

Sylvania City Council

May 5, 2014

6:30 p.m. Zoning & Annexation Committee
Downtown Revitalization Rehabilitation Standards

7:00 p.m. Economic Development Sub-Committee
Downtown Parking

7:30 p.m. Council Meeting
Agenda

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Haynam.
3. Additions to the agenda.
4. Approval of the meeting minutes of April 21, 2014.
5. Zoning Ordinance Amendment ZA-2-2014, a request from DJF Properties, Ltd, for a zoning change from R-2 (Single-Family Residential Small Lot District) to B-2 (General Business District) for property located at 5904 W. Alexis, and 5623 & 5625 Acres, Sylvania, OH 43560; for referral to the Plan Commission.
6. Special Use Permit Amendment SUP-2-2014, a request from Loyal Order of the Moose #1579, for construction of a 36' x 40' storage building on property located at 6072 N. Main St., Sylvania, OH 43560; for referral to the Plan Commission.
7. Arbor Way Sanitary Sewer Project.
 - a. Service Director's Report on bids received.
 - b. Proposed Ordinance 24-2014, Accepting Bid of Ohio Excavating & Sewer Contractors, Inc., awarding bid to same in amount of \$225,995.
8. Proposed Ordinance 25-2014, Accepting for Annexation to the City of Sylvania, the territory described in Annexation Petition # 2013-5.
9. Proposed Ordinance 26-2014, Accepting for Annexation to the City of Sylvania, the territory described in Annexation Petition # 2013-6.
10. Proposed Ordinance 27-2014, Amending Chapter 1505-AIA, Ohio and National Fire Codes of the Sylvania Codified Ordinances.

11. Proposed Resolution 13-2014, Declaring the necessity of lighting the streets in the City of Sylvania.
12. Sylvania Codified Ordinance Chapter 941;
 - a. Memorandum from Public Service Director Aller, and Law Director Brinning;
 - b. Proposed Ordinance 28-2014, Amending Chapter 941- Waste Collection of the Sylvania Codified Ordinances.
13. Proposed nomination of Katie Cappellini to serve as a member of NRAC12 (Natural Resources Assistance Council) for a three year term.
14. Committee reports.
 - a. Zoning & Annexation Committee Report from 6:30 p.m.
 - b. Economic Development Sub-Committee Report from 7:00 p.m.
15. Committee referrals.

Information

- A. 1st quarter 2014 Management Reports.
- B. Lucas County Commissioner's letter regarding Annexation Petition 2014-1.
- C. April 2014 Report from the Division of Income Tax.

Minutes of the Meeting of Council
April 21, 2014

The Council of the City of Sylvania, Ohio met in regular session on April 21, 2014 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Mike Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary Westphal (7) present; (0) absent.

Roll call: All present.

Mrs. Cappellini led the Pledge of Allegiance to the United States of America.

Pledge of Alleg.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following additions to the agenda:

Additions to the agenda.

- 8b. Proposed Ordinance 21-2014, ZA-1-2014.
- 9a. Set Economic Development Sub-Committee meeting.
- 10. Proposed Ordinance 23-2014, DPL Energy.
- 11. Resolution 12-2014, Urging Ohio voters to Support State Issue 1.

Mr. Haynam moved, Mrs. Westphal seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 4.

Mrs. Westphal presented the April 7, 2014 minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of April 7, 2014 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Approval of the April 7 minutes.

Mayor Stough stated that Council will now consider agenda item 5.

Mayor Stough presented Resolution No. 9-2014 to the members of the Southview Cougarettes dance team, commending their first place finish in the OASSA State Cheerleading and Dance Team Competition.

Resolution to Cougarettes.

Mayor Stough stated that Council will now consider agenda item 6.

Mr. Haynam moved, Mr. Luetke seconded to refer Special Use Permit Amendment Application No. SUP-1-2014, to the Sylvania Planning Commission for review and recommendation; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Referral of SUP-1-2014, to the Planning Commission.

Minutes of the Meeting of Council
April 21, 2014

Mayor Stough stated that Council will now consider agenda item 7.

Mr. Brown presented and read aloud by title only, proposed Ordinance 22-2014, a written copy of same having been previously furnished to each member of Council, “Determining to Proceed with the improvement of the City of Sylvania, Lucas County, Ohio, municipal street of Arbor Way between Silvertown Drive and Whiteford Road by installing eight inch sanitary sewer lines, widening the pavement, installing a new surface course of asphalt and other related appurtenances; and declaring an emergency”; Mr. Brown moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance
22-2014,
“Determining to
proceed...Arbor
way Sanitary
Sewer project...”

Mr. Brown moved, Mr. Milner seconded, that Ordinance 22-2014 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 8.

Mr. Haynam reported on the Zoning & Annexation meeting held at 7:00p.m. that discussed ZA-1-2014, Ten Mile Development zoning change. The recommendation was to pass Ordinance 21-2014 that included requirement of screening on the northern property boundary. Mr. Haynam presented and read aloud by title only, proposed Ordinance 21-2014, a written copy of same having been previously furnished to each member of Council, “Modifying the recommendation of the Municipal Planning Commission to approve Petition for Zoning Amendment No. ZA-1-2014 on the petition of James A. Moan on behalf of Ten Mile Development, LLC to change the zoning of its property at 4840 Harroun Rd., Sylvania, Ohio; and declaring an emergency”; Mr. Haynam moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Zoning &
Annexation
Report on ZA-1-
2014.

Ordinance
21-2014,
“Modify
recommendation
of Plan Com....
ZA-1-2014 ...”

Mr. Haynam moved, Mr. Milner seconded, that Ordinance 21-2014 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council
April 21, 2014

Mayor Stough stated that Council will now consider agenda item 9.

The Zoning and Annexation Committee set a meeting for May 5, 2014 at 6:30 p.m. to discuss Downtown Revitalization Rehabilitation Standards.

Z & A mtg.
set for
5/5/14, 6:30.m.

The Economic Development Sub-Committee set a meeting for May 5, 2014 at 7:00p.m. to discuss the status of the downtown parking initiative.

Econ Dev Sub-
Com mtg. set for
5/5/14, 7:00p.m.

Mayor Stough stated that Council will now consider agenda item 10.

Mr. Brown presented and read aloud by title only, proposed Ordinance 23-2014, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a customer supply agreement with DPL Energy Resources, Inc. for the provision of electric energy to Municipal Consumers within the City of Sylvania; and declaring an emergency."; Mr. Brown moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Ordinance
23-2014,
"...enter into
agreement with
DPL Energy
Resources,
Inc...."

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance 23-2014 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 11.

Mrs. Westphal presented and read aloud by title only, proposed Resolution 12-2014, a written copy of same having been previously furnished to each member of Council, "A Resolution of the Council of the City of Sylvania urging Ohio Voters to support State Issue 1 – Renewal of the State Capital Improvements Program; and declaring an emergency"; Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Resolution
12-2014,
"...urging Ohio
Voters to support
State Issue 1..."

Mrs. Westphal moved, Mr. Luetke seconded, that Resolution 12-2014 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council
April 21, 2014

Mayor Stough stated that all items on the agenda had been considered.

Mr. Haynam moved, Mrs. Westphal seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 8:17 p.m.

Adjournment.

Clerk of Council

Mayor

PETITION FOR ZONING ORDINANCE AMENDMENT

To: City of Sylvania, Ohio
City Council and
Municipal Planning Commission

Application No. ZA-2-2014
Date 4/29/2014

Petitioner Name(s) DJF Properties, Ltd
Petitioner Address One Seagate c/o Jenny Parker
Tol
Telephone 419-~~230~~ 345-0015

Location of property for which zoning amendment is requested:
Access + Manage Alexis 5904 W. Alexis (P-2)
51023 and 5625 Alexis (P-2)

Purpose of amendment request: change zoning consistent
with master plan

Current Zoning: P-2 Requested Zoning: B-2

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments:
- 1. Full legal description of the property for which the Zoning Amendment is proposed.
 - 2. Area location map.
 - 3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for \$150.00, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

By: Jeanne R. Parker
attorney for

Date referred by Council: _____
Date of Commission Action: _____
Date of Council Action: _____
Action: _____

PETITION FOR ZONING ORDINANCE AMENDMENT

To: City of Sylvania, Ohio
City Council and
Municipal Planning Commission

Application No. SUP-2-2014
Date 4-30-14

Petitioner Name(s) Loyal Order of the Moose #1579
Petitioner Address 6072 N. Main St
Sylvania, OH 43560
Telephone *419-882-8553

Location of property for which zoning amendment is requested:
6072 N. Main St Sylvania OH 43560

Purpose of amendment request: Under the R-2 special use permit, we are asking to erect a 36' x 40' storage building in the rear, behind the main building

Current Zoning: R-2 special use Requested Zoning: R-2 special use

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments:
- 1. Full legal description of the property for which the Zoning Amendment is proposed.
 - 2. Area location map.
 - 3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for \$150.00, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

By: Nicholas J. Giannucci
Sergeant - At-Arms, Moose Lodge 1579

Date referred by Council: _____

Date of Commission Action: _____

Date of Council Action: _____

Action: _____

7a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

May 5, 2014

To: The Mayor and Members of Sylvania City Council

Re: **ARBOR WAY SANITARY SEWER**

Dear Mr. Mayor and Council Members:

We received bids on April 30, 2014 for the above referenced project. There were a total of seven (7) bids received from a plan holders list including thirteen (13) contractors.

The lowest bid was submitted by Ohio Excavating & Sewer Contractors, Inc. of Holland, Ohio. Their bid of \$225,995 was approximately 14.2% under the Engineer's Estimate of \$263,315.

Therefore, it is our recommendation that the contract be awarded to Ohio Excavating & Sewer Contractors, Inc., 9339 West Bancroft Street, Holland, Ohio 43601 in the amount of \$225,995.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
dsw

7b

ORDINANCE NO. 24 -2014

ACCEPTING THE BID OF OHIO EXCAVATING & SEWER CONTRACTORS, INC. AND AWARDING THE CONTRACT FOR THE ARBOR WAY SANITARY SEWER PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$225,995; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the Arbor Way Sanitary Sewer Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the March 18, 2013 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on April 30, 2014, and thereafter, the Director of Public Service, by report dated May 5, 2014, stated that the total estimate for the Arbor Way Sanitary Sewer Project was \$263,315 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
Ohio Excavating & Sewer Contractors, Inc.	\$225,995.00
Gleason Brothers	247,248.90
Hank's Plumbing	255,676.00
Gerken Paving	258,836.25
Ed Kelly & Sons	262,632.50
Crestline Paving	263,880.20
E.R. Zeiler	324,686.00

WHEREAS, the seven (7) bids offered by the above bidders meet all of the City=s specifications and the Director of Public Service, by report dated May 5, 2014, has recommended acceptance of the lowest and best bid of Ohio Excavating & Sewer Contractors, Inc. and that the contract for the Arbor Way Sanitary Sewer Project be awarded to same.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas

County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the bid of Ohio Excavating & Sewer Contractors, Inc., 9339 West Bancroft St., Holland, Ohio 43601, for said Arbor Way Sanitary Sewer Project, in the amount of Two Hundred Twenty-Five Thousand Nine Hundred Ninety-Five Dollars (\$225,995.00), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

SECTION 2. That the Mayor and Director of Finance be, and hereby are, authorized and directed to execute a contract with the bidder named in Section 1 above for the furnishing of such labor and materials in accordance with said bid.

SECTION 3. That to provide funds for said improvement project hereby authorized, there is hereby appropriated from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No. 702-7540-53572 – Arbor Way Sanitary Sewer**, the total sum of of Two Hundred Twenty-Five Thousand Nine Hundred Ninety-Five Dollars (\$225,995.00).

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the bid of Ohio Excavating & Sewer Contractors, Inc. should be accepted immediately so as to provide for the improvement of Arbor Way at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

ORDINANCE NO. 25 -2014

ACCEPTING FOR ANNEXATION TO THE CITY OF SYLVANIA, OHIO, THE TERRITORY DESCRIBED IN ANNEXATION PETITION NUMBER 2013-5 FOR WHICH JAMES E. MOAN IS THE AGENT, AND AS HEREINAFTER DESCRIBED; PROVIDING FOR THE INTERIM ZONING OF SAID TERRITORY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the petition for annexation of the following described territory, in Sylvania Township, Lucas County, Ohio, contiguous to the City of Sylvania, Ohio, to-wit:

Part of the West one-half (1/2) of the Northwest quarter (1/4) of Section sixteen (16), Town nine (9) South, Range six (6) East in Sylvania Township, Lucas County, Ohio being more particularly described as follows:

Commencing at the Northwest corner of the said Section sixteen (16); thence South along the Westerly line of the said Section sixteen (16) a distance of five hundred fifty (550) feet to the point of beginning; thence continuing South along the Westerly line of said Section sixteen (16), two hundred thirty and zero hundredths feet (230.00); thence Easterly at right angles to the Westerly line of Section sixteen (16), three hundred eight and zero hundredths (308.00) feet; thence Northerly parallel to the said Westerly line of Section sixteen (16), a distance of two hundred seventy and zero hundredths (270.00) feet; thence Westerly a distance of three hundred ten and fifty-seven hundredths (310.57) feet, more or less, to the point of beginning, containing one and seven hundred sixty-eight thousandths (1.768) acres of land, more or less.

having been filed with the Board of County Commissioners of Lucas County, Ohio, on November 4, 2013, presented to said Board of County Commissioners at a regular session thereof held on November 12, 2013, and acted upon favorably by said Board of County Commissioners on January 28, 2014, passed Resolution No. 14-83 to approve Annexation Petition 2013-5 together with the accompanying map of the territory and a certified transcript of the proceedings of said Board of County Commissioners, deposited with the Clerk of Council of the City of Sylvania, Ohio, by said Board of County Commissioners on the 28th day of February, 2014, and all of the same laid before this Council at its regular meeting on March 3, 2014, by the Clerk of Council, be, and the same is hereby accepted.

