

REQUESTED BY:
RUCKER

LAW DEPARTMENT
DRAFT NO. 3660A2

TITLE

AN ORDINANCE FOR THE PURPOSE OF REPEALING CHAPTER 927 OF PART 9 ("GARBAGE AND RUBBISH COLLECTION") AND RE-ENACTING CHAPTER 927 OF THE CODIFIED ORDINANCES OF THE CITY OF WARREN, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12721/17

WHEREAS, this Council deems it to be in the best interests of the City of Warren to update Chapter 927 ("GARBAGE AND RUBBISH COLLECTION") of the Codified Ordinances of the City of Warren; and

WHEREAS, conditions and demographics of the City have drastically changed in the seventeen (17) years since the passage of this Ordinance and the need to update this Ordinance is paramount for the continued growth of the City of Warren; and

WHEREAS, the City of Warren is empowered to promote the health, safety and welfare and integrity of the residents of the City of Warren, and others; and

WHEREAS, this Ordinance is necessary to promote and protect the public health, safety, and welfare of the residents of the City of Warren; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That Chapter 927 ("GARBAGE AND RUBBISH COLLECTION") of the Codified Ordinances of the City of Warren be, and the same hereby repealed.

Section 2: That Chapter 927 ("GARBAGE AND RUBBISH REMOVAL") of the Codified Ordinances of the City of Warren be, and the same hereby is reenacted amended as follows:

"CHAPTER 927"

927.01 DEFINITIONS

As used in this Chapter, the following words shall have the meaning ascribed herein, unless otherwise provided.

(A) "Garbage, Trash, Rubbish and Refuse" shall include:

(1) Any and all waste material generated from ordinary residential living including, but not limited to: products made of paper, glass, plastic, metal, cloth, wood and wood products, rugs and carpeting tied and bundled in lengths of no longer than four (4) feet and not to exceed two (2) cubic yards in dimension.

(2) Any and all waste materials generated from the preparation or consumption of food materials including, but not limited to: those from animal, vegetable, fish or fowl remains.

(3) Any and all waste materials generated from the ordinary maintenance of the outside premises including, but not limited to: grass clippings, shrubs, leaves and tree clippings. Any vegetation greater than two (2) feet in length must be tied in bundles and not exceed four (4) feet in length or be greater than two (2) cubic yards in overall dimensions and any amount of these items in excess of two (2) cubic yards will be charged an additional fee for each two (2) cubic yards or parts thereof. Two (2) cubic yards is equivalent to four (4) containers of ninety-six gallon capacity.

(4) Household Furnishings including, but not limited to: stuffed chairs, couches, recliners, beds and mattresses, chest of drawers, vanities, box springs, armoires, chine closets, book cases, TV cabinets, tables and chairs, dressers, TV or coffee tables, large lamps, porch and patio furniture. For sanitary reasons, all mattresses and box springs must be securely wrapped in heavy plastic and sealed.

(5) The following are excluded from the definition of garbage, trash, refuse or rubbish;

(a) Construction Debris as defined by the Ohio Environmental Protection Act.

(b) Hazardous or Environmental Waste as defined in the U.S. EPA Environmental and Hazardous Waste Codes.

(c) Tires from any of the following: motorized vehicles, bicycles, wagons, trailers and any vehicle or equipment using rubberized tires as a mode of movement for that item. These items are not part of the waste stream and are not permitted to be placed in any container or disposed of through the waste system. Any resident/customer that attempts to dispose of tire(s) in any container herein mentioned and subsequently dumped by the Environmental Services Department will be subject to all applicable civil and criminal charges for illegal dumping and that fines arising from civil violations of The Warren Codified ordinances will be placed on the Utility Service Account.

(d) Bulk Waste, Bulk Waste shall include the following:

Household appliances including, but not limited to: washers, dryers, stoves, refrigerators, microwave ovens, compactors, televisions, stereo equipment, computers and computer accessories, such as printers, monitors, keyboards etc., hot water tanks, furnaces, air conditioners, dehumidifiers, humidifiers, sump pumps or workout equipment.

