "Infectious waste" means those wastes identified in Chapter 3745-27-01(V) of the Ohio Administrative Code (OAC).

935.03 COLLECTION AND DISPOSAL DEEMED A PUBLIC UTILITY.

The system of collection and disposal of recyclable **and other solid waste, yard waste** material by the City is hereby declared to be a public utility. The services provided for in this chapter shall be rendered to all persons upon compliance with all City regulations pertaining to such utility and upon payment of the rates provided in Section [935.13](#), as the same may be amended from time to time.

935.04 SEPARATION REQUIRED.

All **refuse, solid waste, garbage, rubbish, and trash** set out for collection by the owner or occupant of every billing unit, as defined herein, within the City shall be set out for collection so that recyclable materials are separated from the **refuse, solid waste, garbage, rubbish and trash**, except if the recyclable material is employed in the disposal of other solid waste or if the recyclable material has been contaminated. Newspapers shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard same with regular solid waste, even if such wrapping does not render the newspapers unusable for recycling.

935.05 WEEKLY COLLECTION OF SEPARATED MATERIAL.

With reference to the City's residential recycling program, collection of recyclable materials shall be weekly or as adjusted with approval of the ~~City's~~ Director of **Public Service** and the recycling provider:

(A) Glass, metal cans, paper, newspaper, paper bags, cardboard and acceptable plastics shall be placed into the containers, as set out on the City's recycling contractor's website.

(B) Excess cardboard and paper recyclable material that does not fit in the recycling container shall be bundled and set out next to the recycling container on pick up days.

(C) All other excess recycling materials that do not fit in the recycling container shall be placed in bags and set out next to the recycling container.

935.06 COLLECTION OF RECYCLABLE MATERIAL.

(a) Upon the placement of recyclable material at a designated location for collection by the recycling contractor, the recyclable material shall become the property of the City.

(b) **Each container placed at the curb and each other item set out for collection, shall be placed at the location no earlier than 7:00 p.m. of the day before collection** ~~During the twenty four hour period commencing at 7:00 p.m. on any day preceding a day designated for collection~~ **Upon placement** of recyclable material, no person, other than an authorized recycling collection contractor, shall remove recyclable material which has been placed at a designated collection location. Any and each such removal of recyclable material in violation hereof from one or more designated recycling collection locations shall constitute a separate and distinct offense punishable as provided in this chapter.

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(c) Nothing in this section shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable material, provided that any such disposal is in accordance with the provisions of this chapter.

935.07 PLACING GARBAGE AND OTHER SOLID WASTE, YARD WASTE FOR COLLECTION; PROHIBITED ITEMS.

The following requirements apply to all City recycling and other solid waste, yard waste programs:

(a) All items of other solid waste shall be placed in standard garbage and solid waste, containers as provided in Section 935.15. However, yard waste, specifically brush and branch clippings may be tied securely in bundles not exceeding four feet in length and placed at the usual place of collection as per 935.10.

935.08 PLACING RECYCLABLE MATERIAL.

On the regularly scheduled collection day, persons residing in single family and other residential units as defined herein using sixty-five (65) and/or ninety-five (95) gallon containers shall place the recycling container at the curb in front of the residential unit. All persons residing in residential units in the City affected by this chapter shall place their recyclable material in the appropriate recycling container or other storage unit and keep such material separate from their other garbage and solid waste. Residents of apartments, condominiums and multi-family billing units shall have specially designated storage units to be used for placement of recyclable material. Carry out service for sixty-five (65) and/or ninety-five (95) gallon containers shall be provided by the recycling contractor for residential units of handicapped, disabled, impaired persons or persons who are otherwise precluded from or physically incapable of placing recycling containers at curbside. Haulers collecting from "CIGI" apartments, condominiums, multi-family commercial, industrial, government and institutional units shall only be required to meet source separation and reporting requirements of this chapter.