SECTION 2. That the Council of the City of Sylvania, Ohio, hereby finds and determines that the property is currently zoned Residential Agricultural and, therefore, comparable zoning should be established for all of the hereinabove described territory, that is, R-2.

SECTION 3. That the Clerk of Council be, and she is hereby, authorized and directed to make three (3) copies of this Ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the corrections thereof. The Clerk of Council shall then forthwith deliver one (1) copy to the County Auditor, one (1) copy to the County Recorder, and one (1) copy to the Secretary of State and shall file Notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that provision for the acceptance of said annexation and establishment of interim zoning thereof should be made promptly so as to promptly establish the jurisdiction having authority over future developments of said real estate and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO. 26 -2014

ACCEPTING FOR ANNEXATION TO THE CITY OF SYLVANIA, OHIO, THE TERRITORY DESCRIBED IN ANNEXATION PETITION NUMBER 2013-6 FOR WHICH JAMES E. MOAN IS THE AGENT, AND AS HEREINAFTER DESCRIBED; PROVIDING FOR THE INTERIM ZONING OF SAID TERRITORY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____

members elected thereto concurring:

SECTION 1. That the petition for annexation of the following described territory, in Sylvania Township, Lucas County, Ohio, contiguous to the City of Sylvania, Ohio, to-wit:

Situated in the State of Ohio, County of Lucas, and in the Township of Sylvania:

A survey of a Part of the South half of the Northwest quarter of Section 8, Town 9 South, Range 6 East, Sylvania Township, Lucas County, Ohio, and being particularly described as follows:

Commencing at an iron pin at the Southwest corner of the Northwest quarter of Section 8, Sylvania Township:

Thence South 89 deg. 25'21" East, on the South line of the Northwest quarter, a distance of 830.75 feet to a point, said point being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence North 0 deg. 00'00" East, on a line being parallel with the West line of the Northwest quarter, a distance of 30.00 feet to an iron pin; thence continuing North 0 deg. 00' 00" East, a distance of 370.08 feet to an iron pin;

Thence South 89 deg. 25' 21" East, a distance of 53.33 feet to an iron pin;

Thence South 0 deg. 00' 00" West, on a line being parallel with the West line of the Northwest quarter, a distance of 65.00 feet to a point;

Thence South 89 deg. 25' 21" East, on a line being parallel with the South line of the Northwest quarter, a distance of 104.67 feet to a point;

Thence South 0 deg. 00' 00" West, a distance of 335.08 feet to a point on the South line of the Northwest quarter;

Thence North 89 deg. 25' 21" West, on the South line of the Northwest quarter, a distance of 158.00 feet to the TRUE POINT OF BEGINNING of the parcel herein described, containing 1.295 acres of land, more or less.

The bearings used herein are used for the purpose of describing angles only and not referenced to true or magnetic North.

having been filed with the Board of County Commissioners of Lucas County, Ohio, on November 22, 2013, presented to said Board of County Commissioners at a regular session thereof held on December 3, 2013, and acted upon favorably by said Board of County Commissioners on January 28, 2014, passed Resolution No. 14-84 to approve Annexation Petition 2013-6 together with the accompanying map of the territory and a certified transcript of the proceedings of said Board of County Commissioners, deposited with the Clerk of Council of the City of Sylvania, Ohio, by said Board of County Commissioners on the 28th day of February, 2014, and all of the same laid before this Council at its regular meeting on March 3, 2014, by the Clerk of Council, be, and the same is hereby accepted.

SECTION 2. That the Council of the City of Sylvania, Ohio, hereby finds and determines that the property is currently zoned Residential Agricultural and, therefore, comparable zoning should be established for all of the hereinabove described territory, that is, R-1.

SECTION 3. That the Clerk of Council be, and she is hereby, authorized and directed to make three (3) copies of this Ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the corrections thereof. The Clerk of Council shall then forthwith deliver one (1) copy to the County Auditor, one (1) copy to the County Recorder, and one (1) copy to the Secretary of State and shall file Notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that provision for the acceptance of said annexation and establishment of interim zoning thereof should be made promptly so as to promptly establish the jurisdiction having authority over future developments of said real estate and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO. 27 -2014

AMENDING CHAPTER 1505 – AIA, OHIO AND NATIONAL FIRE CODES OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Public Safety has recommended that Chapter 1505 be amended as set forth on the attached “Exhibit A.”

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Chapter 1505 of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

CHAPTER 1505
AIA, Ohio and National Fire Codes

1505.01	Definitions.	1505.09	Establishment of fire lanes on private property, devoted to public use.
1505.02	Model Code Adopted.	1505.10	Blueprints required.
1505.03	Enforcement Officer.	1505.11	Modification of Fire Prevention Code.
1505.04	Storage of Flammable Liquids.	1505.12	Appeals.
1505.05	Bulk Storage of Liquefied Petroleum Gas.	1505.13	New materials which may require permits.
1505.06	Storage of Explosive and Blasting Agents Prohibited.	1505.14	Roofing materials.
1505.07	Designation of Motor Vehicle Routes for Transporting Explosives and Blasting Agents.	1505.15	Carpet regulations.
1505.08	Designation of Motor Vehicle Routes for Vehicles Transporting Hazardous Chemicals or Other Dangerous Articles.	1505.16	Fire damaged structures; removal or repair securing fund.
		1505.99	Penalty.

1505.01 DEFINITIONS.

(a) Wherever the word "Municipality" or "City is used in the Fire Prevention Code, it means the City of Sylvania, Ohio.

(b) Wherever the term "Corporation Counsel" is used in such Code, it means the Director of Law for the City.

(c) Wherever the term "Chief of the Bureau of Fire Prevention," "Chief of the Fire Department," "Fire Chief" and "Fire Marshal" are used in such Code, it means the Fire Chief of the City, who shall be the Fire Prevention Officer of such City and the Fire Chief of the Sylvania Township Fire Department may be appointed by the Mayor as the Fire Chief of the City upon concurrence of a majority of the members of Council as set forth in Section 125.06.

(d) The "Fire Prevention Code" of the City means Part Fifteen of the Codified Ordinances, including any and all provisions of each code, standard and revision thereof referred to and adopted therein.

(Ord. ____-2014. Passed ____-2014.)

1505.02 MODEL CODE ADOPTED.

There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Ohio Fire Code 2011 edition, except such portions of such Code as hereinafter deleted, modified or amended, a copy of such Code now being on file in the office of the Clerk of Council.

(Ord. ____-2014. Passed ____-2014.)

1505.03 ENFORCEMENT.

- (a) The Fire Prevention Code shall be enforced by the Fire Chief.
- (b) The vehicle regulation sections of the Code shall be enforced by the Police Division.

(Ord. ____-2014. Passed ____-2014.)

* * *

1505.10 BLUEPRINTS REQUIRED.

Blueprints for all new construction and all remodeling of commercial, industrial, apartments and public buildings shall be submitted to the Fire Chief for approval.

(Ord. ____-2014. Passed ____-2014.)

1505.11 MODIFICATIONS OF FIRE PREVENTION CODE.

The Fire Chief shall have the power and authority to waive any of the provisions of this Code or any other ordinance on fire prevention unless expressly prohibited thereby and upon application in writing by the owner or lessee or his authorized agent, when there are practical difficulties in carrying out the strict letter of this Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such waiver, when granted, and the decision of the Chief with regard to the same, shall be entered upon the records of the Fire Division and a signed copy thereof shall be furnished to the applicant.

(Ord. ____-2014. Passed ____-2014.)

1505.12 APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to Council within thirty days from the date of the decision appealed.

(Ord. ____-2014. Passed ____-2014.)

1505.13 NEW MATERIALS WHICH MAY REQUIRE PERMITS.

The Mayor, Fire Chief, the Director of Public Service and the Director of Public Safety shall act as a committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

(Ord. ____-2014. Passed ____-2014.)

* * *

1505.16 FIRE DAMAGED STRUCTURES; REMOVAL OR REPAIR SECURING FUND.

The City hereby authorizes the procedure described in Ohio Revised Code Section 3929.86(C) and (D) to be implemented whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the City unless the applicable provisions of Ohio R.C. 3929.86 are fully complied with. The Fire Chief is hereby designated as the officer authorized to carry out the duties of Ohio R.C. 3929.86.

(Ord. ____-2014. Passed ____-2014.)

1505.99 PENALTY.

Any person, firm, or corporation, violating any provision of this chapter or failing, refusing or neglecting to comply with any order issued pursuant to any provision of this chapter shall be guilty of a minor misdemeanor and in addition thereto shall be fined not more than \$1000.00 for each day such violation is permitted to exist. In case of fire resulting directly or indirectly from any act or omission or neglect to comply with the lawful notice or order as prescribed in this Code, unless such order has been appealed from and remains pending or unless such order has been waived, the person or persons culpable or negligent in such respect shall pay to the City all costs and expenses incurred by the Sylvania Township Fire Department for the use of its employees, apparatus, and materials in the extinguishment of any such fire or fires.

(Ord. ____-2014. Passed _____-2014.)

RESOLUTION NO. 13 -2014

**DECLARING THE NECESSITY OF LIGHTING THE STREETS
IN THE CITY OF SYLVANIA, OHIO; DETERMINING THE
MANNER OF PROVIDING STREET LIGHTING AND THE BASIS
FOR THE PROPERTY OWNER'S SHARE OF THE COST AND
ANNUAL ASSESSMENT; AND DECLARING AN EMERGENCY.**

BE IT RESOLVED by the Council of the City of Sylvania, Lucas County, Ohio, _____

members elected thereto concurring:

SECTION 1. That is hereby determined to be necessary to continue to improve the streets in the City of Sylvania, Ohio, by lighting the same pursuant to a contract therefore which this City now has with the Toledo Edison Company and necessary to provide funds in 2014 for such street lighting.

SECTION 2. That for the tax year 2014 the basis for determining and allocating annual assessments on lots and lands in said City for street lighting in the City of Sylvania, Ohio, shall be as follows, which basis is hereby determined to be according to the benefits which may result from the improvements to the several parcels and lots of land in said City:

A. Each taxable parcel, outside of the Whiteway Business District, having no building or buildings thereon, not served by lamps on steel poles with overhead circuits or by lamps on poles with underground circuits, shall be assessed a base charge of \$8.00 and, in addition thereto, a further charge of 90¢ for each \$1,000.00 tax valuation or part thereof;

B. Each taxable parcel, outside of the Whiteway Business District, having any building or buildings thereon, not served by lamps on steel poles with overhead circuits or by lamps on poles with underground circuits, shall be assessed a base charge of \$12.00 and, in addition thereto, a further charge of 90¢ for each \$1,000.00 tax valuation or part thereof;

C. Each taxable parcel, outside of the Whiteway Business District, having no building or buildings thereon, served by lamps on steel poles with overhead circuits, shall be assessed a base charge of \$11.00 and, in addition thereto, a further charge of 90¢ for each \$1,000.00 tax valuation or part thereof;

D. Each taxable parcel, outside of the Whiteway Business District, having any building or buildings thereon, served by lamps on steel poles with overhead circuits, shall be assessed a base charge of \$14.00 and, in addition thereto, a further charge of 90¢ for each \$1,000.00 tax valuation or part thereof;

E. Each taxable parcel, within the Whiteway Business District, fronting on Main Street, Maplewood Avenue, or Monroe Street, being served by lamps on either steel or

wood poles with overhead or underground circuits, shall be assessed at a rate of \$1.10 per front foot of the parcel;

F. Each taxable parcel, outside of the Whiteway Business District, having no building or buildings thereon, served by lamps on poles with underground circuits, shall be assessed a base charge of \$20.00 and, in addition thereto, a further charge of 90¢ for each \$1,000.00 tax valuation or part thereof;

G. Each taxable parcel, outside of the Whiteway Business District, having any building or buildings thereon, served by lamps on poles with underground circuits, shall be assessed a base charge of \$27.00 and, in addition thereto, a further charge of 90¢ for each \$1,000.00 tax valuation or part thereof;

H. In cases under A, B, C, D, F and G above, the maximum amount of assessment for any parcel based on the charge of 90¢ for each \$1,000.00 tax valuation or part thereof shall not exceed the equivalent of \$2.00 per front foot of said parcel fronting on a cul-de-sac or \$1.00 per front foot on all other said parcels;

SECTION 3. That the contract with the Toledo Edison company and the costs to this City required thereby, now on file with the Clerk of Council, are hereby deemed to be the plans and specifications and estimate of cost required to be on file with the Clerk of Council before the passage of the Resolution of necessity.

