

ORDINANCE NO. 36 - 87

BY: _____

An Ordinance to authorize the Mayor and Auditor to enter into a contract with the City of Columbus for refuse tipping; to appropriate funds; and, to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1: That the Mayor and Auditor are hereby authorized and directed to enter into the contract, a copy of which is attached hereto and made a part hereof, with the City of Columbus, Ohio, for refuse tipping at the Columbus Shredder Station located at the Refuse/Coal-Fired Municipal Electric Plant.

Section 2: That the sum of \$65,000.00 has been appropriated in Ordinance No. 3-87 and that an additional amount of \$15,000.00 is hereby appropriated from the unencumbered Refuse Fund for the purpose of paying the necessary refuse tipping fees.

Section 3: That this Ordinance is an emergency Ordinance necessary for the immediate preservation of the public peace, health and safety since it is in the City's interest to secure a fixed fee contract for the sanitary disposal of refuse during 1987; and, therefore, such Ordinance shall go into effect upon its passage and its approval by the Mayor.

Passed: May 26, 1987

William J. Borden
President of Council Pro-Tem

ATTEST: _____

Jan. Arthur
Clerk of Council

APPROVED: May 26, 1987

David H. Madison
David H. Madison
Mayor

April 28, 1987 - 1st Reading
May 12, 1987 - 2nd reading
May 26, 1987 - 3rd reading
Adopted

C O N T R A C T

This Contract, pursuant to Ordinance No. 3178-86, passed December 8, 1986, made and entered into this 26th day of May, 1987, by and between the City of Columbus, State of Ohio, acting by and through its Director of Public Utilities and Aviation Department, hereinafter designated the City, and the City of Bexley, County of Franklin, State of Ohio, hereinafter designated the Suburb,

WITNESSETH:

That the City, its successors and assigns, and the Suburb, for itself, its successors and assigns, do hereby mutually agree as follows:

ARTICLE I. The Suburb shall deliver to the City a minimum of 6,000 tons of refuse per year and shall pay to the City based on the lesser of the \$12.00 per ton or \$4.00 per cubic yard for the delivered load of refuse for a total minimum payment of \$72,000. Deliveries shall be made to the City Shredder Station located at Refuse/Coal-Fired Municipal Electric Plant and the City shall accept, subject to its rules and regulations, the Suburb refuse for processing and disposal.

A. Special handling fees shall be charged for tires, documents or any other refuse requiring special handling, as follows:

1. Tires shall be charged a variable rate of a minimum of two dollars (\$2.00) to a maximum of five dollars (\$5.00) per tire or a variable rate of a minimum of eleven dollars (\$11.00) per cubic yard to a maximum of forty-four dollars (\$44.00) per cubic yard truck load.

CT-00183R

2. Documents or any other refuse requiring special handling shall have a minimum tipping fee charge of fifty dollars (\$50.00) for loads less than six hundred twenty-five (625) pounds. For loads in excess of six hundred twenty-five (625) pounds the tipping fee charge shall be eight dollars (\$8.00) per one hundred (100) pounds of bulk.

ARTICLE II. The term of the contract shall be from January 1, 1987 to December 31, 1987, and shall terminate on the latter date unless Suburb at its option gives written notice to the City, thirty (30) days prior to the above termination date, to continue the contract on a month to month basis for a period not to exceed three (3) months. During the continuation period either party may terminate upon thirty (30) days written notice to the other. In the event the suburb exercises its option to continue, suburbs delivery and payment guarantee for any month in the continuation period shall be one twelfth (1/12) of the annual guarantee for delivery and payment as set forth in Article I.

ARTICLE III. The Suburb agrees to comply with Chapter 1323 of the Columbus City Codes and all the rules and regulations promulgated thereunder.

ARTICLE IV. Unless otherwise agreed upon in writing, the calendar month shall be the standard period for all billings. Suburb shall pay the lesser of a monthly amount equal to the product of either:

- A. The actual tons tipped.
- B. The truck/packer cubic yard capacity.