(B) "Container(s)" shall mean the 96 or 64 gallon carts furnished to each dwelling unit by the City of Warren. The weight of any container and its contents shall not exceed sixty (60) pounds. Cardboard boxes, paper barrels or plastic bags are not suitable as containers for the purposes of this Ordinance and are prohibited for use as containers.

(C) "Roll-off" means a movable container or dumpster with a capacity of 6, 10, 15 or 20 cubic yards used for the purpose of removing those items listed in Part (a) (4) of this Ordinance and any other items too large for regular garbage pickup except for any materials deemed to be "Hazardous Waste" or "Construction Debris".

(D) "Residential Unit" means any dwelling used as a single or multiple family home wherein residents of one or more families maintain a household. A residential unit shall be deemed as occupied when either water, electricity, gas or other utility services are supplied thereto. Single family homes and individual dwelling units within a multiple dwelling unit shall be considered as one residential unit for billing purposes.

(E) "Head of Household" means any adult (over eighteen years of age) with authority to make decisions.

927.02 CONTAINERS REQUIRED

(A) Every person in possession, charge or control of any premises shall be issued a City furnished container so as to adequately house the residential refuse generated by the dwelling. The container is issued to that address and will remain on said premises in the event of the sale of the property or vacating of said property by the owner or occupant.

(B) Every person in possession, charge or control of any premises shall be required to use the City furnished container. All refuse including plastic, paper or cloth bags shall be put into the container. No bag shall be permitted outside the container. If the container becomes full, a second container must be used.

(C) The occupant shall be responsible for following the instructions imprinted on the container regarding cautions and upkeep of the container.

(D) The occupant shall be responsible for the cost of any container or container parts which are damaged through negligence or willful acts. The costs are as follows:

Container	\$55.00
Lid	\$15.00
Axle	\$10.00
Wheels	\$ 5.00 each

Any amounts charged to the occupant will be added to the City of Warren Utility Services Bill.

(E) Containers which are declared unfit or useless by the Environmental Services Manager or his/her designee, shall be replaced with a new container at the expense of the owner or occupant.

(F) If a City furnished container is stolen from the premises while at the curb for collection and at the proper time as described in Section 927.20, and a proper police report is filed by the occupant of the premises, the City will replace the container at no charge to the occupant. If the container is stolen any other time or from any other location on the premises, the occupant will be required to pay the replacement cost of fifty-five dollars (\$55.00) as previously described.
(Ordinance 11314/99. Passed 7-28-99)

927.03 CONTAINERS TO BE FURNISHED TO TENANTS

The owner, agent, person in charge or lessee of any dwelling, flat or apartment house shall furnish or see that his tenants are supplied with the containers mentioned in Section 927.02 or, in the case of apartment houses, other adequate means of disposing of garbage or refuse.
(Ordinance 11314/99. Passed 7-28-99.)

927.04 REMOVAL AND REPLACEMENT LIDS

The lids of all containers referred to in this Chapter shall remain closed except when placing refuse therein or taking the same therefrom.
(Ordinance 11314.99. Passed 7-28-99.)

927.05 SANITARY CONDITION REQUIRED

All containers referred to in this Chapter shall be kept in a sanitary condition, with the outside thereof clean and free from accumulating grease and decomposing material.
(Ordinance 11314/99. Passed 7-28-99.)

927.06 LARGE CONTAINERS FOR BULK COLLECTIONS

Large, suitable containers for bulk collection for garbage and refuse may, with the approval of the Environmental Services Department, may be used by hotels, restaurants, churches, boarding houses, eating places, apartment houses, schools and hospitals and in the business district. Food Service establishments, including carry-out stores and establishments, where food is consumed on the premises or in parking lots, shall, in addition to the container referred to in the preceding paragraph, provide closed lid-type trash barrels on the premises or in the parking lot.
(Ordinance 11314/99. Passed 7-28-99.)