SECTION 4. That the Clerk of Council has prepared and filed in the Office of the Clerk of Council a list of the estimated special assessments for the cost and expense of street lighting in the City of Sylvania, which list shows the amounts of the estimated assessment against each taxable parcel in the City of Sylvania, pursuant to Section 2 of this Resolution, and the amount of such assessments in the aggregate, and this Council finds and determines that such estimated assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 5. That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Resolution by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing, with the Clerk of Council, within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall, at such meeting, be adjusted by Council by motion or other action, reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 6. That the Clerk of Council is hereby directed to give notice to the Auditor of Lucas County, Ohio, on the levying of such assessments and to do so within twenty (20) days after the levying of same and prior to October 1, 2014.

SECTION 7. That the method, manner and procedure for providing street lighting by contract with the Toledo Edison Company is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such street lighting to be as set forth in this Resolution.

SECTION 8. That this Resolution shall be published by posting a copy thereof in a conspicuous place in the Sylvania Municipal Building for a period of not less than fifteen (15) days as provided in ARTICLE III, Section 12.0 of the Charter of said City.

SECTION 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the reason that proceedings for assessing the cost of the improvement referred to herein are required without delay in order to timely place said assessment upon the tax duplicate for the year. Provided this Resolution receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



DEPARTMENT OF LAW
LESLIE B. BRINNING, DIRECTOR

Robert A. Pyzik, Chief Prosecutor
Melissa R. Bergman, Asst. Prosecutor

MEMORANDUM

TO: Craig A. Stough, Mayor
Members of Sylvania City Council

FROM: Kevin G. Aller, Director of Public Service
Leslie B. Brinning, Director of Law

RE: Sylvania Codified Ordinance Chapter 941

DATE: May 2, 2014

We have been working on revising Chapter 941, most of which has not been amended or revised since 1990. This Chapter has been amended to delete provisions in the Code that were mostly more appropriately addressed in the City's contracts for refuse collection. Following is a summary of the proposed changes for your review and consideration.

1. Section 941.02 – City to Provide Collection and Disposal for Residential Buildings at City Expense. Amended to delete subsection (a) which provided for City provision of waste collection and disposal from 1990-1992. Subsection (b) was amended to change the number of containers from two to three, to delete the reference to 1990 and also to delete the language regarding the number of containers as stipulated within in the bid contract.
2. Section 941.021 – Fees for Collection and Disposal for Residential Buildings. Amended to delete the reference to 1995 and to reflect the current fee for refuse collection from \$96.00 to \$128.00. Subsection (d) was amended to change the income limit from CPI to the HUD Section 8 income limits and subsection (e) was amended to delete the specific income number and refer to the income limit in subsection (d).
3. Section 941.03 – Refuse Collection and Disposal Service. Amended to delete subsections (c), (d), (e) and (f) as these provisions are more appropriately addressed in the City's contracts and to revise (a) and (b) for the same purpose.
4. Section 941.05 – Container Requirements. Amended to delete the reference to 1990 in (c) and to delete subsections (e) and (f) as they relate to recycling and are addressed in Chapter 943.
5. Section 941.06 – Location of Containers. Amended to delete subsection (c) which is more appropriately addressed in the City's contract.

6. Section 941.07 – Collection Contract Provisions. Amended to delete most of this subsection as all of these terms are more appropriately addressed in the City’s contract for refuse collection.
7. Section 941.08 – Materials Not Considered Refuse. Amended to delete the requirement of the contractor language in this section.
8. Section 941.13 – Christmas Tree Removal. Amended to include curbside for the Christmas tree pickup.
9. Section 941.14 – Bulk Items and White Goods. Amended to delete the provisions about the contract.
10. Section 941.16 – Public Waste Receptacles. Repealed this section to require the contractor to empty public waste receptacles as this is more appropriately addressed in the City’s contract.

It is our recommendation that these proposed amendments be referred to the Utilities Committee for its review and recommendation.

TITLE FIVE - Other Public Services

- Chap. 941. Waste Collection.
 Chap. 943. Residential Recycling Program.
 Chap. 945. Parks.
 Chap. 951. Streets, Park and Other Trees.
 Chap. 961. Cemetery Interments.

CHAPTER 941
 Waste Collection

- | | | | |
|---------|--|--------|---|
| 941.01 | Definitions. | 941.08 | Materials not considered refuse. |
| 941.02 | City to provide collection and disposal for residential buildings at City expense. | 941.09 | Refuse collection and disposal by non-City contractors. |
| 941.021 | Fees for collection and disposal for residential buildings. | 941.10 | Dumping of refuse in public place; burning prohibited. |
| 941.03 | Refuse collection and disposal service. | 941.11 | Burning or burying refuse prohibited. |
| 941.04 | Refuse preparation. | 941.12 | Wet refuse containers. |
| 941.05 | Container requirements. | 941.13 | Christmas tree removal. |
| 941.06 | Location of containers. | 941.14 | Bulk item and white goods. |
| 941.07 | Collection and disposal contract provisions. | 941.15 | Leaf collection. |
| | | 941.16 | Public waste receptacles. |
| | | 941.99 | Penalty. |

CROSS REFERENCES

- Power of Council to collect and dispose of garbage and refuse - see CHTR. Art. III, Sec. 10.0
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08, 339.09
 Littering - see GEN. OFF. Ch. 503

941.01 DEFINITIONS.

As used in this chapter:

- (a) "Refuse," as used herein, means all putrescible (perishable) substances, including vegetable and fruit waste; animal offal or manure (securely wrapped or bagged); household wastes, including ashes, plastics, tin, glass, paper, rags, cardboard boxes (folded and tied); yard wastes; grass clippings; tree limbs (bundled and tied in lengths of no more than four feet with a diameter of not more than two feet and not more than forty pounds in weight); empty paint cans; appliances (white goods); water tanks; furniture; mattresses; carpeting (rolled in four-foot lengths and tied); dismantled swing sets (concrete bases removed); and newspapers (folded, bundled and tied and not more than forty pounds in weight).

- (b) "Resident", "owner" or "householder" includes any owner, occupant, lessee, tenant or any person in charge of any dwelling, hotel or motel, restaurant, apartment house, office building, public building, store building, churches, schools or other building within the City.
- (c) "Commercial establishments" includes each location occupied by a retail and/or wholesale firm, a firm furnishing sales and/or services, each location occupied by a quasi public institution and each multiple family building consisting of six or more multiple family dwelling units not specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311.
- (d) "Residence" includes each single family dwelling unit, each unit of a multiple family structure containing up to a maximum of five dwelling units and each unit of a multiple family structure specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311, which structure contains six or more units.
- (e) "Collection contractor" means the person, partnership or corporation awarded the contract to collect refuse as herein defined from all residences within the limits of the City; and to transport such refuse to the disposal facility which shall be designated by the City.
- (f) "Disposal contractor" means the person, partnership or corporation having available a disposal facility sufficient to accept and dispose of the refuse from all residences within the limits of the City.
(Ord. 33-90. Passed 3-19-90.)

941.02 CITY TO PROVIDE COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS AT CITY EXPENSE.

(a) From December 1, 1990, and through December 31, 1992, the City shall provide, at the sole expense of the City, for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of two approved containers per week or, as an alternate, up to such maximum number of approved containers per week as stipulated within the collection contract bid specifications referenced within the advertisement for bids. The City shall arrange for the distribution of special disposal containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit, with the cost of such excess removal and disposition being borne by the resident, owner or householder. (Ord. 111-92. Passed 11-16-92.)

(b) From and after December 1, 1990, the City shall provide, at the expense of the City, for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of two approved containers per week or, as an alternate, up to such maximum number of approved containers per week as stipulated within the collection contract bid specifications referenced within the advertisement for bids. The City shall arrange for the distribution of special disposable containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit, with the cost of such excess removal and disposition being borne by the resident, owner or householder.
(Ord. 33-90. Passed 3-19-90.)

941.021 FEES FOR COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS.

(a) Commencing January 1, 1995, and thereafter, the City shall provide and pay for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of three approved containers per week, or as an alternate, up to a maximum number of approved containers per week as stipulated within the collection contract bid specifications referenced within the advertisement for bids and there is hereby imposed on the owner (collectively including all owners or tenants) of each residence an annual fee of ninety-six dollars (\$96.00), for each calendar year, payable quarterly, which quarterly payment shall be included on such owner's quarterly water and sewer bill, water bill or sewer bill as provided for in Chapters 923 and 925. The amount of the annual fee shall be reviewed by the Director of Public Service whenever the annual cost to the City of collection or disposal of refuse changes and the amount of such annual fee shall be adjusted upwards or downwards by the Director of Public Service, by rule, so that the annual fee, when paid as so imposed, will equal the City's estimated annual cost of removal and disposal of refuse. Any change in the annual fee shall be made prospectively and shall be made effective only on and after January 1, of any particular year. The City shall arrange for the distribution of special disposable containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit then in force, with the cost of such excess removal and disposition being borne by the resident, owner or householder. If the quarterly annual fee payment is not paid to the City within twenty days of its billing date, ten percent (10%) of the quarterly annual fee amount shall be added to the quarterly annual fee amount and collected by the City. The water service agreement, upon the owner of any residential premises receiving City refuse service after the date hereof, shall be deemed to be also a service agreement for refuse service and the provisions of 923.09(b) shall apply with the force and effect to refuse service as though that term has been included in such section.

(Ord. 99-2002. Passed 10-7-02.)

(b) To the extent, in the aggregate, that an owner (collectively including all owners) of a residence and any person residing at such residence who is not a tenant, have paid, or are credited to have paid their City income tax liability less any credit given under Section 171.15, to the City for the year for which such annual fee is imposed, such owner, or person, so paying or being credited with having paid such income tax liability less such credit shall receive a refund of the annual fee or part thereof paid by such owner or person upon the person entitled to such refund completing and filing an application upon forms provided by the City and upon proof of payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.

(c) To the extent tenant(s) of an owner of a residence in the City have paid or are credited to have paid their City income tax liability less any credit given under Section 171.15, to the City for the year for which such annual fee is imposed, such tenant(s) shall be entitled to receive a refund of such fee, upon application to the City on forms provided by the City and upon proof of such applicant's payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.
(Ord. 98-96. Passed 9-4-96.)

(d) If all persons residing at a residence in the City have a combined gross income of less than twenty-four thousand one hundred dollars (\$24,100.00) from all sources, for any year in which a refuse fee is imposed and paid, such persons shall be entitled to a refund of such refuse fee upon application to the City on forms provided by the City and upon proof of such applicant's payment of the annual fee and verification by the Tax Commissioner that such combined gross income, from all sources, from all persons residing in such residence is less than twenty-four thousand one hundred dollars (\$24,100.00).

(e) If the combined gross income received for the second year prior to the year for which the annual fee is imposed, from all sources by all persons (which must include the owner of such premises) residing in a residence in the City, is less than twenty-four thousand one hundred dollars (\$24,100.00), as determined by the Commissioner of Taxation, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon the owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income received.
(Ord. 99-2002. Passed 10-7-02.)

(f) If the combined City income tax liability less any credit given under Section 171.15, which has been paid or credited to have been paid for the second year prior to the year for which the annual fee is imposed, of all persons residing in a particular residence in the City during such second year prior as determined by the Commissioner of Taxation, is equal to or exceeds the annual fee imposed, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon such owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income tax paid or credited to have been paid.

(g) If the combined City income tax liability less any credit given under Section 171.15, which has been paid or credited to have been paid for the second year prior to the year for which the annual fee is imposed, of all persons residing in a particular residence in the City during such second year prior, as determined by the Commissioner of Taxation, is less than the annual fee imposed, the owner (collectively including all owners) of such residence shall be exempt from the annual refuse fee so imposed upon such owner (any of them) paying to the utility office an amount equal to the difference between the annual refuse fee imposed and the income tax so paid or credited to have been paid to the City, and upon such owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon payment of such income tax being verified by the Tax Commissioner. (Ord. 98-96. Passed 9-4-96.)

(h) In those cases where all persons residing at a residence in the City are estimated to have a combined gross income of less than twenty-four thousand one hundred dollars (\$24,100.00), from all sources, for any year in which a refuse fee is imposed and any of such persons had not resided in the City during all of the second year prior to the year in which the refuse fee is imposed, then the residents of such residence shall be exempt from the payment of the annual refuse fee for the year such combined gross income is less than twenty-four thousand one hundred dollars (\$24,100.00), upon all of such residents, except minors having no gross income, completing and filing with the Tax Commissioner, an application for exemption form provided by the Tax Commissioner, which form and the accompanying copies of tax returns and affidavits shall establish that the estimated combined gross income of all residents of the particular residence where the refuse fee would be imposed is less than twenty-four thousand one hundred dollars (\$24,100.00). (Ord. 99-2002. Passed 10-7-02.)

(i) All owners or other persons whose gross income or income taxes paid to the City are required to be considered hereby in determining whether such owner, other person or any of them qualify for an exemption or refund provided for under subsections (b), (c), (d), (e), (f), (g) or (h) hereof shall complete and file waiver and consent forms provided by the Tax Commissioner or forms authorizing the Division of Taxation to disclose certain information to the utility billing office and the Finance Department and other forms required by the Tax Commissioner or the Director of Public Service.

(j) The Director of Public Service and the Tax Commissioner (as provided in Chapter 171) may promulgate rules to implement the provisions of this and other sections of the Codified Ordinances which directly or incidentally relate to the annual refuse fee.

