

Sponsor: Peters/Newkirk

ORDINANCE NO. 05-22

AN ORDINANCE REPEALING AND AMENDING THE CITY OF JACKSON'S CODIFIED ORDINANCE SECTIONS 945.07 AND 945.072 GOVERNING FRANCHISE REQUIREMENTS FOR TRANSPORT OF GARBAGE, RUBBISH OR OTHER WASTE MATERIAL AND DECLARING AN EMERGENCY.

WHEREAS, the legislative authority of the City of Jackson has published certain general and permanent ordinances in a volume of Codified Ordinances including sections 945.07 and 945.072 governing franchise requirements for transport of garbage, rubbish or other waste material; and

WHEREAS, the legislative authority of the City of Jackson has determined it necessary to revise sections 945.07 and 945.072; and

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO THAT SECTION 945.07 AND 945.072 OF THE CODIFIED ORDINANCES OF THE CITY OF JACKSON BE REPEALED AND AMENDED REGARDING FRANCHISE REQUIREMENTS FOR TRANSPORT OF GARBAGE, RUBBISH OR OTHER WASTE MATERIAL, AS SET FORTH BELOW, WITH THOSE STRUCK THROUGH PORTIONS BEING REMOVED AND REPLACED WITH THE UNDERLINED LANGUAGE SHOWING THE AMENDMENTS TO THE ORIGINAL LANGUAGE AND THAT EACH BE REPLACED WITHIN THE JACKSON CITY CODE, IN REGULAR TEXT.

945.07 FRANCHISE REQUIRED.

(a) No person shall transport for a fee any garbage, rubbish or other waste material collected from other persons within the City limits through the streets or alleys of the City unless Council has by ordinance granted specifically to that person a franchise for hauling of garbage, rubbish and other waste materials.

(b) Council hereby declares that the hauling of garbage, rubbish and other waste materials is a public utility for purposes of Section 4 of Article XVIII of the Ohio Constitution.

(c) The City desires fully to control hauling of garbage, rubbish and other waste materials within the City in order to assure the adequacy of collection, transportation and disposal of such garbage, rubbish and other waste materials.

(d) The City may grant franchises for the hauling of garbage, rubbish and other waste materials only to itself and to any other individual, entity or corporation which makes application for a franchise and has such application accepted by and approved by the City. The costs of any a franchise granted pursuant to this section shall be ~~ten thousand dollars (\$10,000) per year.~~ based on the total of cubic yardage

hailed in a calendar year as determined by the capacity of containers and frequency of dumping of the containers placed within the City, as follows:

\$2,000.00 for 1 to 2,000 cubic yards annually;

\$5,000.00 for 2,001 to 10,000 cubic yards annually;

\$7,500.00 for 10,001 to 20,000 cubic yards annually;

\$10,000.00 for 20,001 to unlimited annually.

(e) Franchise fees shall be paid in advance at the time a franchise is granted by the City and shall be pro-rated based upon the remaining days of the calendar year during which the franchise is first granted and in full on or before January 1 of each year thereafter. Except for a grant of a franchise for greater than 20,001 cubic yards, each Franchisee shall file quarterly with the Service-Safety director on April 1, June 1, October 1, and January 1 (or the first business day thereafter) a statement of the number and size of each container placed in the City at any time during the prior three months and provide the dates each container was dumped. Franchise fees shall be adjusted based upon the quarterly statements however no refunds shall be granted based upon less usage than estimated. Failure to file quarterly statements as required herein shall result in suspension or revocation of the franchise in accordance with 945.07(f).

(e)(f) Once granted, a franchise for the hauling of garbage, rubbish or other waste material may be revoked by ordinance or resolution adopted in the usual manner provided by statute.

(g) Hours of operation for transporting, hauling or dumping containers within the City shall be between 6:00 a.m. and 9:00 p.m..

945.072 FRANCHISEES TO PROVIDE CUSTOMER LISTS.

~~Each franchisee operating under a franchise issued by the City shall, on a quarterly basis, provide the City with a list of all customers that the franchisee is providing or has provided services to during the quarter.~~

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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 20th day of February, 2022.



President of Council

ATTEST:

Cindi R. Kuhn
Clerk of the Legislative Authority

Approved this 28th day of February 2022.

RANDY
Mayor