927.07 NONCUMBUSTIBLE REFUSE NOT SEGREGATED

Noncombustible refuse, such as bottles, metal scraps, tin cans, broken crockery and glassware may be deposited in the same containers with wrapped garbage and combustible refuse.
(Ordinance 11314/99. Passed 7-28-99.)

927.08 GARBAGE TO BE DRAINED AND WRAPPED

All garbage, before deposited in a container, shall be drained free of water and wrapped in paper or other material in such a manner as to prevent, as nearly as possible, moisture from such garbage from coming in contact with the sides or bottom of the container and preventing it from freezing to the container.

(Ordinance 11314/99. Passed 7-28-99.)

927.09 RESPONSIBILITY FOR REMOVAL

Each individual, family, partnership or corporation who are domiciled in separate premises, including, but not limited to, homes and apartments, shall contact the Environmental Services Department for the removal of any trash, garbage or rubbish or any other refuse if produced by such separate premises. It shall be in violation of this Section for two or more owners or agents of a residential premises to combine trash, garbage or rubbish or other refuse for the purpose of defrauding the City, through the collection of the garbage caused by two or more such residences under one residential Environmental Services subscription with the Environmental Services Department. Where rental property is concerned, the owner of said premises shall be responsible for compliance with the provisions of this Chapter, and shall remain responsible therefor, regardless of any agreements between owners or occupants as to which party shall assume such responsibility. There shall be no exceptions or exemptions allowed.

(Ordinance 11314/99. Passed 7-28-99)

927.10 ENVIRONMENTAL SERVICES DEPARTMENT SOLE COLLECTION EXCEPTION

Except for licensed commercial haulers, the Environmental Services Department of the City of Warren, by and through its duly authorized agent and employees, shall, and does, have the exclusive right to gather and collect garbage and refuse within the City of Warren. No other person or firm shall collect or gather garbage or refuse, except manure or the contents of any privy vault with the City of Warren, or deposit or dump or cause the same to be dumped or deposited upon any lot or land, or in any water or waterways within the corporate limits of the City of Warren.

(Ordinance 11314/99. Passed 7-28-99.)

927.11 FREQUENCY OF COLLECTION

(A) The Environmental Services Department of the City of Warren shall collect, remove and dispose of all garbage and refuse from all residential dwellings, boarding houses and apartments of the City of Warren at least once each week.

(B) Licensed Commercial Haulers may collect, remove and dispose of all garbage and refuse from all hotels, restaurants, eating places, schools, hospitals and commercial places of business with whom they have a contract, in accordance with Health Department rules and regulations.

927.12 COLLECTION CHARGES

(A) Council shall provide for rates to be charged and paid for the collection of garbage and refuse as Defined in Section 729.01 by the Environmental Services Department and for any other services rendered by the Department. The Director of Public Service and Safety shall cause such rates to be published in a local newspaper when any change is made in the schedule of rates.

(B) Charges listed below are for collection of garbage as defined in Section 729.01 and is for residential use and will only be collected in one (1) 96 gallon container which has been provided by the Environmental Services Department.

All Garbage must be properly bagged and tied and placed in the City supplied container. Households producing more bagged garbage weekly than will fit into the 96 gallon container must contact the Environmental Services Department for additional containers. A one-time user fee will be applied to the utility account. Exceptions to this rule will be allowed for special circumstances/events such as Holiday, Birthdays, Weddings as well as other special events.

This exception is restricted to no more than three times in any given month. At any collection, should the Environmental Service Department collect garbage of a customer which is in excess, or which is not properly containerized in bags or extra containers, there shall be a charge in addition to the applicable charge as provided within Subsection (c) as follows:

For each unit of two (2) cubic yards, or parts thereof, a fee of \$75.00 for each additional unit. For purposes of illustration only, two (2) cubic yards for purposes of this subsection is the equivalent of those items that would fill four (4) 96 gallon containers.