935.09 POINTS OF COLLECTION FOR RECYCLABLES AND OTHER SOLID WASTE; TIME LIMIT FOR RECYCLABLES AND OTHER SOLID WASTE CONTAINERS ON TREE LAWNS.

The following requirements shall be met by all residential and multi-family billing units within the City.

- (a) Sixty-five (65) and ninety-five (95) gallon recycling and other solid waste containers shall be placed at the street curb, provided that such containers may be placed for collection at other locations when approved by the Director of Public Service.
- (b) Each container placed at the curb as designated above, and each other item set out for collection, shall be placed at the location no earlier than 7:00 p.m. of the day before collection. The containers shall be removed from the required designated location by 7:00 p.m. the day collection has taken place.

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No ~~recycling or other~~ solid waste container is permitted to remain on the tree lawn of the public street for a period longer than twenty four (24) hours after the pickup and removal of the refuse contained therein.

935.10 FREQUENCY OF COLLECTION.

All recyclable material ~~and other solid waste and yard waste~~ shall be collected in accordance with schedules ~~established by the Director of Public Service promulgated by the City Manager, or his/her authorized representative,~~ pursuant to the rule making authority granted in Section [935.17](#).

935.11 ANTI SCAVENGING CLAUSE.

Upon the placement of recyclables and other ~~solid waste, yard waste~~ at a designated location for collection by the City's Contractor, the material shall become the property of the City.

It shall be violation of this chapter for any person other than the ~~authorized recycling collection contractor,~~ authorized personnel of the Department of Public Service, ~~the authorized personnel of the Health Department, the authorized personnel of the Police Department, the authorized personnel of the Fire Department,~~ the City's Recycling Contractor or the resident placing such other ~~solid waste, and yard waste~~ for collection, to collect, pick up, or cause to be collected or picked up, such refuse ~~other solid waste, and yard waste~~. Each such collection in violation hereof shall constitute a separate and distinct offense.

This section of the chapter shall not apply to ~~multifamily,~~ commercial, industrial, governmental or institutional billing units in the City who choose to recycle under the "in-house" ~~or "private hauler"~~ program as is more fully set forth in Section [935.18](#).

935.12 ADDITIONAL METHODS OF DISPOSAL.

Any resident may donate or sell recyclable materials to any person, partnership or corporation whether operating for profit or not for profit. Such person, partnership or corporation may not, however, under any circumstances pick up the recyclable material from the curbside in the City. ~~This section shall be a requirement of CIGI units who choose to recycle under the City program as the same is more fully defined in Section [935.18](#).~~

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935.13 RECYCLING AND OTHER SOLID WASTE, YARD WASTE FEE RATES.

There shall be a fee, billed to each billing unit in the City of Kent, weekly or monthly basis for the following:

(a)	Annual spring cleanup, yard waste, leaves, grass clippings, weeds, holiday trees, shrub trimmings, bushes and brush and branch clippings, branches, leaf pickup, mulch supply	\$2.88 monthly
(b)	Recycling collection	
	(1) For single, and smaller unit (duplex, triplex or other buildings with one or more billing units grouped under a common roof and with direct access to a public street) residential properties using a 65 or 95 gallon container	As established per contract. (per billing unit) 2021 – \$5.83 / mo. 2022 - \$6.05 / mo. 2023 - \$6.19 / mo.
	(2) For multi-family residential complexes using larger containers:	
	—A. 2 yard containers will be billed at \$10.00 per Collection;	
	—B. 4 yard containers will be billed at \$12.00 per Collection; and	
	—C. 8 yard containers will be billed at \$15.00 per Collection.	
	—D. Senior citizens discount does not apply to these larger containers.	

