

ORDINANCE NO.: 86 -2019
INTRODUCED BY: Mayor Roche

AN ORDINANCE AMENDING CHAPTER 951.07 OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS TO SPECIFY COLLECTION, DISPOSAL, AND RECYCLING FEES AND THEIR COLLECTION; AND DECLARING AN EMERGENCY

WHEREAS, Amended Substitute House Bill Number 166 (Am. Sub. H.B. 166) was passed by the General Assembly, signed into law by the governor, and becomes effective on October 17, 2019;

WHEREAS, Am. Sub. H.B. 166 amended multiple sections in the Ohio Revised Code and purports to restrict the ability of a municipal corporation to assess and collect charges for waste collection and related services;

WHEREAS, the City of Richmond Heights desires to preserve its ability and home rule authority to assess and collect charges for waste collection; and

WHEREAS, Council determines that the proposed amendment should be adopted as furthering the public necessity, public health, general welfare, and as being sound civic and fiscal practices.

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

SECTION 1. Existing Section 951.07, titled “Collection, Disposal, And Recycling Practices and Fees,” of the Codified Ordinances of the City of Richmond Heights is amended at subsection (a)(2) only as follows:

“951.07 COLLECTION, DISPOSAL, AND RECYCLING 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 and for the disposal and/or recycling of such garbage, rubbish, and refuse.

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(2) Notwithstanding the provisions of subsection (1) above, the City shall be authorized to certify ~~the any~~ collection, disposal and/or recycling fees provided for in subsection (a), regardless of amount, commencing with such 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 the date required by the County Fiscal Officer for receipt of certification of assessments each year, advise Council of the next year's estimated costs for collection, disposal and/or recycling and the projected assessment for each premises. In calculating said 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, disposal and/or recycling fees shall be certified to the County Fiscal Officer in time for such fees to be added to the tax duplicate and collected in the next tax collection cycle."

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety, such necessity existing by reason of the fact that the foregoing amendment to the Codified Ordinances must be adopted immediately so as to comport with the law, to facilitate administration and daily operations, and to avoid practical and legal entanglements; wherefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September 10, 2019


David H. Roche

APPROVED: September 10, 2019

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council

Eloise Cotton-Henry
Eloise Cotton-Henry
President of Council