

RECORD OF ORDINANCES

Ordinance No. 2025-33

Passed JULY 2, 2025

SPONSOR: UTILITIES COMMITTEE

AN ORDINANCE AMENDING SECTION 50.04 OF THE CODIFIED ORDINANCES ENTITLED “STORAGE CONTAINERS FOR GARBAGE AND REFUSE”, AND DECLARING AN EMERGENCY.

WHEREAS, Section 50.04 of the Codified Ordinances of the Village, entitled “Storage Containers for Garbage and Refuse” provides certain regulations concerning the storing and keeping of garbage containers on properties in the Village; and

WHEREAS, this Council desires to amend Section 50.04 to clarify the regulations for the storage of garbage and recycling containers on residential property; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Section 50.04 of the Codified Ordinances of the Village as set forth on Exhibit A.

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

SECTION 1: This Council hereby amends Section 50.04 of the Codified Ordinances of the Village as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.


SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately clarifying where trash containers should be stored by residents on their property to ensure orderly, sightly and healthy storing of the same, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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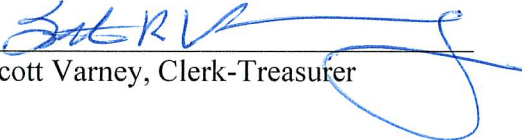
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Passed JULY 2, 2025

 7-2-25
Michael Raddish, Council President Date

 7-2-25
Michael Rick, Mayor Date

Attest:


Scott Varney, Clerk-Treasurer

§ 50.04 STORAGE CONTAINERS FOR GARBAGE AND REFUSE.

(A) Each commercial operator shall place its garbage and refuse at the curb line, alley line or regular place of pick up and shall provide for itself and at its own expense, in the following manner:

(1) Sealed plastic bags, designed as refuse containers, with a thickness of at least 1.5 and a maximum capacity of 30 gallons or 50 pounds, and metal or plastic cans or barrels, with two handles and a tightly-fitting lid, as well as dumpsters approved by the village, are considered to be authorized containers for refuse and garbage.

(2) Cardboard boxes will be acceptable containers for bulky or loose materials other than garbage; however, the permit holder may refuse to accept such boxes if they are overloaded or become wet.

(3) The permit holder 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.

(4) Each subscriber shall properly wrap, bag or bundle garbage before depositing it in collection containers.

(B) Each residential unit shall place its garbage and refuse at the curb line, alley line or regular place of pick up in the following manner:

(1) For those selecting full-service option with the village's contractor, the residential units shall unitize only those containers provided by the village contractor and each week may set out two additional cubic yards of garbage and rubbish in bags or up to six personal containers no larger than 33-gallons each. Bulky items larger than the two additional cubic yards shall be placed alongside the contractor provided containers.

(2) For those selecting the low volume service option with the village's contractor, the residential units shall unitize those bags provided by the village contractor.

(3) The village 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.

(4) The subscriber shall properly wrap, bag or bundle garbage before depositing it in collection containers.

(5) Recyclable items eligible for the curbside recycling program maintained by the village's recycling collection contract shall be placed at the curb line or alley line in such separate and

distinctly marked containers as shall be provided by the village's contractor or as specified by the village's Director of Public Service.

(C) Additional items not fitting within the containers named above shall be collected by the village contractor and/or permit holder, as applicable, as follows:

(1) Bulk material (boards, fencing, paneling, carpeting, etc.) shall be in four-foot lengths and tied in 18 inch bundles, weighing not more than 50 pounds. For residential units, the pickup of these items is subject to the charge listed for this service in the village's contract.

(2) Large items (discarded furniture, Freon-free 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. Subscribers shall wrap upholstered furniture, mattresses and rolled carpet in plastic before pickup. For residential units, the pickup of these items is subject to the charge listed for this service in the village's contract.

(3) Yard waste (leaves, grass clippings, weeds, shrub trimmings and tree trimmings) shall be placed in yard waste containers or shall be in four-foot lengths and tied in 18 inch bundles, and weigh no more than 50 pounds. For residential units, the pickup of these items is not subject to any charge unless listed in the village's approved price list.

(4) Holiday trees and decorations shall be collected in one piece whenever placed at the point of collection by the resident. The pickup of these items is subject to the charge listed for this service in the village's contract, if any.

(5) Items containing Freon must be certified as having the gas removed, prior to being placed at the point of collection by the resident. The pickup of these items is subject to the charge listed for this service in the village's contract, if any.

(D) 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 6:00 p.m. of the day before collection and shall be removed from the required location no later than 9:00 p.m. after the collection has taken place.

(E) Unless when placed for pickup as provided in this Chapter, all containers for garbage, refuse and recycling shall be kept or stored behind the front building line of all residential units, which shall include any attached garage, provided that said containers may be stored in front of the front building line, including any attached garage, in the event they are stored on a hard surface (concrete, asphalt or paver blocks) within five (5) feet of the residential unit or attached garage. Any containers for garbage, refuse or recycling kept or stored in any side yard or rear yard shall be kept or stored within five (5) feet of the residential unit or attached garage to which they belong.

(F) No person, corporation, company, entity or firm shall charge any subscriber for the pick-up of any container for any reason, including should a trash hauler's permit be terminated. Each pick-up fee or charge to any subscriber shall be subject to an administrative penalty of \$100. Each document issued or mailed to a subscriber asserting such charge 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, and administer the provisions of this section. The Director may be assisted by other personnel as necessary.