(k) "Gross income," as used in this section, means all income from whatever source derived and includes those items listed in the Internal Revenue Code, Sections 61(a) and 85(a), as follows:

- (1) Compensation for services, including fees, commissions and the like;
- (2) Gross income derived from business;
- (3) Gains derived from dealings in property;
- (4) Interest;
- (5) Rents;
- (6) Royalties;
- (7) Dividends;
- (8) Alimony and separate maintenance payments;
- (9) Annuities;
- (10) Income from life insurance and endowment contracts;
- (11) Pensions;
- (12) Income from discharge of indebtedness;
- (13) Distributive share of partnership gross income;
- (14) Income in respect of a decedent;
- (15) Income from an interest in an estate or trust; and
- (16) Unemployment compensation.

(l) All of the owners of a residence, as distinguished from tenants or other occupiers of real estate, shall be deemed to have paid the refuse fee that has been paid to the City in the absence of proof to the contrary.

(m) All applications for refunds of a refuse fee shall be filed with the City on or before December 31 of the year following the year for which the refuse fee is imposed and if not filed within that time such application shall not be accepted by the City and no refund shall be made.

(n) All refuse fee payments received by the City shall be credited to the General Fund, and identified by a new particular account which the Director of Finance shall designate. (Ord. 98-96. Passed 9-4-96; Ord. 99-2002. Passed 10-7-02.)

941.03 REFUSE COLLECTION AND DISPOSAL SERVICE.

(a) Refuse collection services are to be provided to all residences and public refuse receptacles once each week. Collections, except in an emergency, shall be between the hours of 7:00 a.m. and the following sunset. No collections shall be made during other parts of the day, on Sundays or on holidays except in emergencies. In all instances wherein collection is proposed to occur during Sunday or a holiday, the collection contractor shall provide prior notification of such activities and the nature of their occurrence to the Director of Public Service and gain appropriate authorization from the City, meaning such Director's approval.

(b) The collection contractor shall conduct refuse collection activities in five collection zones, which shall be as designated by the Director of Public Service. Collection shall be made once each week for each of the five areas on the day established by the Director of Public Service.

(c) In the event that the normally scheduled collection day for an area falls on a holiday, collection for that area shall take place on the next working day. During the remainder of the week in which such a holiday has occurred, the scheduled collection day for each area will be delayed one day, with areas typically serviced Friday, being serviced on Saturday.

The weekly collection schedule may not be changed, except in a case of emergency with prior approval of the Director of Public Service.

(d) The refuse to be disposed of by the disposal contractor shall be collected and transported under a separate contract by the collection contractor at no expense to the disposal contractor. The disposal contractor shall be required to accept refuse from the collection contractor designated by the City, regardless of their identity.

(e) The contracted disposal facility made available by the disposal contractor shall be capable of accepting and weighing the City's refuse, and maintaining the appropriate manifestation of all City collection vehicles.

(f) The disposal contractor shall provide access to the disposal facility to the collection contractor Monday through Friday (except holidays) of each week, and on the Saturday following each Monday through Friday week in which a holiday has occurred. Holidays shall be designated prior to bidding so it is available for the disposal contractor.

(Ord. 33-90. Passed 3-19-90.)

941.04 REFUSE PREPARATION.

(a) All refuse coming under a classification of putrescible, including vegetable and fruit waste, shall be drained of surplus water and wrapped in heavy paper or several sheets of newspaper before being deposited in containers.

(b) All refuse under the classification of animal offal shall be limited to offal from dogs and cats, and shall be collected and disposed of only if the same is securely and thickly wrapped or bagged and securely tied.

(c) Tree limbs and other wood shall be collected and disposed of only if the same is bundled up in lengths not to exceed four feet with a diameter not to exceed two feet, and securely tied and if the weight thereof, does not exceed forty pounds. Such bundles shall be placed at the edge of the street off the pavement. (Ord. 33-90. Passed 3-19-90.)

941.05 CONTAINER REQUIREMENTS.

(a) All nondisposable containers utilized for the purpose of refuse collection shall have a capacity no greater than thirty-three gallons with a weight, when loaded, not to exceed sixty pounds. The containers shall be of sufficient plastic or metal construction with a tight-fitting lid to provide for the efficient and intact transfer of its contents to collection vehicles without incidence of water infiltration or wind dispersion. Such containers shall be provided by the residents, owners or householders and the same equipped with usable handles for carrying purposes.

No containers shall be utilized which possess ragged or sharp edges or such defect that may injure or hamper the person collecting the refuse. Containers which pose a threat to the safety of the collection contractor shall be marked by the collection contractor with a tag identifying them as in need of replacement. Continued use of such prior tagged containers shall result in their collection by the collection contractor for disposal.

(b) Disposable containers may be utilized which conform to the performance and construction standards as described herein. The disposable container shall not exceed forty pounds when loaded. The disposable container shall be constructed of nonreusable plastic or paper of a minimum of 1.5 mil thickness and shall be securely fastened, closed or tied. All disposable containers of paper construction shall have a sufficient wet strength to allow for collection during inclement weather presenting no difficulty to the person collecting such containers.

(c) After December 1, 1990, containers intended for use by the resident to contain refuse over and above the maximum container limit shall be provided by the collection contractor and marked with a symbol or colored so as to be easily distinguishable from the resident's disposable and nondisposable containers as described herein.

(d) Grass clippings and other yard waste to be collected may be placed in disposable containers, as described herein, each of which including the contents thereof shall not exceed forty pounds in weight and each of which shall be placed at the edge of the street off the pavement for pick-up.

(e) Cardboard boxes, paper and similar items shall be broken down and securely tied in bundles not exceeding forty pounds in weight and not more than four feet in length. The material used to tie bundles shall be of sufficient strength so that the bundle can be picked up by such material. No refuse shall be placed in paper or cardboard containers. Such bundled cardboard boxes, paper and similar items shall be placed at the edge of the street off the pavement.

(f) Newspapers shall be folded and securely tied in bundles not exceeding forty pounds in weight and four feet in length. The material used to tie the bundles shall be of sufficient strength so that the bundle can be picked up by such material. Such bundles of newspaper shall be placed at the edge of the street off the pavement.
(Ord. 33-90. Passed 3-19-90.)

941.06 LOCATION OF CONTAINERS.

(a) All containers, white goods and bulk items, except the wet refuse containers defined in Section 941.12 and the public waste receptacles mentioned in Section 941.16, shall be placed in the street right of way at the edge of the street off the pavement. Refuse containers, bundles or other permissible items shall not be placed in the street right of way at the edge of the street off the pavement before the time of sunset on the night preceding the collection day or after 7:00 a.m. on the collection day. Containers so lawfully placed at the edge of the street shall not be permitted to remain there after the time of sunset on the collection day.

(b) The collection contractor shall not be required nor permitted to enter garages, dwellings or porches for pick up. Nor shall collection be required if access to refuse containers is inhibited by a locked gateway or the presence of threatening/intimidating animals.

(c) The collection contractor shall place nondisposable refuse containers, after emptying, at the edge of the street, off the pavement and with all tops placed back on the containers. (Ord. 33-90. Passed 3-19-90.)

(d) At all times while not placed in the street right-of-way as set forth in subsection (a), all containers or bundles shall be kept in such a manner so as not to be visible from the street. (Ord. 37-2008. Passed 5-5-08.)

941.07 COLLECTION AND DISPOSAL CONTRACT PROVISIONS.

(a) Until otherwise provided by ordinance, the City shall enter into a contract with a collection contractor for the furnishing of such tight-covered trucks, employees and proper facilities as are necessary and required for the lawful collection of refuse and the furnishing of all services necessary and required for the proper collection and delivery to the designated disposal facility of the refuse from all residents, owners and householders within the City excepting those included within the definition of commercial establishments.

(1) Such contract shall be for three years or such other length of time as shall be stated in the legal notice advertising for bids and alternative lengths of time may be specified. Such contract shall be entered into with the lowest and best bidder after advertising for bids not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City; such contract price shall be paid in monthly payments beginning thirty days after the effective date of such contract; prior to eighty days of, and within ninety days of the expiration of an existing contract, the Clerk of Council shall so advertise for bids for a new contract with such alternates as may be specified by the Mayor.

- (2) The collection contract shall be solely for the purpose of collection and transportation of refuse by the collection contractor for delivery to the separately contracted disposal contractor. If a single person, firm or corporation owns/operates both the collection and the disposal services for the City, contracts for both services shall be contracted for and paid for separately.
- (3) Each bid shall be accompanied by a certified, cashier's or official bank check, or a bid bond in an amount of five thousand dollars (\$5,000) payable to the City as a guarantee that if the bid is accepted, a contract shall be entered into between the successful bidder and the City.
- (4) A performance bond with corporate surety, approved by the City Director of Law, shall be provided to the City guaranteeing that all provisions of the contract shall be met by the collection contractor. The bond shall be in the amount of one hundred thousand dollars (\$100,000). It shall be furnished within ten days following the award of the contract. Thereafter, ninety days prior to the anniversary date of the bond, the performance bond shall be renewed by the collection contractor for each year of the contract and shall continue to indemnify the City against loss resulting from any failure of performance by the collection contractor.
- (5) The collection contractor shall furnish evidence of liability, personal injury and property damage insurance, with liability personal injury limits of five hundred thousand dollars (\$500,000) each person and one million five hundred thousand dollars (\$1,500,000) each occurrence, and liability property damage limits of one million dollars (\$1,000,000) on all motor vehicles used in furnishing such service and complying with the terms and conditions of the contract.

Such insurance shall protect the collection contractor and the City from any liability, loss or damage or any claims of such liability, loss or damage resulting or claimed to have resulted as a result of the operations of the collection contractor pursuant to the agreement. Such insurance shall be secured from a responsible company acceptable to the City and certificates of insurance shall be furnished to the City by the collection contractor prior to entering into the performance of this contract. In addition, the collection contractor agrees to and shall hold the City harmless as to any liability or claims of liability arising under or pursuant to such agreement.
- (6) The collection contractor shall be required, at its own cost and expense, to furnish all necessary tools and equipment for the collection of refuse, and to maintain such equipment in a safe and proper operating condition. The City shall reserve the right to inspect vehicles and equipment of the collection contractor.

- (7) The collection contractor shall provide telephone access to the City by means of a local telephone number. At the time the contract is awarded, the collection contractor shall provide to the City the name(s) of a person or persons to be contacted in the event of complaints and/or emergencies.
- (8) The collection contractor shall provide proper supervision of all collection activities and shall maintain two-way radio contact between all contracted vehicles and the collection contractor's base of operations.
- (9) The collection contractor shall transport all residential refuse collected from the City to the disposal facility designated by the City. The disposal facility or alternate disposal facilities shall be designated within the collection contract bid specifications referenced within the advertisement for bids.
- (10) During the duration of the contract, refuse collected from the City shall remain segregated from refuse collected by the collection contractor from any other source. Refuse from the City shall not be mixed in collection trucks with refuse from any other source, nor shall any extraneous refuse be disposed of at the designated disposal facility under the City's refuse disposal contract.

(b) Until otherwise provided by ordinance, the City shall enter into a contract with a disposal contractor for the purpose of the disposal of refuse as delivered to the disposal contractor in a manner complying with all applicable, federal, state and local rules and regulations; and in an environmentally safe manner such as not to pose a threat to public health, safety and the environment. A separately contracted collection contractor shall be responsible for the collection of refuse and its delivery to the disposal contractor's facility.

- (1) Such disposal contract shall be for three years or such other length of time as shall be stated in the legal notice advertising for bids and alternate lengths of time may be specified. Such a disposal contract shall be entered into with the lowest and best bidder after advertising for bids not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City; such contract price shall be paid in monthly payments beginning thirty days after the effective date of such contract; prior to eighty days of, and within ninety days of the expiration of an existing contract, the Clerk of Council shall so advertise for bids for a new contract with such alternates as may be specified by the Mayor.
- (2) The bid shall be accompanied by a certified, cashier's or official check or a bid bond in the amount of ten thousand dollars (\$10,000) payable to the City as a guarantee that if the bid is accepted, a contract shall be entered into between the successful bidder and the City.

- (3) A performance bond with corporate surety, approved by the City Director of Law, shall be provided to the City guaranteeing that all provisions of this contract shall be met by the contractor. The bond shall be in the amount of one hundred thousand dollars (\$100,000). It shall be furnished within ten days following the award of the contract. Thereafter, ninety days prior to the anniversary date of the bond, the performance bond shall be renewed by the contractor for each year of the contract and shall continue to indemnify the City against loss resulting from any failure of performance by the contractor.
- (4) The disposal contractor shall furnish evidence of liability, personal injury and property damage insurance, with liability personal injury limits of five hundred thousand dollars (\$500,000) each person and one million five hundred thousand dollars (\$1,500,000) each occurrence, and liability property damage limits of one million dollars (\$1,000,000) on all motor vehicles used in furnishing such service and complying with the terms and conditions of such contract.
Such insurance shall protect the disposal contractor and the City from any liability, loss or damage or any claims of such liability, loss or damage resulting or claimed to have resulted as a result of the operations of the disposal contractor pursuant to the agreement. Such insurance shall be secured from a responsible company acceptable to the City and certificates of insurance shall be furnished to the City by the disposal contractor prior to entering into the performance of this contract. In addition, the disposal contractor agrees to and shall hold the City harmless as to any liability or claims of liability arising under or pursuant to such agreement.
- (5) Should the City's access to the disposal facility be impaired due to any and all noncompliance of the disposal facility, the disposal contractor shall provide alternative disposal of the City's refuse. Should the alternative disposal facility be located at a greater haul distance than the originally contracted disposal facility, the City retains the right to fair compensation from the disposal contractor for the additional haul distance.
(Ord. 33-90. Passed 3-19-90.)