(C) The charges for collection of garbage and refuse by the Environmental Services Department shall be, and are, as follows:

<u>Single and Multiple Family Dwellings per unit</u>	<u>Charge Per Month</u> (Effective April 1, 2012)
(1) <u>Standard Rate</u>	
Backyard Collection	\$24.87
Curbside Collection	15.87
(2) <u>Adjusted Rate</u>	
Backyard Collection	\$16.47
Curbside Collection	11.62

(To be eligible for this adjusted rate, a person shall: be sixty-five (65) years of age or older, or be permanently and totally disabled; be considered to be the head of the household; have a gross family income not exceeding twelve thousand dollars (\$12,000) per year; and be a resident of the dwelling).

	<u>Charge Per Month</u> (Effective April 1, 2012)
(3) <u>Adjusted Rate</u>	
Backyard Collection	\$13.12
Curbside Collection	9.37

(To be eligible for this adjusted rate, a person shall: be sixty-five (65) years of age or older, or be permanently and totally disabled; be considered to be the head of the household; have a gross family income not exceeding nine thousand dollars (\$9,000) per year; and be a resident of the dwelling and the utility account must be in the name of the applicant.

(D) A Disability Services rate can be obtained by completing a Disability Services application which can be obtained either by calling the Environmental Services Department or at the Utility Services Department. Upon approval of this application, a customer will receive backyard services at the standard curbside collection rate of \$15.87. To be eligible for this rate, a resident must be the sole occupant of the dwelling and must have a physician's verification that the occupant is physically unable to move his/her City furnished container to the curb for collection. No person eligible for an adjusted rate as set forth previously in this Section shall receive said rate unless and until: if applicable, he or she verified with the City his or her age (by certified birth certificate or current Medicare card), or if applicable, his or her disability (by appropriate documentation); if applicable, he or she verified with the City his/her income status (by income tax returns or other appropriate documentation); and, if applicable, he or she signs an affidavit relative to head of household status and residency status. Once a person is determined to be eligible for an adjusted rate as set forth previously in this Section, such continued eligibility shall be reviewed on a yearly basis, with appropriate verification.

(E) The Environmental Services Department may collect garbage and refuse from any single or multiple family dwelling located outside a radius of five (5) miles of the real property known for street numbering purposes as 613 Main Avenue, S.W., Warren, Ohio (i.e. the offices and garage of the Environmental Services Department).

Notwithstanding any other provision in this Section to the contrary, the charges for any collection provided for in this Subsection (c) shall be, and are, as follows:

<u>Standard Rate</u>	<u>Charge Per Month</u>
Backyard Collection	\$30.00 per month
Curbside Collection	\$18.00 per month

There shall not be, and there is not, any adjusted rate(s) (whether based on age, disability, income, family status, or otherwise) for any collection provided for in this Subsection.

(F) Notwithstanding any other provisions in this Section to the contrary, the Director of Public Service and Safety shall establish, set and fix the charges for the collection of garbage and refuse by the Environmental Services Department for dumpster containers. Notwithstanding any other provisions in this Section to the contrary, the Director of Public Service and Safety shall establish, set and fix the charges for the collection of municipal solid waste from construction and demolition debris by the Environmental Services Department from roll-off containers supplied by the City. Said charges shall be reasonable, and shall be established, set and fixed with the advice of the Manager of Environmental Services. Said charges shall be competitive and shall reflect applicable laws, rules, and regulations, district fees, generation fees, and disposal and processing fees. Said charges shall be, and are, subject to review by the Council of the City of Warren.

(G) There shall be, and is, a surcharge fee of ten percent (10%) on the billing of the Environmental Services Department upon any account under this Chapter past due more than twenty-one (21) days from the date of billing. The Director of Public and Safety may adjust the surcharge in unusual cases where extenuating circumstances would make the imposition of the surcharge unfair. No such surcharge shall be imposed or levied upon any Government unit or agency under formal contract with the City of Warren for sanitation.

(H) The additional monies generated by the increased rates/charges shall be used for maintaining the building, housing the offices and garage of the Environmental Services Department and maintaining the equipment of the Environmental Services Department.