935.14 BILLING; FAILURE TO REMIT FEES.

(a) The fee provided in Section [935.13 \(a\)](#) shall be billed monthly at the conclusion of the period for which service has been rendered and shall be payable at the Utility Billing Office at City Hall on or before the fifteenth day after the date of billing. Such fee shall appear on the utility bill rendered by the City for water and sewer service as a separate item and shall be considered an integral part of such bill. Failure to remit the entire amount of the charges for all services shall constitute a delinquency, with termination of all services to take place in accordance with the provisions of Section [913.03](#) of the Codified Ordinances, thirty days after such delinquency. ~~However, upon proof satisfactory to the Director of Budget and Finance that service for the collection of recyclable material is not required at any billing unit, due to vacancy or other reason, such fee shall be waived by the Director.~~

(b) The fee provided in Section [935.13 \(b\)](#) shall be billed quarterly and shall be payable to the recycling contractor as indicated on the bill

~~(b)~~ (c) In addition, City Council may also certify delinquent other solid waste and yard waste collection charges, late charges and fees imposed by this chapter to the county auditor, and have the delinquencies charged to the real property that generated the delinquent charges. The City recycling contractor is responsible for all delinquent recycling accounts and may take such actions to rectify the delinquency.

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935.15 CONTAINER REQUIREMENTS.

Each person or family requiring the removal of solid waste ~~garbage, rubbish and trash or recyclables~~ shall provide suitable containers for storing ~~the solid waste, garbage, rubbish, and trash or recyclables~~ on the premises. No person shall store any solid waste, ~~garbage, rubbish and trash or recyclables~~ in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except in proper containers for storage ~~as per section 933.03 and section 936.04.~~ ~~Each storage container shall be made of metal or an approved plastic watertight material, and provided with suitable handles on the outside and a tightly fitting cover which shall not be removed except when necessary in the use of such container.~~ Such containers shall be kept in a clean, neat and sanitary condition at all times. Condominium owners shall provide and maintain their own solid waste storage containers of a size and type approved by the Director of Public Service. ~~Other~~ ~~S~~solid waste, excluding garbage, may be placed for collection at curbside in plastic bags provided such bags have a thickness of at least 1.5 mil and are securely tied. This section shall apply only to the City's residential ~~and multi-family~~ recycling program.

935.16 SOLID WASTE AND RECYCLING COLLECTION REPORTING REQUIREMENTS.

Each hauler who collects either solid waste or recyclables within the Kent city limits shall, in addition to the licensing procedure in Section 933.02 of the Codified Ordinances, comply with the following requirements:

- (a) Register with the Health Department. Registration forms will be available during the yearly Health Department licensing procedure.
- (b) Provide monthly reports as to the destination and the volume of recyclables and trash collected from within the City of Kent. Weight slips are required for verification of delivery of trash and recyclables from Kent.
- (c) File with the Health Department a schedule of rates that will be charged based on both volume of containers and frequency of collection for all solid waste and recycling collection services rendered.

935.17 RULES AND REGULATIONS.

The ~~Director of Public Service~~ ~~City Manager~~, or his/her authorized representative, shall have full and complete authority to make such other rules and regulations, not inconsistent herewith, pertaining to the collection and disposal of solid waste and the collection for recycling of recyclable material, as well as to the administration thereof, as may be deemed advisable.

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935.18 COMMERCIAL, INDUSTRIAL, GOVERNMENTAL, INSTITUTIONAL (CIGI) AND MULTI-FAMILY RESIDENTIAL UNITS RECYCLING PROGRAM FOR THE CITY

Each commercial, industrial, governmental, or institutional premises or multi-family unit not included in the City's residential collection contract within the City (CIGI unit) shall be required to separate recyclable materials from the solid waste stream and cause them to be recycled through the Portage County Solid Waste Management District with one of three options:

~~(a) Small business curbside collection route - Business will receive small residential bins and be added to the residential collection route for a cost of three dollars (\$3.00) per month.~~

~~(b) Rental Container Recycling Service - Business will receive weekly collection with one of the following options:~~

95-gallon tote once per week	\$6.50/month
2-Yard Container once per week	\$15.00/month
4-Yard Container once per week	\$21.00/month
8-Yard Container once per week	\$27.00/month