All bills shall be rendered as soon as practical in the month following the calendar month in which they were incurred and shall be due and payable, unless otherwise agreed in writing, when rendered. Bills shall be overdue if not paid within 15 days of due date. Bill adjustment requests must be made within 6 months of the rendition of the questioned billing.

ARTICLE V. This contract shall not be assigned by either party without written consent of the other.

ARTICLE VI. In the event the City cannot receive refuse at the location designated in Article I, the City reserves the right to temporarily require the suburb to deliver its refuse to another City-owned shredder station. Should the City exercise this option, then the tipping fee rate shall be as set forth under the provisions of Article I.

The City shall not be liable to the Suburb for any loss, injury or damage resulting from the Suburb's use of this tipping service, interruption of service, or any other cause reasonably beyond the City's control.

ARTICLE VII. In the event the Suburb fails to pay any bill by the final payment due date, the City shall have the right to immediately suspend the tipping service, and all of its contract obligations shall cease until said bill is paid. The failure of the City to suspend tipping service shall not constitute a waiver of any rights to any default.

ARTICLE VIII. All notices required to be given by either party to the other shall be given by either manual delivery or by postage prepaid United States certified mail, return receipt requested, addressed to:

Suburb

City of Columbus

City of Bexley

Department of Public
Utilities & Aviation

Stanley H. Sheehan
Service Director

Michael D. Long, P.E., Director

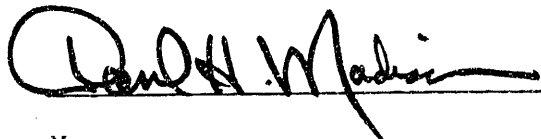
2242 East Main Street
Bexley, Ohio 43209

109 N. Front Street, Room 403
Columbus, Ohio 43215

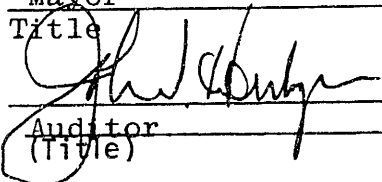
IN WITNESS WHEREOF, said parties have hereunto set their hands and have executed this agreement the day and year first above written.

THE CITY OF Bexley

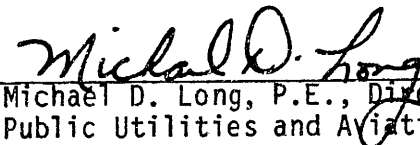
THE CITY OF COLUMBUS, OHIO



Mayor
Title

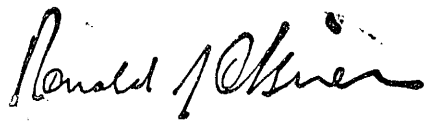


Auditor
(Title)



Michael D. Long, P.E., Director
Public Utilities and Aviation

APPROVED AS TO FORM:



City Attorney
City of Columbus

JUN 30 1967

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CHAPTER 1323

City Transfer/Pulverizer Plants

1323.01 Definitions.
1323.02 Fees.

1323.03 Powers of Director of Public Utilities and Aviation.
1323.04 Additional Powers of Public Utilities and Aviation Director.

Cross Reference.

Appropriating land for garbage disposal—see Ohio R.C. 719.01.

1323.01 Definitions.

(A) "Commercial Hauler" shall mean any person who buys, collects, transports, or otherwise engages in the business of collecting, transporting or disposing of refuse.

(B) "Commercial Hauling" shall mean a delivery by a commercial hauler.

(C) "Transfer/Pulverizer Plant" shall mean the City-owned transfer/pulverizing stations located on Morse Road, Alum Creek Drive and Georgesville Road and the shredding station at the Refuse/Coal-Fired Municipal Electric Plant. (Ord. 1507-86.)

