

ORDINANCE NO. 19-87-7

AN ORDINANCE PROVIDING FOR THE MANDATORY PICKUP AND DISPOSAL OF GARBAGE AND WASTE MATERIAL IN THE VILLAGE OF HAMERSVILLE ~~AND ESTABLISHING FEES THEREON AND PROVIDING FOR THE~~ AND DECLARING AN EMERGENCY.

WHEREAS, it appears that there are many residences, business and commercial establishments in the Village of Hamersville, Brown County, Ohio, who are not contracting for and paying for pickup and disposal of garbage and other waste material, and

WHEREAS, it is necessary for the health and welfare of the inhabitants of the Village of Hamersville, Ohio, that every residence, business and commercial establishment in the Village dispose of garbage and other waste material in a legal manner,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Hamersville, Brown County, Ohio, three-fourth (3/4) or more of all members thereof concurring as follows:

SECTION 1. That any ordinance or any part of any ordinance or resolution conflicting with a section of this ordinance is hereby repealed.

SECTION 2. That for purposes of this ordinance the term "residence" be defined as each separate family household within the Village of Hamersville, Brown County, Ohio, and the term "business or commercial establishment" shall be defined as each place where business is conducted on a regular basis including rented office locations within the Village of Hamersville, Brown County, Ohio.

SECTION 3. That beginning January 1, 1988, with the first billing therefore to be on ~~January 1~~ February 1, 1988, that all residences, business and commercial establishments in the Village of Hamersville, Ohio, shall be billed for garbage disposal service.

SECTION 4. That the charge for garbage disposal service for regular residential service to be hereinafter established, shall be collected by the Hamersville Board of Public Affairs in the same manner as other utility bills.

SECTION 5. That each residence, business or other commercial establishment shall place the garbage to be collected in a suitable and water tight metallic or plastic receptacle which shall be provided by said residence, business or commercial establishment and such receptacle shall be placed at a point readily accessible to the collector at or near the curb line, whenever practicable.

SECTION 6. That no person, firm or corporation shall place his, her or its garbage or refuse in a receptacle owned or controlled by any other residence, business or commercial establishment unless prior authorization is first obtained from Council of the Village.

SECTION 7. That any resident, business or commercial establishment of the Village of Hamersville, may make written application on a form furnished therefore asking for an exemption from this mandatory garbage collection and said exemption from the mandatory charge herein will only be granted in the event that the written application establishes that the residence, business or commercial establishment involved has a legal disposal method of

disposing of all such garbage and trash outside the Village of Hamersville, Ohio, and any questions concerning the legality of such disposal of such garbage and trash will be determined in accordance with this ordinance and by Health Department regulations and Ohio Environmental Protection Agency regulations now in affect or as hereafter amended.

SECTION 8. That no person, firm or corporation shall solicit or engage in the business of collecting and disposing of garbage, trash, refuse or other waste materials in the Village of Hamersville, Brown County, Ohio, unless such person, firm or corporation is first granted a license or franchise by the Village of Hamersville to so solicit or engage in the business of collecting and disposing of such garbage or other waste materials.

SECTION 9. That the Council of the Village of Hamersville, shall have the sole right to determine the number of persons, firms or corporations to be engaged in the business of collecting and disposing of garbage or other waste materials in the Village of Hamersville, Ohio, and further the Council of the Village of Hamersville shall enter into a contract with some person, firm or corporation engaged in the business of garbage collection for purposes of collecting and disposing of the garbage, trash, refuse and other waste materials of the inhabitants of the Village of Hamersville, Ohio, and such person, firm or corporation shall be considered an independant contractor licensed by the Village of Hamersville for such purposes.

SECTION 10. That the person, firm or corporation that violates Section 6 or Section 8 of this Ordinance shall be guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00), for each such violation. For purposes of Section 8 of this ordinance, each day thus engaged shall constitute a separate offense.

SECTION 12. That this ordinance is hereby declared to be an emergency ordinance necessary for the immediate preservation of the health, safety and welfare of the inhabitants of the Village of Hamersville, Brown County, Ohio, and further for the reason that it is necessary to have mandatory garbage service so that all garbage and trash will be disposed of within the Village of Hamersville, Ohio, in a legal manner and this ordinance shall take immediate effect upon its passage.

Passed: 10.5.87

Charles H. C. Kuer
MAYOR

ATTEST:

Debra S. Denix
Clerk