~~Each bill will also include a \$1.50/month administrative charge.~~

~~(c) Independent Option - Business would choose to~~ Each commercial, industrial, governmental, or institutional premises or multi-family unit not included in the City's residential collection contract shall have their recyclables collected by a private hauler, who will ~~would~~ be required to submit volume and participation records to the City and Portage County Solid Waste Management District. ~~and would be billed a \$3.00/month administrative fee.~~

A Hardship Variance will be permitted for those businesses that have less than three (3) employees, receive no trash collection at the business and take their recyclables home to be collected with their residential recyclables

935.19 COMMINGLED COLLECTION PROHIBITED.

Unless approved by the Director of Public Service Environmental Services Manager, no person shall commingle, collect or have collected after the effective dates established by the Portage County Solid Waste Management District Plan, the State of Ohio and/or any other federal law or regulation, any of the following with any other type or kind of solid waste:

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(a) Lead acid batteries or any other batteries banned from solid waste disposal by the State.

(b) All forms of yard waste.

(c) All types of household hazardous waste.

(d) All items defined as recyclable.

(e) Refrigerators and other types of white goods.

(f) Tires.

(g) All other items banned from solid waste disposal by Portage County Solid Waste Management District Plan and/or the State of Ohio and/or any other federal law or regulation.

935.20 COLLECTION TIMES.

No person collecting recyclables from any commercial or residential property within the City shall begin collection activities before 7:00 a.m. nor after 7:00 p.m.

935.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this Chapter except Section [935.08](#) and [935.09](#) is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues.

(b) Whoever violates Section [935.20](#) of this Chapter is guilty of a misdemeanor of the first degree. Whoever is found guilty of more than one violation of Section [935.20](#) within a six month period shall be subject to license revocation pursuant to Section [933.26](#) of this Code.

(c) Whoever violates Sections [935.08](#) and [935.09](#) shall subject to the following actions:

(i) On the first violation, a notice of noncompliance with this section shall be posted on the recycling bin or on a regular garbage container, at the residential unit where the noncompliance occurs.

(ii) On the second violation, there shall be a termination of all recyclable collection services to the residential unit where the violation occurs with written notice of such termination to be delivered to the residential unit occupant by regular mail, or by posting on the door of the residential unit.

(d) Whoever violates Section [935.16](#) and [935.17](#) shall be subject to license revocation pursuant to Section [933.26](#) of this Code.

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CHAPTER 936 Residential Collection Recycling Program

- [936.01](#) Authority and scope.
- [936.02](#) Definitions.
- [936.03](#) General administration and customer service.
- [936.04](#) Recycling containers.
- [936.05](#) Required materials.
- [936.06](#) Collection of recyclables.
- [936.07](#) Information on service provided.
- [936.08](#) Processing and marketing recyclables.
- [936.09](#) Accounting and billing.
- [936.10](#) Billing and rates.
- [936.11](#) Violation of rules and regulations.

CROSS REFERENCES

Citywide refuse service - see S.U. & P.S. Ch. [933](#)

Recycling and solid waste collection - see S.U. & P.S. Ch. [935](#)

936.01 AUTHORITY AND SCOPE.

(a) Through provisions of Ordinance 1990-30 and as amended in Ordinance 2017-12, incorporated as Chapter [935](#) (Recycling and **Other Solid Waste, Yard Waste** Collection) of the Codified Ordinances of the City of Kent, the collection and disposal of recyclable material in the City of Kent is defined as a public utility (Section [935.03](#)). Separation of recyclable material from solid waste is required of all residential units in Kent (Section [935.04](#)), and payment for collection services is provided (Sections [935.13](#) and [935.14](#)).

(b) Section [935.10](#) and [935.17](#) provide that the **Director of Public Service** City-Manager (~~or his/her authorized representative~~) shall have the authority to promulgate rules and regulations pertaining to the collection of recyclable ~~material~~ **material**. ~~The Director of Public Service has been designated the rule-making authority, and the following rules and regulations are hereby specified.~~ Such regulations have the same validity as ordinances when not repugnant thereto or to the Constitution or the laws of the State of Ohio.