1323.02 Fees.

Providing any person, agent or licensee shall remove refuse to certain City-owned Transfer/Pulverizer Plants, the following fees shall be charged:

(1) No charge for refuse removed to City-owned Transfer/Pulverizer Plants hauled in privately owned automobiles. No charge for refuse removed to City-owned Transfer/Pulverizer hauled in trailers towed by privately owned automobiles except when such trailers are being used for commercial hauling. Trailers being used for commercial hauling will be charged the regular dumping fee as set forth below.

(2) Rates for discharge of refuse at any of the City-owned Transfer/Pulverizer Plants for the Refuse/Coal-Fired Municipal Power Plant shall be established by the Director of Public Utilities and Aviation based on marked demand within the Franklin County areas. The rates established by the Director of Public Utilities and Aviation shall be of uniform application, and shall be the following variable rate scales:

(a) shredded refuse per ton rate—minimum thirty-seven and one half cents (37.5¢) per one hundred (100) pounds to a maximum of seventy-two and one half cents (72.5¢) per one hundred (100) pounds:

(b) bulk refuse per ton rate—minimum forty cents (40¢) per one hundred (100) pounds to a maximum of seventy-five cents (75¢) per one hundred (100) pounds:

(c) shredded refuse per cubic yard rate—

minimum three dollars and nine cents (\$3.09) per cubic yard to a maximum of four dollars and eighty-four cents (\$4.84) per cubic yard:

(d) bulk refuse per cubic yard rate—minimum three dollars and twenty-five cents (\$3.25) to a maximum of five dollars (\$5.00) per cubic yard.

(3) The total charge shall be based on the lesser of the per ton or per cubic yard rate for the delivered load.

(4) Rates shall not change within the variable rate scale more frequently than once in a twenty-four hour period.

Reasonable effort shall be made to notify all commercial haulers who have registered with the Department of Public Utilities and Aviation, twenty-four hours before the effective time of an increase in rates. A decrease in rates may be effective immediately.

(5) Special handling fees shall be charged for tires, documents or any other refuse requiring special handling as follows:

(a) Tires shall be charged a variable rate of a minimum of two dollars (\$2.00) to a maximum of five dollars (\$5.00) per tire or a variable rate of a minimum of eleven dollars (\$11.00) per cubic yard to a maximum of forty-four dollars (\$44.00) per cubic yard truck load.

(b) Documents or any other refuse requiring special handling shall have a minimum tipping fee charge of fifty dollars (\$50.00) for loads less than six hundred and twenty-five pounds (625). For loads in excess of six hundred and twenty-five pounds (625) the tipping fee charge shall be eight dollars (\$8.00) per one hundred pounds (100) of bulk. (Ord. 1507-86.)

1323.03 Powers of Director of Public Utilities and Aviation.

The Director of the Department of Public Utilities and Aviation shall establish rules and regulations for discharging refuse at the Refuse/Coal-Fired Municipal Electric Plant and the Transfer/Pulverizer Plant. The rules and regulations shall include, but not be limited to, provisions for:

- (1) Minimum acceptable loads;
- (2) Acceptable and nonacceptable refuse;

(3) Collection of fees.

1323.04 Additional Powers of Public Utilities and Aviation Director.

The Director of Public Utilities and Aviation, in his operation and control of Transfer/Pulverizer Plants, shall have the power to:

(1) Reject any unauthorized materials that in his judgment are unsuitable for Transfer/Pulverizer Plant disposal or which may endanger

the economical, sanitary and healthful operation of that plant. A list of these unauthorized materials will be posted at each plant.

(2) Prohibit dumping of any refuse at a Transfer/Pulverizer Plant whenever he determines that a specific Transfer/Pulverizer Plant is needed for the exclusive use of the City and is inadequate to serve both the City and private haulers. (Ord. 1507-86.)

CHANGES IN 1986 COLUMBUS CITY CODE

(Clip and attach to your 1959 City Code)

ORD. No. 2916-86—To amend the Columbus City Code, 1959, Chapter 1323, Sections 1323.02 and enact Section 1323.05 to increase the maximum charge for tipping fees for refuse disposal, to permit the Director of Public Utilities and Aviation to enter into agreements with political subdivisions or commercial haulers for tipping fee rates different than those set in C.C. Section 1323.02, to repeal the existing sections being amended, and to declare an emergency.