927.13¹ REPORTS REQUIRED

(A) The Manager of the Environmental Services Department shall make reports in triplicate, at such times as Warren City Council by Resolution directs, which shall show the general condition of revenue earned by the Environmental Services Department. One copy of the report shall be filed with the Clerk of Council, one distributed for the information of Council, and one shall be retained in the Office of the Environmental Services Department.

(B) The Manager of the Environmental Services shall make an annual report to City Council depicting the condition of the Environmental Services Department. This report shall be submitted in writing to Council prior to the end of the first quarter of the following year (March 31st) and shall contain a minimum of the following information:

- (1) A hierarchical arrangement of the entire Department; and
 - (2) A summary of Department personnel, including years of service, position, work record (attendance); and past, present and future (if known) salary structures; and
 - (3) A summary of equipment including make, type, year and condition of same; and
 - (4) A summary of equipment of accounts including number of regular, surcharge, and "special" (church, etc.) accounts; and
 - (5) A summary of the total revenue earned by the Department operations, including prior years for comparison; and
 - (6) A summary of total expenses accrued by the Department including landfill costs, personnel, equipment, gas, office expenses, etc.; and
 - (7) A summary of condition indicating the Department's progress, i.e., improved services, reduced costs, more efficient operation, etc.
- (Ordinance 11314/99. Passed 7-28-99.)

927.14 DELINQUENCY; SERVICE STOPPAGE; NUISANCE

When an order for service is placed by putting garbage at the curb, and there is no active utility services account, the owner of said property shall be held responsible for payment of charges associated with the collection of refuse by either direct billing or as an adjustment to any Utility Services in the same owner's name.

Any amount not paid within sixty (60) days, shall be added to the property storm water bill and if not timely paid, will cause these charges to be assessed to the owner's property tax. Other sanctions including criminal prosecution may be levied.

927.15 DISPOSITION OF DEAD ANIMALS

It shall be the duty of every person in possession, charge or control of any dead animal, or upon whose premises the same may be located, to forthwith cause the same to be removed and disposed of by the Environmental Services Department. Any such animal shall be properly containerized and placed at the curb where the refuse is collected.

(Ordinance 11314/99. Passed 7-28-99.)

927.16 ENVIRONMENTAL SERVICES DEPARTMENT NOT RESPONSIBLE FOR LOST ARTICLES

It shall be the responsibility of the person in possession, charge or control of any premises to place valuable articles in a safe place and at a safe distance away from the area where garbage containers are located. The Environmental Services Department shall not be responsible for valuable articles located in the area of garbage containers and removed by a collector when he empties the garbage containers.

(Ordinance 11314/99. Passed 7-28-99.)

927.17 RULES AND REGULATIONS

The Director of Public Service and Safety shall, subject to the approval of City Council, make such rules and regulations concerning the matters covered by this Chapter as may be required for the proper operation of the Environmental Services Department, or necessary to carry into effect the provisions of this Chapter. Such rules and regulations shall be published in at least one issue of a local newspaper and, when so published, shall have the force and effect of law until repealed by Council.

The Manager of the Environmental Services Department shall have full powers of a sanitary officer within the scope of garbage and refuse collection.

(Ordinance 11314/99. Passed 7-28-99.)

927.18 TYPE OF COLLECTION SERVICES PROVIDED

(A) Residential Services

(1) The City shall provide regular curbside collection services for the collection of residential refuse to each residential unit at least one time per week.

(2) The City shall provide for the collection from residential units of all approved materials so stated above, located at the placement sites each and every designated pick-up day.

(B) Bulky Waste Disposal.

(1) Bulky waste shall be collected at an additional cost of fifteen dollars (\$15.00) per item, and upon arrangements made in advance by the parties disposing of same.

(C) Construction Debris Disposal.

The Environmental Services Department shall not collect or dispose of building materials or construction debris that is placed at the curb for residential garbage pickup.

Building materials and construction debris is not included in the definitions listed under Section 927.01(A) of the Codified Ordinances of the City of Warren.