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(c) The Director of Public Service reserves the right to deviate from these rules and regulations during emergencies and special cases in which the public health, safety and/or welfare may be endangered.

(d) Rules and regulations are subject to change by direction of the Director of Public Service. Program participants will be notified of these changes and they will be published in the local paper and/or the Tree City Bulletin. City ordinance changes may be made by the Kent City Council.

(e) These rules and regulations supersede any and all previous rules and regulations governing the operation of the Kent City Residential Collection Recycling Program.

936.02 DEFINITIONS.

(a) ~~"Billing unit" for recycling only means a residential unit. In the case of units using sixty five (65) or ninety five (95) gallon containers, a unit is the single family home or apartment. For residential units using two (2) yard, four (4) yard or eight (8) yard containers, the billing unit is the entire apartment complex or building.~~ "Billing unit", with reference to the residential recycling program, means a place of abode for persons living separately or together as an independent family or household. "Billing unit", with reference to the commercial, industrial, governmental, institutional and multi-family recycling program means premises within the City not otherwise defined as a "residential unit" as defined in the City's mandatory recycling ordinance.

(b) ~~"Billing unit" for other than non-trash solid waste means a place of abode for persons living separately or together as an independent family or household.~~ "Residential unit" includes a single family dwelling, duplex, triplex, or other building with one or more billing units grouped under a common roof and with direct access to a public street.

(c) ~~"Independent family or household" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating and otherwise independent from any other unit.~~

(d) "Multi-family residence" or "apartment" means the grouping together of ~~three (3)~~ four (4) or more billing units under a common roof within a common interior hallway or foyer, and not included in the Residential Collection Program.

(e) "Director" means the Director of Public Service of the City of Kent.

(f) ~~"Recyclable material" means see Exhibit "A" attached to original Ordinance 2017-13 and as amended hereafter.~~ " means this term shall refer to recyclable materials in the form of glass, aluminum and steel containers, magazines, phone books, junk mail, mixed paper, newspaper, #1 and #2 plastics, and cardboard designated for removal from a residential or apartment unit. This list may be reduced or additional materials may be designated by mutual agreement of the Recycling Contractor and the City.

(g) "Recycling container" means a storage container provided by the City or its recycling contractor in which recyclable material is to be placed and ~~se-mingled~~ commingled by the occupants of each billing unit, unless served by other storage units.

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Such containers shall meet the requirements of the Director, and will be specified by the City. Only the City's Recycling Contractor shall be permitted to remove the contents of a recycling bin.

(h) "Recycling contractor" means the contractor authorized by the City for the collection of recyclable materials.

936.03 GENERAL ADMINISTRATION AND CUSTOMER SERVICE.

(a) Scope of Service. The Kent City Residential Collection Recycling Program includes provision of recycling containers to each residential unit in the City of Kent; specification of recyclable materials to be placed in the recycling containers; collection of recyclable material from residential units by the recycling contractor once every week or as adjusted with the City's Director of Service and the recycling provider; provision of information on the curbside recycling program to residential units included in the program; documentation of processing and marketing of collected recyclable materials; and payment for collection services by residential units and billing units and billing units.

936.04 RECYCLING CONTAINERS.

(a) Containers Provided.

(1) Each residential unit included in the curbside recycling program will be provided one ninety-five (95) gallon or sixty-five (65) gallon container. These containers are the property of the City of Kent or its recycling contractor. These containers will be delivered to each residential unit included in the program by the recycling contractor. Thereafter, containers will be provided to new residential units.