941.08 MATERIALS NOT CONSIDERED REFUSE.

"Refuse" shall not mean and shall not include: lumber, building and remodeling materials; tires; stones; rocks; dirt; steel; iron; motor oil; pesticide containers; paint, paint thinner; automobile parts; tree stumps; or dead animals.

In addition, the collection contractor shall not be required under the contract to collect and dispose of any abandoned, condemned or rejected product, by-product, manufactured waste material or stock of any wholesale dealer, as, for example, eggs, fish, meat; pickles, fruit or vegetables, and which shall be regarded as trade waste, but all of the same and similar items shall be removed and disposed of by the owner thereof, and at such owner's expense.
(Ord. 33-90. Passed 3-19-90.)

941.09 REFUSE COLLECTION AND DISPOSAL BY NON-CITY CONTRACTORS.

(a) No person, firm or corporation excepting the collection contractor mentioned in Section 941.01 shall remove, transport or carry over or through the streets, alleys or other public ways of the City, for compensation, any refuse or rubbish as herein defined, unless the same is collected from such a resident, owner, householder or building within the City as is included within the definition of "commercial establishments".

(b) Nothing herein contained shall prevent the removal of dead animals from the City by any person, provided that such dead animals are covered and removed forthwith and disposed of according to law.

(c) Nothing herein contained shall prevent a resident, owner or householder from employing any person to remove those items listed in Section 941.08, nor shall anything herein contained prevent any such person from accepting such employment.

(d) Every person, firm or corporation, other than the collection contractor having a contract with the City pursuant to Section 941.07, transporting or carrying over or through the streets, alleys or other public ways of the City, any refuse or rubbish as herein defined, for compensation, shall apply for and obtain a refuse hauling permit, good for one year from the date of issue unless revoked as hereinafter provided. The permittee shall pay twenty-five dollars (\$25.00) for each permit at the time of application therefor on forms provided by the Director of Public Service.

The applicant shall include on this application for such permit, in addition to other matters required by rule of the Director of Public Service, a description of vehicles to be used for such transporting or carrying during the permit period and designate the location of the site expected to be used for the disposition of such refuse or rubbish and/or describe such other ultimate disposition thereof. No person, firm or corporation required hereby to have a permit shall fail to obtain such permit before so transporting or hauling any refuse. Any permit issued hereunder may be revoked if the permit holder, his employees or agents violate any provision of this chapter or Section 503.08 of the General Offenses Code.
(Ord. 33-90. Passed 3-19-90.)

941.10 DUMPING OF REFUSE IN PUBLIC PLACE; BURNING PROHIBITED.

No person shall throw, dump or leave upon any street, alley, public park, vacant lot or any pond, stream or body of water or the banks thereof, or upon any lot, other than his own within the limits of the City, any table or kitchen wastes, dead animals, offal or other refuse, and burning such materials in outside incinerators or other outside burying devices within the City is prohibited.
(Ord. 33-90. Passed 3-19-90.)

941.11 BURNING OR BURYING REFUSE PROHIBITED.

No person shall burn or bury refuse within the corporate limits of the City.
(Ord. 33-90. Passed 3-19-90.)

941.12 WET REFUSE CONTAINERS.

(a) The owner of any family dwelling, building or structure which contains six or more family dwelling units, and the owner of any commercial establishment shall not be required to comply with Section 941.05 or 941.06, but shall provide for the disposition of such refuse and rubbish in such manner as not to violate any provision of this chapter, other ordinance or regulation of the City including the anti-litter regulation of Section 503.08 of the General Offenses Code. The owner of any family dwelling, building or structure which contains five or fewer family dwelling units shall be required to comply with Sections 941.05 and 941.06 and all other sections contained herein which apply to residential refuse disposal.

(b) The owner of any family dwelling, building or structure which contains six or more family dwelling units, and the owner of any commercial establishment shall provide at least one refuse container, provided however, that if one container is not sufficient to hold the refuse accumulating therein between collection times, then such owner shall provide as many additional containers as may be required to adequately serve such dwelling units or commercial establishment. The owner may purchase or lease such containers. The owner shall enter into a private agreement with a contractor for the collection and disposal of its refuse.

(c) Wet refuse containers shall be of a capacity of not less than one cubic yard and manufactured of a metal not less than sixteen gauge thickness. Such wet refuse containers shall be equipped with a truck dumping attachment and with wheels or castors, all of which shall be of a type approved by the Director of Public Service and specified by him in writing. Such containers shall be equipped with tightfitting lids and the lids shall be kept tightly on the container except when it is being emptied or filled. All containers shall be placed in an area and in such manner as to be accessible for collection.

(d) Nothing in this section shall apply to any dwelling or structure equipped with an incinerator or disposal facilities which meet the requirements of the City Building Code.

(e) Owners of any commercial establishment normally generating a volume of refuse of less than one-half cubic yard per week shall not be required to collect refuse in wet refuse containers. Such owners may collect and place refuse within containers complying with Section 941.05 and 941.06.

(f) Groups of tenants or owners or both, or one or more commercial buildings generating volumes of refuse of less than one-half cubic yard per week, may jointly utilize the same wet refuse container, provided, that a single owner or tenant of such a group shall be responsible for entering into a private agreement with a contractor, the payments associated with the agreement, the maintenance of the container, the upkeep of the grounds it occupies and any other managerial or housekeeping responsibilities.

(g) A tenant or owner of a commercial building or a group of such owners or tenants may jointly enter into private agreements with the contractor for the use of modernized devices or other mechanical equipment such as compactors, collection chutes, conveyer belts or the like which are designed to handle the refuse with improved convenience, economy or efficiency. Where applicable, such arrangements shall be subject to the review and approval by the Municipal Zoning Administrator and/or the Director of Public Service.
(Ord. 33-90. Passed 3-19-90.)

941.13 CHRISTMAS TREE REMOVAL.

City crews shall remove Christmas trees during the week commencing with the first Monday following the New Year's Day.
(Ord. 33-90. Passed 3-19-90.)

941.14 BULK ITEM AND WHITE GOODS.

The collection contractor shall make known to the public a local telephone number the City's residents may use to request bulk item service. Bulk items shall be collected after a resident telephone request is made to the collection contractor. Bulk items shall be picked up no later than two weeks after the collection contractor receives the request for pickup. The resident shall be responsible for placement of these items according to Section 941.06. Pickup of all bulk items and white goods is to be provided by the collection contractor at no additional cost to the City or its residents.

Bulk items are defined as follows: household furniture and appliances; water heaters/boilers; sinks/bathroom fixtures; and other items inappropriate for normal pickup except for those items listed in 941.08.
(Ord. 33-90. Passed 3-19-90.)

941.15 LEAF COLLECTION.

Leaves shall be raked loose to the edge of the street and not into the gutter or onto the pavement and they shall be picked up by City crews during the fall as announced by the Director of Public Service. Residents wishing to dispose of their leaves prior to the announced City collection may bag the leaves in disposable containers according to Section 941.05 and place them out for collection on the regular collection day.
(Ord. 33-90. Passed 3-19-90.)

941.16 PUBLIC WASTE RECEPTACLES.

The collection contractor shall empty public waste receptacles once each week at locations designated by the City through the Director of Public Service prior to bidding. The public waste receptacles shall be emptied and the waste collected therefrom by the collection contractor which has a contract with the City under Section 941.07.
(Ord. 33-90. Passed 3-19-90.)

941.99 PENALTY.

Whoever violates any term or condition of this chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense, and not more than two hundred fifty dollars (\$250.00) for each subsequent offense.
(Ord. 33-90. Passed 3-19-90.)

12 b

ORDINANCE NO. 28 -2014

AMENDING CHAPTER 941 – WASTE COLLECTION OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Public Service has recommended that Chapter 941 be amended as set forth on the attached “Exhibit A.”

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Chapter 941 of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A” effective on and after June 1, 2014.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

CHAPTER 941
Solid Waste Collection

941.01	Definitions.	941.08	Materials not considered refuse.
941.02	City to provide collection and Disposal for residential buildings at City expense.	941.09	Refuse collection and disposal by non-City contractors.
941.021	Fees for collection and disposal for residential buildings.	941.10	Dumping of refuse in public place; burning prohibited.
941.03	Refuse collection and disposal service.	941.11	Burning or burying refuse prohibited.
941.04	Refuse preparation.	941.12	Wet refuse containers.
941.05	Container requirements.	941.13	Christmas tree removal.
941.06	Location of containers.	941.14	Bulk item and white goods.
941.07	Collection and disposal contract provisions.	941.15	Leaf collection.
		941.16	Public waste receptacles.
			[REPEALED]
		941.99	Penalty.

941.01 DEFINITIONS.

As used in this chapter:

- (a) "Refuse," as used herein, means all putrescible (perishable) substances, including vegetable and fruit waste; animal offal or manure (securely wrapped or bagged); household wastes, including ashes, plastics, tin, glass, paper, rags, cardboard boxes (folded and tied); yard wastes; grass clippings; tree limbs (bundled and tied in lengths of no more than four feet with a diameter of not more than two feet and not more than forty pounds in weight); empty paint cans; appliances (white goods); water tanks; furniture; mattresses; carpeting (rolled in four-foot lengths and tied); dismantled swing sets (concrete bases removed); and newspapers (folded, bundled and tied and not more than forty pounds in weight).
- (b) "Resident", "owner" or "householder" includes any owner, occupant, lessee, tenant or any person in charge of any dwelling, hotel or motel, restaurant, apartment house, office building, public building, store building, churches, schools or other building within the City.
- (c) "Commercial establishments" includes each location occupied by a retail and/or wholesale firm, a firm furnishing sales and/or services, each location occupied by a quasi public institution and each multiple family building consisting of six or more multiple family dwelling units not specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311.
- (d) "Residence" includes each single family dwelling unit, each unit of a multiple family structure containing up to a maximum of five dwelling units and each unit of a multiple family structure specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311, which structure contains six or more units.

- (e) "Collection contractor" means the person, partnership or corporation awarded the contract to collect refuse as herein defined from all residences within the limits of the City; and to transport such refuse to the disposal facility which shall be designated by the City.
- (f) "Disposal contractor" means the person, partnership or corporation having available a disposal facility sufficient to accept and dispose of the refuse from all residences within the limits of the City.
(Ord. 33-90. Passed 3-19-90.)

941.02 CITY TO PROVIDE COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS AT CITY EXPENSE.

The City shall provide, at the sole expense of the City, for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of three approved containers per week. The City shall arrange for the distribution of special disposable containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit, with the cost of such excess removal and disposition being borne by the resident, owner or householder.

(Ord. _____-2014. Passed _____-2014.)

941.021 FEES FOR COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS.

(a) The City shall provide and pay for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of three approved containers per week and there is hereby imposed on the owner (collectively including all owners or tenants) of each residence an annual fee, currently one hundred twenty-eight dollars (\$128.00), for each calendar year, payable monthly, which monthly payment shall be included on such owner's monthly water and sewer bill, water bill or sewer bill as provided for in Chapters 923 and 925. The amount of the annual fee shall be reviewed by the Director of Public Service whenever the annual cost to the City of collection or disposal of refuse changes and the amount of such annual fee shall be adjusted upwards or downwards by the Director of Public Service, by rule, so that the annual fee, when paid as so imposed, will equal the City's estimated annual cost of removal and disposal of refuse. Any change in the annual fee shall be made prospectively and shall be made effective only on and after January 1, of any particular year. The City shall arrange for the distribution of special disposable containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit then in force, with the cost of such excess removal and disposition being borne by the resident, owner or householder. If the monthly annual fee payment is not paid to the City within twenty days of its billing date, ten percent (10%) of the monthly annual fee amount shall be added to the monthly annual fee amount and collected by the City. The water service agreement, upon the owner of any residential premises receiving City refuse service after the date hereof, shall be deemed to be also a service agreement for refuse service and the provisions of 923.09(b) shall apply with the force and effect to refuse service as though that term has been included in such section.

(Ord. _____-2014. Passed _____-2014.)

(b) To the extent, in the aggregate, that an owner (collectively including all owners) of a residence and any person residing at such residence who is not a tenant, have paid, or are credited to have paid their City income tax liability less any credit given under Section 171.15, to the City for the year for which such annual fee is imposed, such owner, or person, so paying or being credited with having paid such income tax liability less such credit shall

receive a refund of the annual fee or part thereof paid by such owner or person upon the person entitled to such refund completing and filing an application upon forms provided by the City and upon proof of payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.

(c) To the extent tenant(s) of an owner of a residence in the City have paid or are credited to have paid their City income tax liability less any credit given under Section 171.15, to the City for the year for which such annual fee is imposed, such tenant(s) shall be entitled to receive a refund of such fee, upon application to the City on forms provided by the City and upon proof of such applicant's payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.
(Ord. 98-96. Passed 9-4-96.)

