

ORDINANCE NO: 13 -2011
INTRODUCED BY: Alexander

AN ORDINANCE AMENDING SECTION 951.07(e) OF THE STREETS AND PUBLIC SERVICES CODE OF THE CITY, TO INCLUDE A FEE FOR COLLECTION OF DELINQUENT PAYMENTS FOR GARBAGE, RUBBISH, AND REFUSE COLLECTION IN THE CITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City incurs substantial time and expense in attempting to collect delinquent payments owed by owners of residential properties in the City for collection of garbage, rubbish and refuse and having to go to the extent of placing a lien upon the owner's premises for delinquent payments to be collected through Cuyahoga County as part of the taxes on the property; and

WHEREAS, this Council determines that an additional fee of \$50.00 is reasonable and related to the time and expense for pursuing such collections and to do so through the County Auditor's Office;

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

Section 1: Section 951.07(e) of the Streets and Public Services Code of the City is amended to hereinafter read as follows:

“951.07 COLLECTION PRACTICES AND FEES.

* * *

(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(e), to the extent not amended herein, shall remain in full force and effect; however, the existing provisions of Section 951.07(e), as amended herein, are repealed as of the effective date of this Ordinance.

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 hereby determined to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and general welfare of the residents of the City of Richmond Heights by reason of a need to have adequate funding to continue refuse and rubbish collection for certain residential units in the City of Richmond Heights on a continuing basis; and, therefore, this Ordinance shall take effect and be in force 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