

ORDINANCE NO.: 66 -2012  
INTRODUCED BY: Alexander

AN ORDINANCE AMENDING SECTION 951.07 OF THE CODIFIED ORDINANCES OF THE CITY TO AUTHORIZE THE CITY TO CERTIFY GARBAGE COLLECTION FEES FOR RESIDENTIAL DWELLINGS TO THE CUYAHOGA COUNTY FISCAL OFFICER TO PLACE THE SAME ON THE TAX DUPLICATE FOR COLLECTION; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary for this Council to enact legislation for the City to collect the garbage collection fees incurred by the City after January 1, 2013, on single-family, two-family and attached one-family dwellings by certifying the fees to the Cuyahoga County Fiscal Officer to be placed on the tax duplicate of the parcel and collected as other taxes.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. Section 951.07 of the Codified Ordinances of the City of Richmond Heights shall be amended to read as follows:

**951.07 COLLECTION PRACTICES AND FEES.**

(a) All garbage, rubbish and refuse accumulated in the Municipality by occupants of one-family, two-family and attached one-family dwellings, as defined in Section 1223.03 of the City's Planning and Zoning Code, shall be accumulated by the occupants and collected by the authorized collection entity holding a contract with the City, and the City is authorized to charge, or cause to be charged, a fee to the owners of the single-family, two-family and attached one-family dwellings for such collection.

(1) Direct Billing for Collection Fee. The collection fee, provided for in subsection (a) above, may be invoiced to the owners of the residential dwellings. If the owner of the residential dwelling fails to make payment of any fee charged for garbage, rubbish and refuse collection within sixty (60) days of the date of an invoice to the owner for such fee:

(A) The Director of Finance shall report to the City Council the failure by the owner to make payment and the amount owed; and

(B) Upon its receipt of the report of the amount owed in subpart (A) above, the Council shall make written return to the Fiscal Officer of Cuyahoga County of the City's action to collect the owner's past due payment for garbage, rubbish, and refuse collection with a statement of the amount owed for said service, plus a fifty dollar (\$50.00) administrative fee, and a description of the premises of the owner for which the service was rendered for the purpose of making the same a lien upon the lands of said

premises and to be collected as other taxes and returned to the General Fund of the City.

**(2) Collection Fee Placed on Tax Duplicate. Notwithstanding the provisions of subsection (1) above, the City shall be authorized to certify the collection fees provided for in subsection (a), commencing with the collection fees to be incurred by the City on and after January 1, 2013, to the Fiscal Officer of Cuyahoga County to be placed on the tax duplicate for each single-family, two-family and attached one-family dwelling in the City for the purpose of making the same a lien upon the lands of said premises and to be collected as other taxes and returned to the General Fund of the City. The Director of Finance shall, no later than September 15 of each year, advise Council of the next year's estimated total collection costs and the projected assessment for each premises. In calculating said collection costs, the Director of Finance may factor in the delinquency percentage experienced by the County Fiscal Officer in the prior tax collection cycle. A listing of all parcels and collection fees shall be certified to the County Fiscal Officer in time for the collection fees to be added to the tax duplicate and collected in the next tax collection cycle.**

(b) **Notwithstanding the other provisions of this section,** the City has in the past and may continue to place a condition upon the approval of certain residential housing developments to the effect that the City shall not be responsible for the collection and disposal of garbage, rubbish and refuse from the dwellings in such developments, **and the cost thereof,** and may require such developments to include such a **restriction-provision** in the covenants, restrictions, rules and/or regulations **of governing** the development.

(c) All other garbage, rubbish and refuse accumulated **at properties with** by other than single-family, two- family or attached one-family dwellings including, but not limited to, **those residences subject to subsection (b) hereof,** commercial, industrial, institutional, **apartment buildings, or and other** business establishments, **and apartment buildings,** shall legally and appropriately dispose of their own garbage, rubbish and refuse at their own expense.

(d) The method of accumulation, keeping and disposition of garbage, rubbish and refuse shall be in accordance with the terms and provisions of this chapter regardless of how the costs of disposition of the same are paid.

**(e) If the owner of the residential dwelling fails to make payment of any fee charged to the owner for garbage, rubbish and refuse collection pursuant to this section within sixty (60) days of the date of an invoice to the owner for such fee:**

**(1) The Director of Finance shall report the failure to make payment and the amount owed to the City Council; and**

**(2) Upon its receipt of the report of the amount owed in subpart (1) above, the Council shall make written return to the Auditor of Cuyahoga County of the City's action to collect the owner's past due payment for garbage, rubbish, and refuse**

~~collection with a statement of the amount owed for said service, plus a fifty dollar (\$50.00) administrative fee, and a description of the premises of the owner for which the service was rendered for the purpose of making the same a lien upon the lands of said premises and to be collected as other taxes and returned to the City with the General Fund.~~

Section 2: Existing Section 951.07 of the Codified Ordinances of the City of Richmond Heights be and the same is hereby repealed.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is necessary for this Ordinance to take effect immediately upon passage in order for the City to timely certify the costs of garbage, rubbish, and refuse to the County Fiscal Officer by September 17, 2012, in order to continue to provide this critical public service; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_  
Daniel J. Ursu, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Betsy Traben  
Clerk of Council \_\_\_\_\_  
David H. Roche  
President of Council