The owner of said premises generating building materials or construction debris shall be responsible for the removal and disposal of such and is required to contract with a licensed hauler in the State of Ohio; including the City of Warren.

Temporary roll-off containers provided by licensed haulers may be used for building, construction and demolition materials for up to (30) days at the residential location.

(D) Mandatory Roll-off required.

(1) Those items listed in Section (a) (4) (a) will only be collected when placed in a roll-off container.

(2) Any items generated as a result of an eviction or move-out from a rental unit may not be placed at the curb or outside the premises. Removal from the unit must go directly into a private owned dumpster or a City owned roll-off. Landlords may remove these items by the use of private trucks or haulers available to them. Any items not removed as required, will be removed by the City at a charge of two hundred dollars (\$200.00) per man hour plus the cost of the truck or roll-off used. These charges will be billed directly to the land owner or landlord and must be paid within thirty (30) days of that billing. Failure to timely pay will result in these charges being added to the land owner's storm water bill and failure to pay the storm water bill will cause these charges to be assessed to the owner's property tax. Other sanction including criminal prosecution may apply and the rental permit issued by the City Health Department shall be revoked.

927.19 LOCATION OF CONTAINERS, BAGS AND BUNDLES FOR COLLECTION.

(A) Regular Services.

(1) Each City furnished container shall be placed at curbside for collection with arrow facing toward the street and handle toward the house as specified on the container itself. Containers shall be placed at curbside by 4:00 a.m. on the designated collection day. Curbside refers to the portion of right of way adjacent to paved or traveled City roadways, including alleys. Containers and bundles shall be placed as close to the roadways as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed at the right of way, containers and bundles shall be placed as close as practicable to an access point for the collection. Additional containers and bundles shall be placed next to, not on top of, the City furnished containers. On streets with ditches, or on unimproved streets, the container shall be placed on the apron of the driveway with the arrow facing the roadway and as close to the roadway as possible. No trash should ever be placed in ditches.

(2) No container or bundle, etc. shall be placed at a curbside location prior to twenty-four (24) hours before the regularly scheduled pickup, and such containers shall be removed from the curbside to an appropriate side or backyard position no later than twelve (12) hours after collection. Under adverse or unusual conditions, the time limit may be extended.

(3) The City may decline to collect any container or bundle not so placed or any residential refuse not properly placed in a container or bundle.

(4) The City reserves the right to charge a service fee to any owner or occupant who does not comply with the subsection (a) (3) hereof. The Environmental Services Manager may at his/her discretion direct his/her employees to hang a violation warning informing the occupant of the violation.

A copy of warning shall be kept on file. The second time the violation occurs at the same address, said Manager may direct his/her employees to move the container back to the appropriate location at a fee of forty-five dollars (\$45.00) which will be added to the Utility Service Bill.

(B) Surcharge Service (Backyard)

(1) For those who select the surcharge (backyard) Services, containers shall be accessible to the collector; and

(2) The collectors shall not enter buildings, garages, basements or stairs for the purpose of collecting residential refuse, bulky waste, etc. All containers shall be located in one area, and in plain view to the collectors, no further than the rear of the garage.

(3) The Environmental Services Department personnel shall not be required to remove bulky waste, leaves, grass, or anything other than normal household waste from the backyard.

(Ordinance 11314/99. Passed 7-28-99)

927.20 COMPLAINTS

All complaints shall be made directly to the Environmental Services Department and shall be given prompt and courteous attention. In the case of an alleged missed scheduled collection, the City shall investigate and, if such allegations are verified, shall arrange for the collection of the refuse not collected within twenty-four (24) hours after the complaint is received and verified. The Environmental Services Department shall not be held responsible for collection of any refuse which has not been placed at the curb, at the appropriate time. The Manager of Environmental Services may at his/her discretion direct his/her employees to pick up the uncollected refuse. When complaints are received from the same address more than twice in a calendar year and it has been established by said Manager that the Department is not at fault, then the refuse will be picked up at a fee of forty-five dollars (\$45.00) which will be added to the Utility Services Bill. (Ordinance 11314/99. Passed 7-28-99.)

