

## ORDINANCE NO. 2018-26

### ***TO ADJUST THE UTILITY RATES FOR ELECTRIC AND REFUSE BY AMENDING SECTIONS 939.01 AND 961.07 OF THE CODIFIED ORDINANCES***

WHEREAS, it is necessary to raise the rates for the collection and disposal of solid waste and to assess reasonable fees for such services based upon the contract renewal rates since rates were authorized by the adoption of Ordinance 2017-19, passed by Westerville City Council on December 5, 2017; and

WHEREAS, this Ordinance amends the current Westerville Electric Table of Rates for electric utility services authorized by the adoption of Ordinance Number 2017-20, passed by Westerville City Council on December 5, 2017; and

WHEREAS, Council, in conjunction with the Westerville Electric Division Staff, have reviewed the existing rates, as well other factors affecting the expected income, costs, expenses and retail rate comparisons for Customers of the Westerville Electric Division and determined it is necessary to modify the rates for electric utility services;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:**

Section 1. That the Table of Rates (Electric) in Section 939.01(p) of the Codified Ordinances of Westerville, Ohio is hereby amended to read as set forth in Exhibit "A" attached to this Ordinance and incorporated herein by reference.

Section 2. That Section 961.07 is hereby amended to read in its entirety as follows:

#### **"961.07 Rates For Residential and Uptown Nonresidential Collection and Disposal.**

The owner, occupant or tenant of all residential premises and all nonresidential premises in the Uptown District shall pay a service charge to the City for the collection and disposal of solid waste. No person, firm or corporation, except as authorized by the City, shall be permitted to collect residential solid waste within the City or nonresidential waste within the Uptown District.

The City shall collect solid waste fees in the manner determined by the City Manager.

Fair and reasonable charges for residential service shall be nineteen dollars and fifty cents (\$19.50) per month. The rate shall be reduced by one dollar and sixty-seven cents (\$1.67) per month on each account in the name of an individual who is sixty (60) years of age or older who resides at the residential premises upon such individual's application and verification by the City.

Fair and reasonable charges for nonresidential service in the Uptown District shall be determined according to the following method:

- (a) Each nonresidential premise shall pay a base rate of nineteen dollars and fifty cents (\$19.50) per month, unless that premise is assessed a charge under subsection (b).

(b) Nonresidential premises serviced by containers and/or recycling bins provided by the City or the City's contractor shall pay a charge based upon the service category set forth below to which they are assigned by the Service Department:

Monthly rates by category are as follows:

|                            |          |
|----------------------------|----------|
| Small Business (SM)        | \$ 19.50 |
| Large Business (LM)        | \$ 38.00 |
| X-Large Business (XLM)     | \$260.00 |
| Small Food/Restaurant (SF) | \$ 87.00 |
| Large Food/Restaurant (LF) | \$174.00 |

The service categories are calculated and assigned based upon the cubic yardage of capacity contained in nonresidential premises collection containers provided by the City or the City's Contractor for such user. Any nonresidential collection premises requesting a collection container solely for its location will require the approval of the City Manager. The user of a sole use container will be responsible for the entire cost of that container. Any sole use container within the Uptown Collection Area will be provided by the City or the City's Contractor.

New occupants or occupants whose waste disposal requirements change shall make application for solid waste collection and disposal service. Each applicant shall deposit an amount equal to one month's charge for the applicable category for such user in accordance with the foregoing chart. In the event that the user fails or refuses to pay charges for solid waste services, the deposit shall be applied in payment of charges for services provided to the user.

Each non-residential user in the Uptown District will be assigned to an appropriate category by the City, upon application. If a user desires reconsideration of whether it has been placed in the appropriate category given the nature and extent of its operations, the user may request such reconsideration in writing. The request will be considered by a committee comprised of the Director of Finance, the Director of Public Service and a representative of the City's Contractor. After the user's rate of generation is monitored for six months, the committee will determine whether the user's category requires modification for future charges. “

Section 3. The Electric and Refuse rates as established by the passage of this Ordinance shall become effective for bills due after January 1, 2019.

Section 4. That this Ordinance shall be in full force and effect at the earliest date permitted by law.

PASSED:

November 13, 2018



Michael Heyeck  
Chairman of Council



Bruce E. Bailey  
Director of Law



Mary J. Johnston, MMC  
Clerk of Council