(d) If all persons residing at a residence in the City have a combined gross income of less than Twenty-Seven Thousand Three Hundred Fifty-Four Dollars (\$27,354), from all sources, for any year in which a refuse fee is imposed and paid, such persons shall be entitled to a refund of such refuse fee upon application to the City on forms provided by the City and upon proof of such applicant's payment of the annual fee and verification by the Tax Commissioner that such combined gross income, from all sources, from all persons residing in such residence is less than Twenty-Seven Thousand Three Hundred Fifty-Four Dollars (\$27,354). The combined gross income shall be adjusted annually based on the income levels set by the United States Department of Housing and Urban Development Section 8 Income Limits and will be set by the Director of Finance.

(e) If the combined gross income received for the second year prior to the year for which the annual fee is imposed, from all sources by all persons (which must include the owner of such premises) residing in a residence in the City, is less than the eligible combined gross income as set forth in subsection (d) above, as determined by the Commissioner of Taxation, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon the owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income received.
(Ord. ____-2014. Passed ____-2014.)

(e) If the combined gross income received for the second year prior to the year for which the annual fee is imposed, from all sources by all persons (which must include the owner of such premises) residing in a residence in the City, is less than twenty-four thousand one hundred dollars (\$24,100.00), as determined by the Commissioner of Taxation, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon the owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income received.
(Ord. 99-2002. Passed 10-7-02.)

(f) If the combined City income tax liability less any credit given under Section 171.15, which has been paid or credited to have been paid for the second year prior to the year for which the annual fee is imposed, of all persons residing in a particular residence in the City during such second year prior as determined by the Commissioner of Taxation, is equal to or exceeds the annual fee imposed, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon such owner completing and filing

with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income tax paid or credited to have been paid.

(g) If the combined City income tax liability less any credit given under Section 171.15, which has been paid or credited to have been paid for the second year prior to the year for which the annual fee is imposed, of all persons residing in a particular residence in the City during such second year prior, as determined by the Commissioner of Taxation, is less than the annual fee imposed, the owner (collectively including all owners) of such residence shall be exempt from the annual refuse fee so imposed upon such owner (any of them) paying to the utility office an amount equal to the difference between the annual refuse fee imposed and the income tax so paid or credited to have been paid to the City, and upon such owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon payment of such income tax being verified by the Tax Commissioner. (Ord. 98-96. Passed 9-4-96.)

(h) In those cases where all persons residing at a residence in the City are estimated to have a combined gross income of less than twenty-four thousand one hundred dollars (\$24,100.00), from all sources, for any year in which a refuse fee is imposed and any of such persons had not resided in the City during all of the second year prior to the year in which the refuse fee is imposed, then the residents of such residence shall be exempt from the payment of the annual refuse fee for the year such combined gross income is less than twenty-four thousand one hundred dollars (\$24,100.00), upon all of such residents, except minors having no gross income, completing and filing with the Tax Commissioner, an application for exemption form provided by the Tax Commissioner, which form and the accompanying copies of tax returns and affidavits shall establish that the estimated combined gross income of all residents of the particular residence where the refuse fee would be imposed is less than twenty four thousand one hundred dollars (\$24,100.00). (Ord. 99-2002. Passed 10-7-02.)

(i) All owners or other persons whose gross income or income taxes paid to the City are required to be considered hereby in determining whether such owner, other person or any of them qualify for an exemption or refund provided for under subsections (b), (c), (d), (e), (f), (g) or (h) hereof shall complete and file waiver and consent forms provided by the Tax Commissioner or forms authorizing the Division of Taxation to disclose certain information to the utility billing office and the Finance Department and other forms required by the Tax Commissioner or the Director of Public Service.

(j) The Director of Public Service and the Tax Commissioner (as provided in Chapter 171) may promulgate rules to implement the provisions of this and other sections of the Codified Ordinances which directly or incidentally relate to the annual refuse fee.

(k) "Gross income," as used in this section, means all income from whatever source derived and includes those items listed in the Internal Revenue Code, Sections 61(a) and 85(a), as follows:

- (1) Compensation for services, including fees, commissions and the like;
- (2) Gross income derived from business;
- (3) Gains derived from dealings in property;

- (4) Interest;
- (5) Rents;
- (6) Royalties;
- (7) Dividends;
- (8) Alimony and separate maintenance payments;
- (9) Annuities;
- (10) Income from life insurance and endowment contracts;
- (11) Pensions;
- (12) Income from discharge of indebtedness;
- (13) Distributive share of partnership gross income;
- (14) Income in respect of a decedent;
- (15) Income from an interest in an estate or trust; and
- (16) Unemployment compensation.

(l) All of the owners of a residence, as distinguished from tenants or other occupiers of real estate, shall be deemed to have paid the refuse fee that has been paid to the City in the absence of proof to the contrary.

(m) All applications for refunds of a refuse fee shall be filed with the City on or before December 31 of the year following the year for which the refuse fee is imposed and if not filed within that time such application shall not be accepted by the City and no refund shall be made.

(n) All refuse fee payments received by the City shall be credited to the General Fund, and identified by a new particular account which the Director of Finance shall designate. (Ord. 98-96. Passed 9-4-96; Ord. 99-2002. Passed 10-7-02.)

941.03 REFUSE COLLECTION AND DISPOSAL SERVICE.

(a) Refuse collection services are to be provided to all residences and public refuse receptacles once each week. Collections, except in an emergency, shall be between the hours of 7:00 a.m. and the following sunset.

(b) In the event that the normally scheduled collection day falls on a holiday, collection for that area shall take place on the next working day. During the remainder of the week in which such a holiday has occurred, the scheduled collection day for each area will be delayed one day, with areas typically serviced Friday, being serviced on Saturday. (Ord. _____-2014. Passed _____-2014.)

941.04 REFUSE PREPARATION.

(a) All refuse coming under a classification of putrescible, including vegetable and fruit waste, shall be drained of surplus water and wrapped in heavy paper or several sheets of newspaper before being deposited in containers.

(b) All refuse under the classification of animal offal shall be limited to offal from dogs and cats, and shall be collected and disposed of only if the same is securely and thickly wrapped or bagged and securely tied. (Ord. _____-2014. Passed _____-2014.)

(c) Tree limbs and other wood shall be collected and disposed of only if the same is bundled up in lengths not to exceed four feet with a diameter not to exceed two feet, and securely tied and if the weight thereof, does not exceed forty pounds. Such bundles shall be

placed at the edge of the street off the pavement.
(Ord. 33-90. Passed 3-19-90.)

941.05 CONTAINER REQUIREMENTS.

(a) All nondisposable containers utilized for the purpose of refuse collection shall have a capacity no greater than thirty-three gallons with a weight, when loaded, not to exceed sixty pounds. The containers shall be of sufficient plastic or metal construction with a tightfitting lid to provide for the efficient and intact transfer of its contents to collection vehicles without incidence of water infiltration or wind dispersion. Such containers shall be provided by the residents, owners or householders and the same equipped with usable handles for carrying purposes.

No containers shall be utilized which possess ragged or sharp edges or such defect that may injure or hamper the person collecting the refuse. Containers which pose a threat to the safety of the collection contractor shall be marked by the collection contractor with a tag identifying them as in need of replacement. Continued use of such prior tagged containers shall result in their collection by the collection contractor for disposal.

(b) Disposable containers may be utilized which conform to the performance and construction standards as described herein. The disposable container shall not exceed forty pounds when loaded. The disposable container shall be constructed of nonreusable plastic or paper of a minimum of 1.5 mil thickness and shall be securely fastened, closed or tied. All disposable containers of paper construction shall have a sufficient wet strength to allow for collection during inclement weather presenting no difficulty to the person collecting such containers.

(c) Containers intended for use by the resident to contain refuse over and above the maximum container limit shall be provided by the City at the resident's expense and marked with a symbol or colored so as to be easily distinguishable from the resident's disposable and nondisposable containers as described herein.

(Ord. ____-2014. Passed _____-2014.)

941.06 LOCATION OF CONTAINERS.

(a) All containers, white goods and bulk items, except the wet refuse containers defined in Section 941.12, shall be placed in the street right of way at the edge of the street off the pavement. Refuse containers, bundles or other permissible items shall not be placed in the street right of way at the edge of the street off the pavement before the time of sunset on the night preceding the collection day or after 7:00 a.m. on the collection day. Containers so lawfully placed at the edge of the street shall not be permitted to remain there after the time of sunset on the collection day.

(b) The collection contractor shall not be required nor permitted to enter garages, dwellings or porches for pick up. Nor shall collection be required if access to refuse containers is inhibited by a locked gateway or the presence of threatening/intimidating animals.

(Ord. ____-2014. Passed _____-2014.)

941.07 COLLECTION CONTRACT PROVISIONS.

(a) Until otherwise provided by ordinance, the City shall enter into a contract with a collection contractor for the furnishing of such tight-covered trucks, employees and proper facilities as are necessary and required for the lawful collection of refuse and the furnishing of all

services necessary and required for the proper collection and delivery to the designated disposal facility of the refuse from all residents, owners and householders within the City excepting those included within the definition of commercial establishments.

- (1) Such contract shall be for such length of time as shall be stated in the legal notice advertising for bids and alternative lengths of time may be specified. Such contract shall be entered into with the lowest and best bidder after advertising for bids not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City.

(Ord. _____-2014. Passed _____-2014.)

(Ord. _____-2014. Passed _____-2014.)

941.08 MATERIALS NOT CONSIDERED REFUSE.

"Refuse" shall not mean and shall not include: lumber, building and remodeling materials; tires; stones; rocks; dirt; steel; iron; motor oil; pesticide containers; paint, paint thinner; automobile parts; tree stump; or dead animals.

In addition, the residents shall not be permitted to dispose of any abandoned, condemned or rejected product, by-product, manufactured waste material or stock of any wholesale dealer, as, for example, eggs, fish, meat, pickles, fruit or vegetables, and which shall be regarded as trade waste, but all of the same and similar items shall be removed and disposed of by the owner thereof, and at such owner's expense.

(Ord. _____-2014. Passed _____-2014.)

941.09 REFUSE COLLECTION AND DISPOSAL BY NON-CITY CONTRACTORS.

(a) No person, firm or corporation excepting the collection contractor mentioned in Section 941.01 shall remove, transport or carry over or through the streets, alleys or other public ways of the City, for compensation, any refuse or rubbish as herein defined, unless the same is collected from such a resident, owner, householder or building within the City as is included within the definition of "commercial establishments".

(b) Nothing herein contained shall prevent the removal of dead animals from the City by any person, provided that such dead animals are covered and removed forthwith and disposed of according to law.

(c) Nothing herein contained shall prevent a resident, owner or householder from employing any person to remove those items listed in Section 941.08, nor shall anything herein contained prevent any such person from accepting such employment.

(d) Every person, firm or corporation, other than the collection contractor having a contract with the City pursuant to Section 941.07, transporting or carrying over or through the streets, alleys or other public ways of the City, any refuse or rubbish as herein defined, for compensation, shall apply for and obtain a refuse hauling permit, good for one year from the date of issue unless revoked as hereinafter provided. The permittee shall pay twenty-five dollars (\$25.00) for each permit at the time of application therefor on forms provided by the Director of Public Service.

The applicant shall include on this application for such permit, in addition to other matters required by rule of the Director of Public Service, a description of vehicles to be used for such transporting or carrying during the permit period and a list of addresses of the site(s) expected to be used for the disposition of such refuse or rubbish and/or describe such other ultimate disposition thereof. No person, firm or corporation required hereby to have a permit shall fail to obtain such permit before so transporting or hauling any refuse. Any permit issued hereunder may be revoked if the permit holder, his employees or agents violate any provision of this chapter or Section 503.08 of the General Offenses Code.

(Ord. _____-2014. Passed _____-2014.)

941.10 DUMPING OF REFUSE IN PUBLIC PLACE; BURNING PROHIBITED.

No person shall throw, dump or leave upon any street, alley, public park, vacant lot or

any pond, stream or body of water or the banks thereof, or upon any lot, other than his own within the limits of the City, any table or kitchen wastes, dead animals, offal or other refuse, and burning such materials in outside incinerators or other outside burying devices within the City is prohibited.
(Ord. 33-90. Passed 3-19-90.)

941.11 BURNING OR BURYING REFUSE PROHIBITED.

No person shall burn or bury refuse within the corporate limits of the City.
(Ord. 33-90. Passed 3-19-90.)

941.12 WET REFUSE CONTAINERS.

(a) The owner of any family dwelling, building or structure which contains six or more family dwelling units, and the owner of any commercial establishment shall not be required to comply with Section 941.05 or 941.06, but shall provide for the disposition of such refuse and rubbish in such manner as not to violate any provision of this chapter, other ordinance or regulation of the City including the anti-litter regulation of Section 503.08 of the General Offenses Code. The owner of any family dwelling, building or structure which contains five or fewer family dwelling units shall be required to comply with Sections 941.05 and 941.06 and all other sections contained herein which apply to residential refuse disposal.

