

ORDINANCE NO.: 28 -2010  
INTRODUCED BY: Mayor and Council

AN ORDINANCE REPEALING SECTION 951.05 AND AMENDING SECTION 951.07 OF THE STREETS AND PUBLIC SERVICES CODE; AND DECLARING AN EMERGENCY.

WHEREAS, this Council has reviewed the practices of the City for collection of residential garbage, rubbish, and refuse and has reviewed Chapter 951, "Garbage and Rubbish Collection", of the City's Streets and Public Services Code for any necessary amendments and revisions thereto and has determined that it should be updated, amended and revised; and

WHEREAS, due to the current fiscal status of the City which is characterized by a reduction in revenues to the City caused by the current worldwide economic downturn, this Council has deemed it necessary to provide for the City to charge a fee for the collection of certain residential garbage, rubbish, and refuse in the City at the earliest possible time in order to continue to provide for this essential service in the interest of the public health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Section 951.05, "Sale of Trash Container Liners", of the Codified Ordinances is hereby repealed.

Section 2: Section 951.07, "Collection Practices", of the Streets and Public Services Code is amended to hereinafter read as follows:

**951.07 COLLECTION PRACTICES AND FEES.**

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

(b) All refuse accumulated in the Municipality by owners and occupants of condominium units, as defined in Sections 1327.03(e) and (f) of Part Thirteen Building Code shall

be accumulated by such owners or occupants and collected by the private rubbish collection agency holding a contract with the condominium association. The City shall reimburse the condominium association upon presentation of receipted statements the cost of such collection in an amount not to exceed two dollars and fifty cents (\$2.50) per condominium unit or the actual cost per such unit, which amount is lesser. 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 may require such developments to include such a restriction in the covenants, restrictions, rules and/or regulations of the development.

(c) All other garbage, rubbish, and refuse accumulated by other than single-family, two-family or condominium units attached one-family dwellings including, but not limited to, commercial, industrial, institutional, apartment buildings or business establishments, shall dispose 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 and rubbish 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 garbage, rubbish, and refuse with a statement of the amount owed for said service 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 3:** Existing Section 951.07, “Collection Practices”, of the Streets and Public Services Code is hereby repealed.

**Section 4:** It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the 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.

**Section 5:** This Ordinance is hereby determined to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and 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, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

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Daniel J. Ursu, Mayor

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

ATTEST: \_\_\_\_\_

Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council