

COUNCIL CHAMBER
VILLAGE OF KELLEYS ISLAND, OHIO

ORDINANCE NO. 2023 - O - 18 *117* *Sub* *8/12/23*

INTRODUCED BY: COUNCILPERSONS SMITH, GAITHER

AN ORDINANCE AMENDING SECTION 51.02 (A) (1), DELETING SECTION (C)
ENTITLED DISPOSAL RATES

WHEREAS, the Transfer Committee of the Village of Kelleys Island, Ohio deems it necessary to update the Disposal Rates for use of the Village refuse disposal facility.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KELLEYS ISLAND, COUNTY OF ERIE AND STATE OF OHIO AS FOLLOWS:

SECTION 1. § 51.02 DISPOSAL RATES which reads as follows:

(A) The annual disposal rates for use of the village refuse disposal facilities shall be as follows:

(1) There shall be an annual availability charge for all parcels of real estate on which a dwelling or any commercial establishment is located as follows: \$50 per year for 2019 and \$55 per year commencing January 1, 2020 and thereafter until duly changed except as set forth in divisions (B) and (C) of this section.

(2) There shall be a use charge of \$0.17 per pound of refuse, garbage or solid waste deposited at the refuse disposal unit for permit holders, and a \$0.32 per pound charge for a non-permit holder, except as set forth in this section.

(3) There shall be a use charge for the disposal of any kind of bulky waste items as follows:

(a) Televisions: \$15 each;

(b) Refrigerators, cooking stoves, washers, dryers, microwave ovens, air conditioners, and hot water tanks: \$25 each;

(c) Mattresses and/or box springs: \$0.12 per pound, but not more than \$35;

(d) Other large items, (i.e. car body parts and the like): \$0.12 per pound, but not more than \$50.

(4) The Transfer Station Committee will be responsible for establishing recycle programs and setting rates for recyclable items from time to time with the advice and consent of Council. Customers with a current paid permit will be entitled to no cost or reduced rate recycling. The cost for using the Transfer Station Facilities for recycling is \$ 0.25 per pound for non-permit holders.

(5) Any person discovered fraudulently using another person's refuse disposal permit, utilizing the refuse disposal facility without having a valid permit or violating any other provision of this section shall be subject to prosecution.

(B) (1) Any commercial establishment or residence which has contracted with a commercial hauler to remove its garbage, refuse or solid wastes, shall not be subject to the annual availability fee, providing proof of payment of such service with said commercial hauler is presented to the Transfer Station Committee. In the event that the disposal unit is overflowing and is determined to be a public health nuisance, that establishment or residence shall use the village's refuse disposal facility at the rate of \$0.25 per pound to abate the public health nuisance.

(2) Proof shall take the form of having service or contract with a commercial hauler.

(C) (1) No charge for the services provided in this section shall be waived by reason of temporary absence of an owner, tenant or occupant from his or her parcel of real state on which a dwelling is located. The Refuse Disposal Board, upon application by the owner, tenant or occupant, shall have authority to designate certain part-time occupancies as part-time dwellings. In which event, the charge for services provided in this chapter shall be in the amount of \$45. Once part-time status is granted, the property will retain that status until the next scheduled proof year. The first proof year shall be 2003 and every subsequent proof year shall fall every fourth year, to-wit: 2007, 2011 and so forth. Part-time documentation will be required once every four years. If part-time status is granted, it will continue until year one of the next four-year cycle wherein proper documentation shall again be required. A new property owner may apply for part-time status with his or her first transfer station invoice at any time and if part-time status is granted, it will continue until year one of the subsequent four-year cycle.

(2) Establishments and residences shall submit a request for classification as a part-time dwelling to the Clerk/Treasurer's office prior to the invoice due date or the request shall not be considered. Upon review of the request and documentation for part-time dwelling classification, the Refuse Disposal Board shall review the application within 30 days at which time the applicant shall be notified by the Board of any adverse decision by regular mail. The applicant shall have 20 days from the date of that letter to request a hearing to dispute the decision and present testimony and additional evidence to establish the part-time classification claim. The application must be accompanied by the part-time status fee to be considered as well as documentation which shall take the form of one of the following:

(a) A copy of October/November/December or January/February/March water bill showing minimal or no usage;

(b) A copy of any three Hancock-Wood electric bills from between November and April showing minimal or no usage; or

(c) Other suitable documentation that may be accepted by the Board for property with no water or electric service.

(3) When a dwelling's status changes, the owner of the property shall notify the Clerk/Treasurer's office or the Transfer Station Committee within one month of any change in occupancy use that could require a change in Transfer Station status.

SHALL BE AND IS HEREBY AMENDED TO READ AS FOLLOWS:

§ 51.02 DISPOSAL RATES.

(A) The annual disposal rates for use of the village refuse disposal facilities shall be as follows:

(1) There shall be an annual availability charge for all parcels of real estate on which a dwelling or any commercial establishment is located as follows: **\$60 per year unless fee is paid electronically in which case it shall be \$55.00 per year commencing January 1, 2024 and thereafter until duly changed except as set forth in division (B) of this section.**

(2) There shall be a use charge of \$0.17 per pound of refuse, garbage or solid waste deposited at the refuse disposal unit for permit holders, and a \$0.32 per pound charge for a non-permit holder, except as set forth in this section.

(3) There shall be a use charge for the disposal of any kind of bulky waste items as follows:

(a) Televisions: \$15 each;

(b) Refrigerators, cooking stoves, washers, dryers, microwave ovens, air conditioners, and hot water tanks: \$25 each;

(c) Mattresses and/or box springs: \$75 each;

(d) Other large items, (i.e. car body parts and the like): \$0.12 per pound, but not more than \$50.

(4) The Transfer Station Committee will be responsible for establishing recycle programs and setting rates for recyclable items from time to time with the advice and consent of Council. Customers with a current paid permit will be entitled to no cost or reduced rate recycling. The cost for using the Transfer Station Facilities for recycling is \$ 0.25 per pound for non-permit holders.

(5) Any person discovered fraudulently using another person's refuse disposal permit, utilizing the refuse disposal facility without having a valid permit or violating any other provision of this section shall be subject to prosecution.


(B) (1) Any commercial establishment or residence which has contracted with a commercial hauler to remove its garbage, refuse or solid wastes, shall not be subject to the annual availability fee, providing proof of payment of such service with said commercial hauler is presented to the Transfer Station Committee. In the event that the disposal unit is overflowing and is determined to be a public health nuisance, that establishment or residence shall use the village's refuse disposal facility at the rate of \$0.25 per pound to abate the public health nuisance.

(2) Proof shall take the form of having service or contract with a commercial hauler.

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

SECTION 3. That this Ordinance shall be in effect from and after the earliest period allowed by law.

DATED THIS 12th DAY OF AUGUST, 2023



MAYOR RONALD E. EHRBAR

ATTEST:



LISA M. KLONARIS