

RECORD OF ORDINANCES

Ordinance No. 2021-7Passed January 20, 20 21

SPONSOR: UTILITIES COMMITTEE

AN ORDINANCE ESTABLISHING SECTION 50.15(C) OF THE VILLAGE OF MOGADORE CODIFIED ORDINANCES REGARDING IMPROPER BILLING BY TRASH HAULERS AND RELATED ADMINISTRATIVE FINES AND DECLARING AN EMERGENCY.

WHEREAS, the voters of Mogadore approved an amendment to the Village Charter allowing for the ability to have one, exclusive provider of solid waste disposal and recycling; and,

WHEREAS, after a through Request for Proposal process, this Council found it appropriate to move forward and necessary to enter into an agreement with a single company for the exclusive right to provide trash hauling within the Village beginning April 1, 2021; and,

WHEREAS, this Council amended Codified Ordinances Chapter 50 to comport with voter's decision to allow for one, exclusive provider of solid waste disposal and recycling; and,

WHEREAS, this Council finds it appropriate and necessary to establish C.O. 50.15(c) regarding improper billing by trash haulers; and,

WHEREAS, it is in the best interests of and furthers the public peace, health, safety, and general welfare of the Village residents to establish Section 50.15(c) of the Village of Mogadore's Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

SECTION 1: That Village of Mogadore Codified Ordinances Section 50.15(c) is hereby established and shall state as follows:

Under no circumstances shall any person, corporation, company, entity, or firm ("hauler" herein) collect or attempt to collect from residential units, commercial operators, or any other person any charges for solid waste disposal and/or recycling services if such hauler does not have a permit as required under this chapter or for any time period where such hauler does or will not have a permit. Each such fee or charge shall be subject to an administrative penalty of \$100 issued by the Director of Public Service. Each document issued or mailed by a hauler asserting such an impermissible charge or fee shall constitute a separate violation. If a person corporation, company, entity or firm fails, neglects or refuses to pay an administrative penalty within the time specified by the Director of Public Service, then the person, corporation, company, entity or firm in violation of this code shall, in addition to the administrative penalty, pay an interest rate equal to 5% per annum for the life of the administrative penalty and any reasonable attorney fees required in the enforcement and/or collection of such penalties. Except as otherwise provided, the Director of Public Service, or his or her designee, shall be the enforcing officer of this section. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, file collections suits

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through the Law Director and otherwise do any and all things necessary to administer the provisions of this section. The Director may be assisted by other personnel as necessary.

SECTION 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 3: That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 404 during the state-declared COVID-19 emergency.

SECTION 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of Village residents, for the immediate implementation of these rules and regulations to govern the transition to an exclusive solids waste and recycling provider, and to allow for the continued operations of the Village Administration and other departments shall, therefore, take effect and be in force from and immediately after its passage.

Michael Raddish 1-20-21

President of Council

Date

W. A. H. 1-27-21

Mayor

Date

Attest:

[Signature]
Clerk – Treasurer