~~(2) Large residential units four (4) or more living units or apartments will be given large containers two (2) yard, four (4) yard or eight (8) yard containers as needed. Exceptions may be granted by the City Service Director for good cause shown by the property owner.~~

(b) Extra Containers Provided. If residential units are in need of extra recycling containers to store recyclables for a week, they must notify the ~~Kent Service Department by phone or mail~~ **The City's recycling contractor**. Extra containers will be provided to each residential unit as needed. ~~Residents who receive containers in excess of numbers specified above will be billed five dollars (\$5.00) per additional container(s) on their next utility bill.~~

(c) Containers Replaced. Recycling containers which are stolen from a residential unit or are damaged beyond use must be reported to the ~~Kent Service Department by phone or mail~~ **City's recycling contractor**. Up to four (4) containers per residential unit will be replaced. If more replacements are needed, a charge **may be levied by the City's recycling contractor and** ~~of five dollars (\$5.00) per container~~ will be added to the next utility bill for that residential unit.

(d) Additional Containers Delivered. The recycling contractor will deliver any additional containers requested to the residential unit during the next scheduled collection date after the **City's Recycling Contractor** ~~Coordinator~~ is notified.

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(e) Return of Containers. When occupants of a residential unit included in this program vacate the premises, the recycling containers must be left by the water meter **or a place safe and visible for the new residents.** ~~to be picked up by the Kent Service Department when the final meter reading is taken. If the recycling containers are not at this location, a charge of five dollars (\$5.00) per container will be added to the final utility billing to cover the cost of replacement.~~

(f) New Resident Containers. **New residents will contact the City's recycling contractor for new containers if they are needed.** ~~At the time new Kent residents have their water turned on, recycling containers will be delivered to their residence by the Kent Service Department.~~

936.05 REQUIRED MATERIALS.

(a) Material Specified. Materials no longer have to be source separated for the residential collection recycling program. Materials accepted in the recycling program are as listed on Exhibit "A" attached to original Ordinance 2017-13 and as amended. **defined under 936 definitions.**

(b) Preparation of Materials. All metal and glass containers must be clean. Paper labels must be removed from metal containers; metal lids and caps must be removed from glass containers. Cardboard includes brown paper bags and all other types of cardboard, except wax-coated (milk cartons).

(c) Placement of Material in Recycling Containers. The recycling container may be used for all recyclable materials. Excess material must be placed in three foot (3') sections and bundled or put in brown paper bags next to the container.

(d) Material Excluded from Recycling Collection Program. The following material must not be placed in recycling containers for collection (~~anything not on Exhibit "A" attached to original Ordinance 2017-13.~~ **defined under 936 definitions**)

(e) Additions to/Deletions from Recycling Material List. The Director may, when required, add material to the list of recyclables to be collected from the curb, or delete material from said list. In the event of this action, all residential units in the collection recycling program will be notified by mail, **social media, Tree City Bulletin, reader board or other venues acceptable** at least two (2) weeks before said changes take effect.

936.06 COLLECTION OF RECYCLABLES.

(a) Collection Schedule.

(1) The recycling contractor will collect recyclables from the curb **once a week.** ~~on Monday, Tuesday, Wednesday, Thursday and Friday.~~ The City will be divided into quadrants, with each quadrant's recycling containers to be collected on a specific day of week, matching the day trash is collected in said quadrant. Residential units with sixty-five (65) and ninety-five (95) gallon containers, included in any given route must have recycling containers at the curb by 7:00 a.m. the day that route is scheduled.

(2) The recycling contractor will not collect recyclables on the following holidays:

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New Year's Day

~~President's Day~~

July 4

~~Columbus Day~~

Thanksgiving Day

Christmas Day

~~Martin Luther King Day~~

Memorial Day (Observed)

Labor Day

~~Veteran's Day~~

~~Day after Thanksgiving~~

(3) To assure uninterrupted service, routes falling on observed holidays will be collected the day after the holiday, with other routes scheduled for later the same week being collected one day later than usual, and the Friday route being collected on Saturday.

(b) Notification of Interrupted Service. If on occasion recyclables cannot be collected by the recycling contractor, every attempt will be made to alert residential units on the affected collection routes through ~~delivery of written notes~~ **social media, reader board or other means available.**

(c) Notification of Routing Changes. In the event it becomes necessary to change the collection dates of streets or individual residential units, all affected units will be notified in writing of the change, and will be provided information on the new collection days.

