

ORDINANCE NO: 143-2017
INTRODUCED BY: MAYOR ROCHE

AN ORDINANCE AMENDING SECTION 951.04(e), "RULES AND REGULATIONS FOR NONBURNABLE RUBBISH PICKUP," AND ADOPTING NEW CHAPTER 952, ENTITLED "BRANCH CHIPPING SERVICES", OF THE STREETS AND PUBLIC SERVICES CODE IN THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Richmond Heights currently provides a city-wide service for residential rubbish pick up, which includes disposing of smaller twigs; and

WHEREAS, the City of Richmond Heights also provides a city-wide branch chipping service for residential disposal of larger branches; and

WHEREAS, the Council desires to continue and expand its branch chipping service to include chipping large quantities of branches; and

WHEREAS, in order to do so in a cost effective and efficient manner, the Council has determined that certain regulations and fees should be placed on the operation and utilization of such service.

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

Section 1. Section 951.04(e), "Rules and Regulations for Nonburnable Rubbish Pickup.", in Part Nine, "Streets and Public Services", of the City's Codified Ordinances is hereby amended as follows:

"951.04 RULES AND REGULATIONS FOR NONBURNABLE RUBBISH PICKUP.

(e) Newspapers, cardboard, shrubs, limbs, branches, and other paper goods shall be tied and bundled securely. Shrubs and small branches, limbs and branches shall be bundled in uniform piles not more than five feet long and two feet in diameter. Branches larger than one half (1/2) inch in diameter are subject to disposal pursuant to the procedures in Chapter 952.

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Section 2. Existing Section 951.04(e), "Rules and Regulations for Nonburnable Rubbish Pickup.", in Part Nine, "Streets and Public Services", of the City's Codified Ordinances and any and all ordinances or parts thereof in conflict herewith are repealed.

Section 3. Part Nine, the "Streets and Public Services Code" of the Codified Ordinances of the City, is amended to add a new Chapter 952, to be entitled "Branch Chipping Services", to read as follows:

**"Chapter 952
BRANCH CHIPPING SERVICES**

952.01 Branch Chipping Services

- (a) The City will provide branch chipping services to residents for disposal of tree limbs from single-family residential properties resulting from residential yard work and that have fallen from severe storm damage. All by-products from a contractor or tree service shall be disposed of by the contractor or tree service. Branch chipping by the City is subject to weather conditions and the availability of City equipment and service crews. Residents may be required to pay a fee for branch chipping pursuant to Section 952.02.
- (b) Chipping services are subject to the following:
 - (1) Branches shall be placed in the tree lawn and shall not obstruct the sidewalk or views for traffic safety purposes;
 - (2) Branches shall be no larger than three and one half (3 ½) inch in diameter.
 - (3) Branches shall be of a size that is manageable for one person;
 - (4) Branches shall be stacked reasonably untangled, with all branches facing in one direction;
 - (5) Shrubbery with roots, stumps, vines, thorny plants, lumber, posts, and other non-tree material shall not be placed in the pile with branches for chipping;
 - (6) No material generated at a location other than the residence from which it is collected shall be placed on the tree lawn in front of that residence for purposes of branch chipping.
- (c) Residents shall notify the Department of Public Service when they have branches to be chipped. The Department of Public Service will advise the resident that branch chipping may be subject to a fee under Section 952.02.
 - (1) If branches are placed on the tree lawn but the Department of Public Service has not been notified by a resident that the branches are to be chipped, then the Department of Public Service may chip the branches only if chipping is not subject to a fee under Section 952.02.
 - (2) If branches are placed on the tree lawn, the Department of Public

- Service has not been notified by a resident that the branches are to be chipped, and chipping the branches would likely result in assessment of a fee under Section 952.02, then the Director of Public Service or his/her designee shall cause written notice to be served upon the owner, lessee, agent or tenant of the property along with an estimated City fee for chipping. The notice shall notify the resident to either: (i) contact the Department of Public Service and affirmatively consent to branch chipping for a fee under Section 952.02; or (ii) immediately remove the branches from the tree lawn. Such notice shall be delivered either personally to the owner of the property or a person of suitable age at the subject property, by regular, first-class mail, or by posting the notice at a conspicuous place upon the subject property. If consent to chipping is not provided and the branches are not removed within five (5) days after service of the notice, then the City may charge a fee for chipping the branches pursuant to Section 952.02(c).
- (d) Any materials placed out for collection shall be presumed to belong to and be the responsibility of the owner, tenant or occupant of any dwelling or premises in front of which, or adjacent to which, the materials are placed.

952.02 Branch Chipping Service Fee

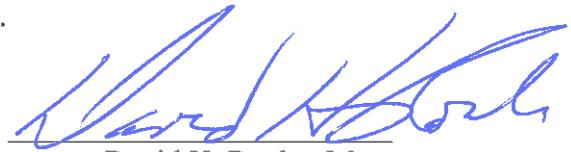
- (a) The fee for branch chipping shall be twenty five dollars (\$25.00) for every fifteen (15)-minute block of time the branch chipping service is being provided or rendered. The Mayor or Director of Public Service may suspend the fee for good cause, at their sole discretion, such as when extreme weather conditions result in excessive amounts of downed branches.
- (b) No fee shall be charged if the total time of service is fifteen (15) minutes or less unless:
- (1) The branches are a by-product of a contractor's services or a tree service;
 - (2) Material placed for branch chipping does not meet the specifications of Section 952.01(b).
- (c) Residents who have consented to or requested a branch chipping service or who have failed to remove branches from their tree lawn five (5) days after receiving notice pursuant to Section 952.01(c) shall be invoiced for branch chipping services on a monthly basis via regular, first-class mail. Residents shall pay the
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- (d) invoice no later than thirty (30) days of receipt. If the services are not paid after the resident has been invoiced for at least three (3) consecutive months, then, upon the receipt of a statement of costs incurred, Council shall give written notice to the Fiscal Officer of Cuyahoga County with a statement of the charges for its

services, the amount paid for the performing of the labor and a proper description of the premises for the purpose of making the same a lien upon the lands and to be collected as other taxes and returned to the Municipality for placement into the General Fund. ”

Section 4. 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 5. This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens of the City of Richmond Heights, and for the further reason that it is necessary to protect the public and property values from nuisances, unsafe conditions, and aesthetically unpleasing conditions at the earliest time possible; wherefore, this Ordinance shall take effect and be in force immediately upon its passage by Council and its signature by the Mayor.

PASSED: Feb 13, 2018



David H. Roche, Mayor

APPROVED: Feb 13, 2018

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council



Eloise Cotton-Henry
President of Council