

ORDINANCE NO. 2018-73

**AN ORDINANCE TO AMEND TITLE 7 OF THE KENT CODIFIED ORDINANCES, TITLED "GARBAGE," CHAPTERS 933 AND 935; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to amend Title 7 of the Kent Codified Ordinances, titled "Garbage", Chapters 933 and 935; and

**WHEREAS**, the changes are necessary in order that refuse and recycle haulers do not begin pick-up operations before 7:00 a.m. within City limits.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

**SECTION 1.** The Council does hereby accept the amendment to Title 7 titled "Garbage", Chapters 933 and 935, of the Kent Codified Ordinances as shown on Exhibit "A", attached hereto and made a part hereof.

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

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED:

June 20, 2018  
Date

J. F. Fiala

Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE:

June 20, 2018  
Date

ATTEST:

Tara Grimm  
Tara Grimm, CMC  
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
TARA GRIMM, CMC  
CLERK OF COUNCIL

## EXHIBIT "A"

**Section 1.** That Title 7, of the Kent Codified Ordinances, titled "Garbage," Chapters 933 and 935 are hereby amended to read as follows (Added language is indicated in **bold** and underlined; deleted language shall be indicated by ~~strikethrough~~):

933.25 COLLECTION AND DISPOSAL OF SOLID WASTES.

**(a) No person collecting solid wastes from any commercial or residential property within the city shall begin collection activities before 7:00 A. M. nor after 7 P.M.**

**(b)** No person collecting solid wastes within the City shall dispose of such wastes at a site not properly licensed in accordance with Ohio R.C. Chapter 3734.

**935.20 COLLECTION TIMES.**

**No person collecting recyclables from any commercial or residential property within the City shall begin collection activities before 7:00 A. M. nor after 7 P. M.**

935.99 PENALTY.

**(a)** Whoever violates or fails to comply with any of the provisions of this chapter except Section 935.08 and 935.09 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues.

**(b) Whoever violates Section 935.20 of this chapter is guilty of a misdemeanor of the first degree. Whoever is found guilty of more than one violation of Section 935.20 within a six month period shall be subject to license revocation pursuant to Section 933.26 of this Code.**

**(c) Whoever** ~~violates~~ ~~violations~~ of Sections 935.08 and 935.09 shall **subject to the** ~~cause the~~ following actions to be taken:

**(ai)** On the first violation, a notice of noncompliance with this section shall be posted on the recycling bin or on a regular garbage container, at the residential unit where the noncompliance occurs.

**(bii)** On the second violation, there shall be a termination of all recyclable collection services to the residential unit where the violation occurs with written notice of such termination to be delivered to the residential unit occupant by regular mail, or by posting on the door of the residential unit.

**(d) Whoever** ~~violates~~ ~~violations~~ of Section 935.16 and 935.17 shall **be subject to** ~~cause the~~ following ~~actions to be taken~~:

~~—(a)—~~ ~~License revocation to occur~~ pursuant to Section 933.26 of **this Code** Codified Ordinances.