(d) Placement and Removal of Collection Containers. Recycling containers must be placed at the curb **no earlier than 7:00 p.m. of the day before collection. The containers shall be removed from the required designated location for pickup by 7:00 p.m. the day collection has taken place.** ~~Recycling containers must be placed at the curb not more than twelve (12) hours before the scheduled collection day, and must be removed from the curb within twelve (12) hours after being collected.~~

(e) Special Collection Arrangements. ~~If it is impossible for a residential unit to place recycling containers at the curb, the Kent Service Department must be notified forty-eight (48) hours before a scheduled collection day. The Kent Service Department will provide special collections services (e.g., pick up from a porch or beside a garage).~~ **Carry out service for sixty-five (65) and/or ninety-five (95) gallon containers shall be provided by the recycling contractor for residential units of handicapped, disabled, impaired persons or persons who are otherwise precluded from or physically incapable of placing recycling containers at curbside** However, all such collections must be scheduled by the ~~Service Director~~ **Director of Public Service** or their designee, and may not involving walking a distance of more than seventy (70) feet from curb or entrance into an enclosed area through a closed door.

(f) Route Change Requests. When a residential unit is on the corner of two (2) streets that are on different collection routes, a request for a route change to increase residential unit convenience may be made to the ~~Service Director.~~ **Director of Public Service** If such change will not adversely affect the recycling contractor, it will be made and the residential unit will be notified of the new collection route schedule.

(g) Call Back Service. In the event the recycling collection vehicle fails to collect from a residential unit on the specified day, contract with the **City's Recycling Contractor**

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or the ~~Service Director~~ **Director of Public Service** or their designee will ~~assure~~-assist with collection by the end of the next day, provided, however, that the recycling bins were at the curb or a special collection location by 7:00 a.m. on the regularly scheduled collection day.

The ~~Service Director~~ **Director of Public Service** reserves the right to investigate missed collections. Under terms of the recycling collection contract, unscheduled call backs can be made only if the contractor fails to collect material which is in its designated place by 7:00 a.m. on the collection day.

When recycling containers are placed improperly or placed at the curb after 7:00 a.m. and, therefore, are not collected, residential units will be asked to store the recyclables until the next scheduled collection day for that route.

(h) Protection From Elements. In the event of inclement weather, residential units are expected to protect recyclables from blowing, moisture and freezing when at all practicable. Refraining from putting recycling containers at the curb until morning, covering paper material with plastic sheeting and anchoring paper material with a heavy object all are acceptable means of protection.

(i) Notification of Improper Material/Separation/Placement. In the event recycling containers contain contaminated recyclables (see Section [936.05\(a\)](#) to (d)) or are improperly placed for collection (see subsections (a), (d), (e)) the residential unit will be notified of the infraction through a written notice left on the container. Proper preparation and placement will be expected for the next collection.

(j) Refusal of Material. The recycling contractor may, after having served three (3) notices of infractions to a residential unit, refuse to collect material in recycling containers until the material is properly prepared and the recycling containers are properly placed. Residential units will be notified of refusal to collect through a written notice left on the recycling container.

(k) Documentation of Participants. The recycling contractor will keep records of those residential units participating in the residential collection program. These records will be used both to determine participation rates and to identify those residential units that are not in conformance with provisions of Chapter [935](#) of the Codified Ordinances.

936.07 INFORMATION ON SERVICE PROVIDED.

(a) Distribution of Information to Residential Units. Each year, each residential unit included in the collection recycling program will be provided written information on any changes in collection dates for the following year, and on preparation of material for the recycling collection program if there are changes to the above. This material will be mailed or hand delivered to each residential unit.

(b) Information to New Customers. At the time new Kent residents sign up for water service at Kent City Hall, they will be given written information on collection dates for their collection route and on preparation of material for the recycling collection program.