927.21 TEMPORARY SUSPENSION OF SERVICE; REINSTATEMENT

(A) RESIDENTIAL UNITS: Residents who may be absent from the premises served by the Environmental Services Department for a period of excess of sixty (60) days and who will not generate garbage or refuse at the premises during such time, may upon advance notice to Department, cause a temporary suspension of collection at such premises. In that event, such residents shall not be charged during their absence, except as described herein.

(B) RENTAL UNITS: All landlords must notify the Environmental Services Department when any rental unit becomes vacant. The landlord may request a temporary suspension of services and the account will be transferred into the landlord's name. If services are suspended, they will not be reinstated until the landlord provides proof of occupancy listing the new tenants name and that tenant must sign up for services with the Environmental Services Department. Failure of a landlord to notify the Environmental Services Department as required will make him liable for all charges not previously paid and subject to penalties as provided in Section 927.99 of this Chapter and the rental permit for the unit shall be revoked and will not be reinstated until all costs are paid and the unit passes inspection.

(C) NOTIFICATION: Upon such notification by residents, collection services and the monthly charges thereof shall remain suspended until the residents return to the premises and so notify the Department. Services and collection charges shall then be reinstated. Failure of a resident to notify the Environmental Services Department as required will make that resident liable for all charges not previously paid and subject to penalties as provided in Section 927.99 of this Chapter.

(D) ADMINISTRATIVE FEES: An Administrative fee of one-half of one month's rate shall be charged to suspend services, and an additional one-half of one month's rate shall be charged to reinstate service to the premises.

(Ordinance 11314/99. Passed 7-28-99.)

927.22 LEAVES AND BIODEGRADABLE BAGS

- (A) Notwithstanding any provision(s) to the contrary elsewhere within this Chapter 927, for purposes of this Section, “leaves” shall mean leaves, tree trimmings, trees, grass cuttings and clippings, lawn rakings, plants, weeds, branches, wood chips, bark, flowers, limbs, wood shavings, shrubs, brush and hedge trimmings, garden matter, yard and garden waste, pruning’s, and other like vegetable or organic matter.
- (B) Notwithstanding any provision(s) to the contrary elsewhere within this Chapter 927, no person shall bag any leaves scheduled to be collected and removed by the City’s Environmental Services Department except in a City approved biodegradable bag.
- (C) This Section does not apply to bagged leaves placed in a City furnished container for collection and removal by the City’s Environmental Services Department.
- (D) In addition to any penalties provided for within this Chapter, the City’s Environmental Services Department may refuse to collect, remove and dispose of any bag in violation of this Section.
(Ordinance 11771/04. Passed 4-28-04.)

927.23 NOTICE OF SURCHARGES

- (A) Any person covered under this Ordinance shall be given written notice prior to any surcharges or penalties being added to their sewage bill.

927.24 RIGHT OF APPEAL

- (A) Any person receiving notice of surcharges or penalties shall have the right to appeal the notice before an appeal board consisting of the Mayor, Safety Service Director and the Deputy Health Commissioner. All requests for appeal must be in writing and filed with the Environmental Services Department no later than ten (10) days after issuance of the notice.

927.99 PENALTY

- (A) Whoever violates any provision of this Chapter for which no other penalty is provided is guilty of a misdemeanor of the first degree and subject to up to One Thousand Dollars (\$1,000.00) fine and up to six months in jail. No person shall be subject to imprisonment for a first offense committed within five (5) years of any other violation of this Chapter.
- (B) Whoever violates Section 927.19 (a)(2) is guilty of a minor misdemeanor.
(Ordinance 11314/99. Passed 7-28-99.)

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Warren without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 24TH day of MAY, 2017.

SIGNED: [Signature] ATTEST: [Signature]
PRESIDENT OF COUNCIL CLERK OF COUNCIL

FILED WITH THE MAYOR: 5-24-17

DATE APPROVED: 5-24-17

[Signature]
MAYOR, CITY OF WARREN, OHIO