Whereas, it is necessary to amend Chapter 1323 of Columbus City Code, 1959, by amending Section 1323.02 to increase the maximum charge for tipping fees for refuse disposal and by enacting Section 1323.05 to permit the Director of Public Utilities and Aviation to enter into agreements with political subdivisions or commercial haulers to provide for rates different from those set by C.C. Section 1323.02; and

Whereas, an emergency exists in the usual daily operation of the Division of Electricity in that it is immediately necessary to revise Chapter 1323 of Columbus City Code, 1959, by amending Section 1323.02 and enacting Section 1323.05 for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That Section 1323.02 of the Columbus City Code, 1959, is hereby amended reading as follows:

1323.02 Fees.

Providing any person, agent or licensee shall remove refuse to certain City-owned Transfer Pulverizer Plants, the following fees shall be charged:

(1) No charge for refuse removed to City-owned Transfer Pulverizer Plants hauled in privately owned automobiles. No charge for refuse removed to City-owned Transfer Pulverized hauled in trailers towed by privately owned automobiles except when such trailers are being used for commercial hauling. Trailers being used for commercial hauling will be charged the regular dumping fee as set forth below.

(2) Rates for discharge of refuse at any of the City-owned Transfer/Pulverizer Plants or the Refuse/Coal-Fired Municipal Power Plant shall be established by the Director of Public Utilities and Aviation based on '(1)' market demand within the Franklin County area. The rates established by the Director of Public Utilities and Aviation shall be of uniform application, and shall be the following variable rate scales:

(a) shredded refuse per ton rate—min-

imum thirty-seven and one half cents (37.5¢) per one hundred (100) pounds to a maximum of seventy-two and one half cents (72.5¢) per one hundred (100) pounds;

(b) bulk refuse per ton rate—minimum forty cents (40¢) per one hundred (100) pounds to a maximum of '(2)' one dollar and fifty cents (\$1.50) per one hundred (100) pounds;

(c) shredded refuse per cubic yard rate—maximum three dollars and nine cents (\$3.09) per cubic yard to a maximum of four dollars and eighty-four cents (\$4.84) per cubic yard;

(d) bulk refuse per cubic yard rate—minimum three dollars and twenty-five cents (\$3.25) to a maximum of '(3)' seven dollars and fifty cents (\$7.50) per cubic yard.

(3) The total charge shall be based on the lesser of the per ton or per cubic yard rate for the delivered load.

(4) Rates shall not change within the variable rate scale more frequently than once in a twenty-four hour period.

Reasonable effort shall be made to notify all commercial haulers who have registered with the Department of Public Utilities and Aviation, twenty-four hours before the effective time of an increase in rates. A decrease in rates may be effective immediately.

(5) Special handling fees shall be charged for tires, documents or any other refuse requiring special hauling as follows:

(a) Tires shall be charged a variable rate of a minimum of two dollars (\$2.00) to a maximum of five dollars (\$5.00) per tire or a variable rate of a minimum of eleven dollars (\$11.00) per cubic yard to a maximum of forty-four dollars (\$44.00) per cubic yard truck load.

(b) Documents or any other refuse requiring special hauling shall have a minimum tipping fee charge of fifty dollars (\$50.00) for loads less than six hundred and twenty-five pounds (625). For loads in excess of six hundred and twenty-five pounds (625), the tipping fee charge shall be eight dollars (\$8.00) per one hundred pounds (100) of bulk.

Section 2. That Section 1323.05 is hereby enacted, reading as follows:

1323.05 Other Fees.

The Director of Public Utilities and Aviation may enter into agreements with political subdivisions or commercial haulers where such agreements provide for rates different from those set by C.C. Section 1323.02 where such rates are based upon differences in costs to the City arising from any of the following:

(a) Transportation;