(c) Change in Service or Material. At any time either the recycling collection service or the material to be included in the recycling collection program is changed, each

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affected residential unit will receive written notification at least two (2) weeks before the change will occur.

936.08 PROCESSING AND MARKETING RECYCLABLES.

(a) Documentation of Amount Delivered to Processor. All recycling contractors must obtain documentation from the processing facility of the weight of recyclables delivered from each collection route each day, by material. This data will be provided to the ~~Service Director~~ **Director of Public Service** and will be used to determine the average amount of recyclable material set out at the curb per residential unit participating in the recycling collection program as well as the total amount of material processed through the residential collection recycling program.

(b) Documentation of Marketing of Recyclables. The recycling contractor must obtain documentation from the processor of the end use of all recyclables delivered from the collection program. This documentation must include where the material is marketed, whether this market is the end user of the recyclables, and if so, what the end use is. If the market is not the end user, there must be documentation of who the end user is and what the end use is. The recycling contractor must provide the Service Director with this information on a monthly basis.

936.09 ACCOUNTING AND BILLING.

(a) Recycling Declared a Utility. Collection of recyclables is declared a utility under provisions of Chapter [935](#) of the Codified Ordinances. As such, billing for collection services **will be implemented and collected by the City's recycling contractor.** ~~included on the utility bills of each residential unit included in the recycling collection program.~~

936.10 BILLING AND RATES.

(a) Billing Dates. Residential units included in the recycling collection program will be billed for service **quarterly by the City's recycling contractor.** ~~provided during the same time period as the meter readings taken for water/sewer charge billing.~~

(b) Collection Rates. The Codified Ordinances must provide the following rates for collection of recyclables per residential unit per month, see Kent Codified Ordinance Section [935.13](#) **for collection rates.**

~~— (1) Residential units using sixty five (65) or ninety five (95) gallon containers will be billed \$2.28 per month for recycling.~~

~~— (2) Larger residential will be billed for recycling as follows:~~

~~— A. Two (2) yard containers will be billed at \$10.00 per collection;~~

~~— B. Four (4) yard containers will be billed at \$12.00 per collection;~~

~~— C. Eight (8) yard containers will be billed at \$15.00 per collection.~~

~~— (c) Discount Rates. The Codified Ordinances provides that residential units using sixty five (65) or ninety five (95) gallon containers, whose head of household has a Golden Buckeye Card will receive a discount rate of \$1.50 per month for collection of~~

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~~recyclables. Application forms for this discount are available at the Utility Billing Office at 930 Overholt Road, phone number (330) 678-8104.~~

~~(d) Requests to Temporarily Discontinue Collection Service. Occupants or owners of residential units who cannot use the recycling collection service for a specific reason (e.g., extended vacations; vacancy at the unit) are eligible to have charges for the service temporarily suspended. To receive this suspension of charges, the owner or occupant must obtain from the Service Director or their designee(s) an application form. This form documents the dates through which the suspension is requested, the reason for the request, and must be notarized. Upon expiration of this notarized application, charges will be resumed.~~

(e) Payment of Collection Fees. The recycling collection fee is payable to **City's recycling contractor**, at the Utility Billing Office at 930 Overholt Road, or through the mail, on or before the fifteenth (15th) day after the date of billing. After this date, a late payment is attached to the entire utility bill.

(f) Failure to Remit Fees. The recycling collection fee is an integral part of **the City's recycling contractor recycling collection process**, each residential unit's utility bill. Failure to remit the entire amount of utility charges constitutes delinquency and will result in termination of all utility **recycling** services, according to provisions of Sections [913.07](#) and [935.14](#) of the Codified Ordinances. Such termination, with due notification, will occur thirty (30) days after failure to remit utility charges.

936.11 VIOLATION OF RULES AND REGULATIONS.

Failure of residential units to comply with the above set forth rules and regulations will result in penalties provided for in Section [935.99](#) of the Codified Ordinances.