(b) The owner of any family dwelling, building or structure which contains six or more family dwelling units, and the owner of any commercial establishment shall provide at least one refuse container, provided however, that if one container is not sufficient to hold the refuse accumulating therein between collection times, then such owner shall provide as many additional containers as may be required to adequately serve such dwelling units or commercial establishment. The owner may purchase or lease such containers. The owner shall enter into a private agreement with a contractor for the collection and disposal of its refuse.

(c) Wet refuse containers shall be of a capacity of not less than one cubic yard and manufactured of a metal not less than sixteen gauge thickness. Such wet refuse containers shall be equipped with a truck dumping attachment and with wheels or castors, all of which shall be of a type approved by the Director of Public Service and specified by him in writing. Such containers shall be equipped with tightfitting lids and the lids shall be kept tightly on the container except when it is being emptied or filled. All containers shall be placed in an area and in such manner as to be accessible for collection.

(d) Nothing in this section shall apply to any dwelling or structure equipped with an incinerator or disposal facilities which meet the requirements of the City Building Code.

(e) Owners of any commercial establishment normally generating a volume of refuse of less than one-half cubic yard per week shall not be required to collect refuse in wet refuse containers. Such owners may collect and place refuse within containers complying with Section 941.05 and 941.06.

(f) Groups of tenants or owners or both, or one or more commercial buildings generating volumes of refuse of less than one-half cubic yard per week, may jointly utilize the same wet refuse container, provided, that a single owner or tenant of such a group shall be responsible for entering into a private agreement with a contractor, the payments associated with the agreement, the maintenance of the container, the upkeep of the grounds it occupies and any other managerial or housekeeping responsibilities.

(g) A tenant or owner of a commercial building or a group of such owners or tenants may jointly enter into private agreements with the contractor for the use of modernized devices or other mechanical equipment such as compactors, collection chutes, conveyer belts

or the like which are designed to handle the refuse with improved convenience, economy or efficiency. Where applicable, such arrangements shall be subject to the review and approval by the Municipal Zoning Administrator and/or the Director of Public Service.
(Ord. 33-90. Passed 3-19-90.)

941.13 CHRISTMAS TREE REMOVAL.

City crews shall remove Christmas trees at the edge of the street off the pavement during the week commencing with the first Monday following New Year's Day.
(Ord. ____-2014. Passed ____-2014.)

941.14 BULK ITEM AND WHITE GOODS.

Bulk items are defined as follows: household furniture and appliances; water heaters/boilers; sinks/bathroom fixtures; and other items appropriate for normal pickup except for those items listed in

941.08.

(Ord. ____-2014. Passed ____-2014.)

941.15 LEAF COLLECTION.

Leaves shall be raked loose to the edge of the street and not into the gutter or onto the pavement and they shall be picked up by City crews during the fall as announced by the Director of Public Service. Residents wishing to dispose of their leaves prior to the announced City collection may bag the leaves in disposable containers according to Section 941.05 and place them out for collection the regular green yard waste collection day.

(Ord. ____-2014. Passed ____-2014.)

941.16 PUBLIC WASTE RECEPTACLES. [REPEALED]

941.99 PENALTY.

Whoever violates any term or condition of this chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense, and not more than two hundred fifty dollars (\$250.00) for each subsequent offense.

(Ord. ____-2014. Passed ____-2014.)

A

MEMO

May 2, 2014

To: City Council Members and Administration
Fm: Laura Bigelow
Re: 1st Quarter Reports

Please find enclosed the 1st Quarter Reports for 2014. Please call me at 885-8926 with any questions.



City of Sylvania

Division of Taxation

Management Report - First Quarter - 2014

Key Statistics:

	2014	2013
Number of tax returns processed (includes e-files)	3553	3508
Number of e-filed returns	506	487
Number of withholding payments processed	2315	2226
Number of online payments	44	30
Number of refunds processed	139	134
Delinquent totals	\$591759.14	\$445825.14
Amount of money received from collection	\$18549.55	\$3909.05
Number of accounts turned over for collection	62	56

Items of Special Interest:

Our office has been very busy this quarter processing year end reconciliations and the large volume of tax returns that have submitted, along with the other day to day work.

We continue to monitor the municipal tax issues regarding House Bill 5. The municipalities are working together with much support from the OML on this crucial issue.

Respectfully submitted,

Christy M. Golis

Commissioner of Taxation

City of Sylvania Management Report
For The Division of Streets
First Quarter - 2014

Key Statistics

Ice & Snow Control:	<u>2014</u>	<u>2013</u>
Ice & Snow Control Hours	1,876 hrs	585 hrs
Salt Tonnage Used	2,310 tons	918 tons
Brine Hours	62 hrs	74 hrs
Salt Brine Used	32,500 gals	23,300 gals
Main St Snow Clearing Hours	30 hrs	8 hrs
Bridge Sidewalk Snow Clearing Hours	162 hrs	51 hrs
Haul Snow from Police Parking Lot	6 hrs	0
Salt Main Breaks for Water Dept.	8 hrs	0

Traffic Signs Repaired and / or Replaced:

Sign Maintenance Hours	380 hrs	675 hrs
Regulatory Signs	10	18
Warning Signs	11	19
Street Name & Informative Signs	16	15

Road Maintenance & Repairs:

Cold Patch Hours	504 hrs	591 hrs
Cold Mix Tonnage Used	12 tons	16 tons
Street Sweeping Hours	24 hrs	8 hrs
Street Sweeping Tonnage Hauled	0	11.5 tons
Cleaning and Inspecting Catch Basin Hours	40 hrs	214 hrs
Road Grading Hours	229 hrs	266 hrs
Clean Basin Grates / Flood Control	122 hrs	0

Equipment Maintenance:

	<u>2014</u>	<u>2013</u>
Leaf Loader - Leaf Box Repair & Repainting Hours	4 hrs	446 hrs
Snow Removal Equipment Repair & Repainting Hours	400 hrs	55 hrs
Miscellaneous Equipment Repairs Hours	56 hrs	800 hrs

Brine System / Truck Unit Repair	41 hrs	115 hrs
Calcium Chloride System Repair	28 hrs	0

Miscellaneous:

Snow Plow Damage (Mail Box & Yard Repair)	66 hrs	0
Dead Animals Removed From Right-of-Way	2	34
Maintenance Bldg (Repairs, Cleaning, Painting) Hours	56 hrs	418 hrs
Inventory & Green Tag Hours	56 hrs	28 hrs
Salt Dome Repairs	8 hrs	58 hrs
Stack Salt Harroun Rd Salt Storage	24 hrs	0
Acres Rd Water Main Break	51 hrs	0
(Concrete for Main Break)	2 cu.yrds	
(Low Density Backfill for Main Break)	10 cu.yrds	

Jim Campbell
Foreman of Streets
4/12/2014

SYLVANIA POLICE DIVISION
1ST QUARTER 2014
Management Report Worksheet

	<u>2014</u>	<u>2013</u>
Crime Reports	248	366
Crime Offenses	278	418
Criminal Arrests - Juvenile/Adult	132	201
Traffic Citations	234	487
Written Warnings	239	405
Parking Ticket	40	37
OVI	9	21
Traffic Crashes	112	98
Traffic Crash injuries/fatalities	29/1	23/0
Calls for Police Service	2421	3,091
Hours Spent Handling Police Calls	1,103:20	1,375:01
Emergency Response Time – Priority 1	3.9	2.9
Overtime Hours - Police	836.75	893.75
Overtime Hours - Dispatch	239.75	351.75
Training Hours	336.5	531
Vehicle Lockouts	114	94
Motorist Assists	138	79
False Alarms - Commercial	44	31
False Alarms - Residential	30	30
Child Safety Seats Installed	14	18

Sylvania Police Division Office of Community Affairs

Quarterly Report – 1st Quarter 2014

"The mission of the Office of Community Affairs is to support the Sylvania Police Division in its efforts to maintain an atmosphere of safety and security for members of the community. To be effective in assisting in this mission, the Office of Community Affairs shall provide education in the areas of substance abuse and positive decision-making in all Sylvania Schools. The Office of Community Affairs shall also provide crime prevention programs and services to educate our citizens and businesses."

Introduction

Ptlm Hendricks taught the elementary DARE program at St. Joseph School, Sylvania Franciscan Academy and at the Toledo Islamic Academy. Ptlm. Hendricks also presented the kindergarten bicycle safety program and the third grade seatbelt safety program to the public and private schools in the City of Sylvania.

Officer Gallup and Officer Roe have started the second half of the 2013-2014 school year at Northview High School and Southview High School.

Sgt. Music and Ptlm. Gallup have begun the registration process for Safety City 2014. Sgt. Music continues to work with the school district on safety planning and the A.L.I.C.E. program.

Officer Ryan Stager and STPD Officer Kevin Steinman are currently the primary advisors for the Explorer Program. The Explorer program continues to offer meaningful and interesting opportunities to the youth of the Sylvania Community. Ptlm. Hendricks continues in a support role with the program by being available as needed to assist with the program.

Youth Programs / DARE Events

- Officer Gallup gave several presentations to various school and community groups.
- Officer Hendricks gave numerous presentations to various school and community groups
- Officer Hendricks completed the elementary DARE program at the Toledo Islamic Academy, at the Sylvania Franciscan Academy and at St. Joseph School.
- Officer Hendricks presented the 3rd Grade Seat Belt Safety Classes at all the elementary schools in the City of Sylvania.
- Officer Hendricks presented the Kindergarten Bicycle Helmet Safety program to all the elementary schools in the City of Sylvania.

Community Involvement

- Sgt. Music attended numerous community events and meetings.
- Sgt. Music facilitated the ALICE training for the Washington Local School District.

- Officer Hendricks attended several community events or meetings.
- Officer Gallup attended several meetings with various school and community groups.

RUOK Program

Alerts:

- 5, non-emergency

School Resource Officer Programs

Northview High School - Officer Gallup	
Presentations	2
Meetings	34
General Offense Reports	4
Accident Reports	0
Citations / Warnings	3
School Related Complaints	33
Parking Lot Assists	4
Court Appearances	0

Southview High School – Officer Roe	
Presentations	0
Meetings	62
General Offense Reports	6
Accident Reports	1
Citations / Warnings	0
School Related Complaints	16
Parking Lot Assists	2
Court Appearances	1

Community Affairs Comp Time Earned/Used

Officer	SA Hours Earned	SA Hours Used
Sgt. Music #851	32.14	19.25
PtIm. Hendricks #818	44.5	49.25
PtIm. Roe #816	6.14	12.38
PtIm. Gallup #836	14.5	0

Explorer Program

- Explorers have trained in the following topics:
 - Handcuffing Skills
 - Hiring process, background overview, and preparing for employment in Law Enforcement.
 - Fire Department tour and fire extinguisher demonstration.
 - Crime scene and latent finger print training.
 - Crime scene processing.
 - Domestic Violence training.
- Explorers also assisted at the following events:

- Northview High School garage sale.
- Sylvania Business Expo event at TamoShanter.

Volunteer Program -1st. Quarter Report

A. Summary

Hour Summary	
Total Patrol Volunteer hours for Jan 2014 - March 2014	397
Total Event Volunteer hours for Jan. 2014 - March 2014	44.75
Total	441.75

Volunteer Patrol Log	
Lockouts	5
House Checks	20
Road Patrol/Traffic Assists	43
Citizen/Motorist Assists	16
Business Checks	30
Business Surveys	0
Juvenile Court Runs	1
Special Assignments:	
A. Events:	
<ul style="list-style-type: none"> • ALICE Training with Washington Local School staff. • Volunteers attended a Volunteer Appreciation dinner. • Assisted at the Business Expo. 	
B. Chris Roby / SRT assist's - 2 times	

Respectfully,

SGT. 

Sgt. Justin Music #851
 Sylvania Police Division
 Office of Community Affairs



Sylvania Police Division

Detective Bureau

6635 Maplewood Ave

Sylvania, OH. 43560

419-885-8907

2014 First Quarter

First Quarter Detective Bureau Summary

Active investigations monthly average: 41

Active Case Load by Investigator:

<u>Detective</u>	<u>Assigned in QTR</u>	<u>Cleared in QTR</u>	<u>Monthly Avg. Load</u>
Sgt. Seney	7	12	11 (non-drug)
Det. Bliss	9	6	11 (non-drug)
Det. Papenfuss	9	10	7 (non-drug) 7 (drug)
Unf. Inv. Gibbs	3	2	3 (non-drug) 1 (drug)
<u>Quarterly Case Totals:</u>	28	30	32 (non-drug) 8(drug)

Number of Call In's and Hold Overs in QTR:

Call In: 3
Hold Over: -

Narrative:

- Det. Bliss is investigating a robbery and also a separate burglary. It is looking as if both of these incidents are possibly drug deal related at this time (drug deals gone bad or user owed money to the other party).
- Det. Bliss was called in on a subject shot that was found to have been accidental.
- Det. Papenfuss and other officers executed a drug search warrant in Toledo. Although the location was in Toledo, the suspect provided drugs to Sylvania residents.
- Det. Bliss was assigned a sexual assault case from Lourdes University, that was reported as taking place in the student housing and involved a known suspect.
- Det. Papenfuss is following up with two juvenile subjects regarding their use of LSD, which resulted in suspects assaulting family members and attempting to jump out closed second story windows.
- Det. Bliss is investigating an alleged assault that reported one victim with a broken ankle and another with a cracked nose.
- Det. Bliss was called in and an investigation started looking into the allegation that a 17 year old male was inappropriately touching his 10 year old sister.
- Det. Papenfuss is investigating a home invasion believed to be drug related.

