

# Village of Bolivar, Ohio

Ordinance Number: \_0-11-2023\_

**TITLE: AN ORDINANCE TO AUTHORIZE THE MAYOR OF THE VILLAGE OF BOLIVAR TO ENTER INTO A CONTRACT FOR WASTE REMOVAL SERVICES**

WHEREAS, pursuant to R.C. 3707.43, the Legislative Authority for the Village of Bolivar (the “Village”) has authority to contract for a period not to exceed five (5) years for collection and removal of garbage and other solid waste; and

WHEREAS, pursuant to R.C. 3707.43, such a contract may either be at the expense of the Village or at the expense of persons responsible for the waste substances; and

WHEREAS, historically, the Village has passed the cost of residential waste/refuse removal services on to residents and desires to continue to do so; and

WHEREAS, the Village of Bolivar “has the power to make an exclusive contract for the collection and removal of garbage, notwithstanding the fact that [such a contract] has some commercial value” *City of Portsmouth v. McGraw*, 21 Ohio St. 3d 117, 120–21, 488 N.E.2d 472, 475 (1986);

WHEREAS, the Legislative Authority for the Village desires to authorize the Mayor to execute a contract with Kimble Recycling and Disposal, Inc. (“Kimble”) or garbage and waste removal services; and

WHEREAS, the Legislative Authority for the Village desires to fix the rates charged to residents for residential waste/refuse removal services in such a contract.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BOLIVAR, COUNTY OF TUSCARAWAS, STATE OF OHIO, A MAJORITY OF ITS MEMBERS ELECTED THERETO CONCURRING, THAT:

SECTION 1. The Legislative Authority for the Village of Bolivar authorizes the Mayor to execute a contract with Kimble Recycling and Disposal, Inc. for garbage and waste removal services within the Village of Bolivar.

SECTION 2. The Legislative Authority hereby restricts the term of any such agreement to a period not to exceed two (2) years from the date of execution of any such agreement.

SECTION 3. In accordance with such agreement, the Legislative Authority for the Village of Bolivar hereby fixes the monthly rate for waste removal services for the initial first year of the agreement at \$14.19 per month for each separate residence served pursuant to the agreement.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and related 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 its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure in accordance with R.C. 731.30 for the immediate preservation of the public peace, health, safety, and general welfare for the reason that residential waste/refuse removal services must continue without interruption; and, this Ordinance shall be in full force and effective immediately upon its passage.

**PASSED IN COUNCIL** this 6<sup>th</sup> day of April 2023.

Attest:

\_\_\_\_\_  
Tedd Finlayson, Mayor

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Barb Kline, Fiscal Officer

Approved as to Legal Form by:

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Stephan P. Babik, Village Solicitor