Forfeitures:

- \$3,855 GO# 14-334 was seized during the execution of a search warrant
- GO#14-334 Seizure paperwork sent to LCCC
- GO#14-833 \$307 seized during a traffic stop

Drug Evidence Seizures:

(monthly estimate of drug seizures as listed in Emergitech Drugs/Narcotics Property Report-not lab tested at time of report)

- 2x Buprenorphione 8mg
- 15 Vicodin 500mg (Stolen & Recovered)
- 191.3 g of marijuana
- 2 unknown pills
- 1.7 g cocaine
- 1 Hydrocodone 500mg/5mg pill

Respectfully Submitted,

Sgt. Joshua R. Seney

Management

The mission of the Sylvania Police Division is to serve the citizens of Sylvania in a professional and efficient manner by providing comprehensive law enforcement services to the community, so that each citizen may be safe and secure to enjoy their pursuit and enjoyment of all lawful activities.

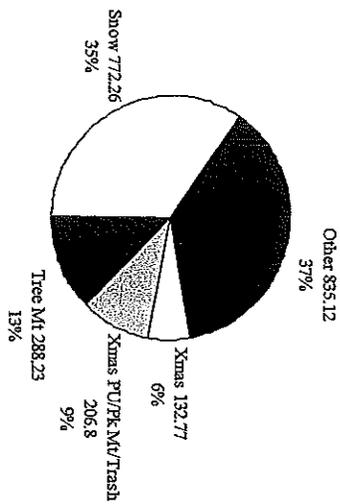
During the 1st^h quarter 2014, we had one retirement take place. Sgt. Ervin Bratt retired effective March 31, 2014 after serving the City of Sylvania for 25 years. As we move forward into 2014, I as well as my staff of command officers, officers, telecommunicators and administrative secretary look forward to serving the needs of our citizens and wonderful community and to our working relationship with council.

Currently we are at 32 Police officers. Our authorized strength is 34 Police Officers, 6 Telecommunicators, and 1 Administrative Secretary. We ended this quarter with two vacancies choosing only to fill one police officer position at this time. We had no suspensions and one officer is on medical leave due to a fractured wrist sustained off-duty. Surgery was required and this officer is scheduled to return back to active duty the first week in April.

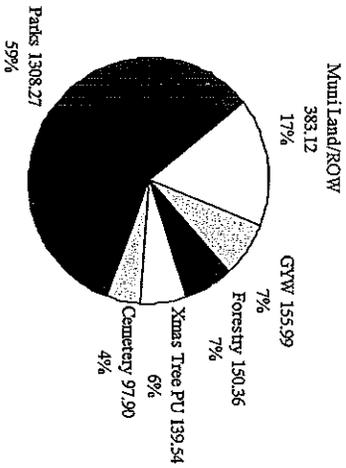
William H. Rhodus
Chief of Police

Parks & Forestry Quarterly Report : January - March, 2014

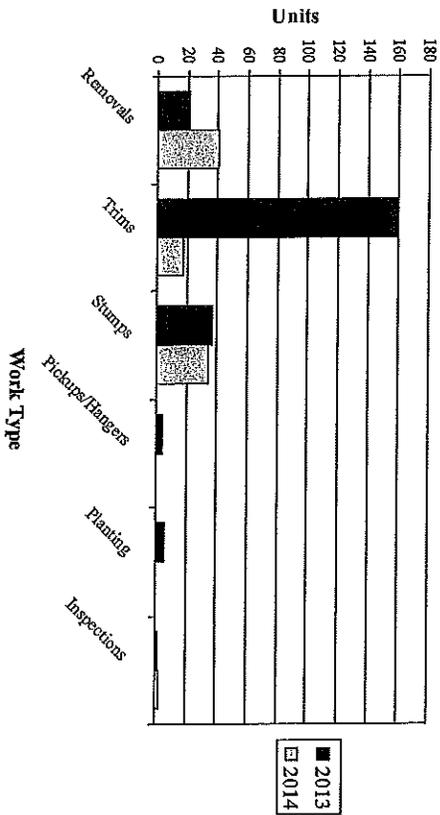
Man-Hours by Work Type



Man-Hours by Account

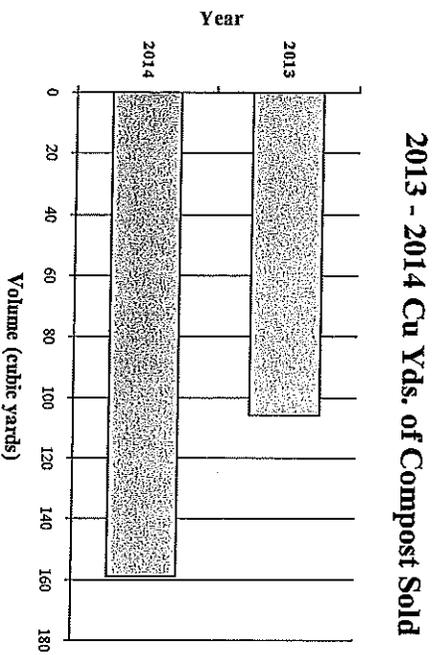


2013 - 2014 Work Comparison



Parks & Forestry Quarterly Report : January - March, 2014

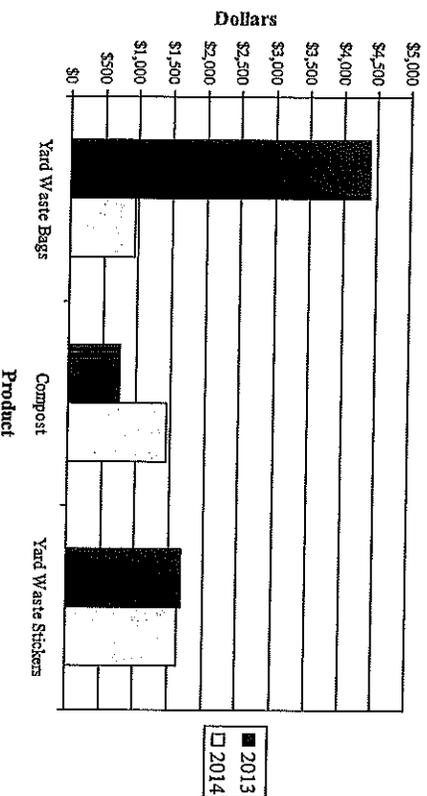
Green Yard Waste



Volume Collected (cubic yards)

* Route A	2.8
* Route B	2.4
~ Processed Volume	

2013-2014 Revenue Comparison



City of Sylvania
2014 Quarterly Reports
Zoning Operation

Zoning Office Key Statistics	2014 1st Qtr	2013 1st Qtr
Residential Renovations, Additions & Accessory	16	3
New Dwelling (Residential)	3	1
Estimated Valuation	\$740,000	\$214,000
New Commercial Construction	1	2
Commercial Additionas & Renovations	6	14
Sign Permits Issued	12	9
Demolition Permits Issued	3	1
Swimming Pool Permits Issued	2	3
Sidewalk Permits Issued	2	N/A

Municipal Planning Commission		
Lot Splits	2	0
Council Referrals	1	3
Site Plan Review	0	1

Architectural Board of Review		
Regulated District	1	1
Unregulated District	1	0
Regulated Signs	8	11

Zoning Complaints		
On Site Inspections	21	N/A
Open Zoning Complaints	12	N/A
Closed Zoning Complaints	9	N/A
Letters & Warnings Sent	3	N/A

City of Sylvania

Zoning Permits - 2014

By Permit number

Permit No.	House #	Address	Date	Purpose	Owner	Permit Fee	Value of New Dwelling
1-2014	4333	Candlewood Lane	1/15	Interior Remodel	Robert and Carmello Gulick	15.00	
2-2014	6422	Longfellow	1/16	Demolition	Jeff Stansley	1.00	
3-2014	6625	Maplewood	1/21	Sign	Mack and Janet Lair	50.00	
4-2014	5844	Alexis	1/24	Sign	Yum Brands (Taco Bell)	50.00	
5-2014	5656	Monroe	1/27	Zoning Certificate	J & B Investments		
6-2014	5590	Monroe	1/27	Sign	Clyde Englehart/Toledo Coin Exct	50.00	
7-2014	5629	Main	1/28	Sign	Hassan Hassan/ Executive on the	50.00	
8-2014	7545	Sylvania	1/30	Commercial - Interior Ren	Kroger	25.00	
9-2014	5536	Bonniebrook	2/3	Res. - Interior Remodel	Jeff and Nadine Seaman	15.00	
10-2014	7510	W. Sylvania	2/10	Commercial Construction	CVS Pharmacy	325.00	
11-2014	6235	Monroe	2/12	Fire Suppression	Kroger	25.00	
12-2014	5151	S. Main	2/13	Commercial - Interior Ren	5151 LLC	25.00	
13-2014	5845	Centennial	2/18	Sign	Church 321	50.00	
14-2014	7510	W. Sylvania	2/19	Sign	CVS Pharmacy	50.00	
15-2014	6832	Convent	2/19	Commercial - Interior Ren	Lourdes	25.00	
16-2014	5956	Hawthorne	2/20	Addition - Residential	Lacey Kapopajlo	15.00	
17-2014	5813	Monroe	2/26	Temporary Banner	Dennis fernandez, UPS	15.00	
18-2014	7362	Sylvania Suite B	3/5	Commercial - Interior Ren	Gordon Bright, Shakolad	50.00	
19-2014	5641	N. Main	3/7	Sign	Pat Mejer, Lily Whitestone	50.00	
20-2014	6023	Gregory	3/10	Addition - Residential	Jenna Coldiem	15.00	
21-2014	5861	Glasgow	3/10	Addition - Residential	Eric and Tara Alluro	25.00	
22-2014	7510	W. Sylvania	3/17	Demolition	CVS Pharmacy	1.00	
23-2014	6737	Convent	3/24	Demolition	Lourdes College	1.00	
24-2014	5334	Palisades Dr.	3/24	Residential Construction	Palisades Development Co.	25.00	\$230,000.00
25-2014	5334	Palisades Dr.	3/24	Sidewalk/Drive	Palisades Development Co.	66.00	
26-2014	5335	Palisades Dr.	3/24	Residential Construction	Palisades Development Co.	25.00	\$230,000.00
27-2014	5335	Palisades Dr.	3/24	Sidewalk/Drive	Palisades Development Co.	66.00	
28-2014	5693	Main	3/25	Sign	Photography by I/C	50.00	
29-2014	7545	Sylvania	3/26	Temporary Banner	Kroger Co.	15.00	
30-2014	6030	Barkwood	3/27	Residential Construction	Buckenmeyer/Buckeye Realestate	25.00	\$280,000.00
31-2014	5951	Sunrise Circle	3/27	Pool	Richard & Lorraine Lewandowski	25.00	
32-2014	6040	Burrwood	3/28	Pool	William Seyfried Jr.	25.00	
33-2014	6548	Country Place	4/3	Roof -	Craig Niedermire	15.00	
34-2014	5813	Monroe	4/3	Sign	UPS Store	50.00	
35-2014	6750	Sylvania	4/4	Accessory Building (Temp)	Lievens 3 Seasons	15.00	
36-2014	5533	Silvertown Dr.	4/8	Addition - Residential	John McCarter	15.00	
37-2014	5143	McGregor	4/8	Accessory Building (Shed)	Troy and Lindsay Cousino	15.00	
38-2014	5122	Old Farm Ln.	4/11	Accessory Building	Storr John Shepler	15.00	
39-2014	5506	Allison	4/15	Deck	Allison Stout	15.00	
40-2014	6455	Monroe	4/17	Sign	State Farm - Mike Buck	50.00	
41-2014	7225	Sylvania	4/17	Bleachers - (Structure)	Sylvania Public Schools - Miller Di	250.00	
42-2014	5033	Banton	4/18	Res. Renovation	THDat Home Services - Ryan Res	15.00	
43-2014	5919	Granville	4/21	Res. Renovation - Re-Roof	Eric Lewis - Barb Valentine	15.00	
44-2014	5305	Westcroft Dr.	4/25	Res. Renovation - Interior	HLR Properties - Jeff Unverferth	15.00	
45-2014	7518	Erie St.	4/25	Accessory Building	Margaret Pugh	15.00	



City Of Sylvania

VEHICLE MAINTENANCE
JASON MUSIC

City of Sylvania Management Report for the Division of Vehicle Maintenance First Quarter 2014

Key Statistics

No. of vehicles serviced and repaired:

This Quarter	159
Last Quarter	140

	<u>Unit count</u>	<u>Parts \$</u>	<u>Labor \$</u>	<u>Hours</u>
<u>Fleet Condition:</u>				
<u>SPD:</u> Good, routine maint.	69	\$3,224.00	\$4,500.00	113
<u>Streets:</u> Good, routine maint.	52	\$3,286.00	\$4,725.00	118
<u>Water:</u> Good, routine maint.	8	\$647.00	\$510.00	13
<u>Sewer:</u> Good, routine maint.	14	\$1,200.00	\$1,620.00	41
<u>Parks:</u> Good, routine maint.	14	\$1,456.00	\$990.00	25
<u>Other Depts:</u> Good, routine Maint.	2	\$50.00	\$150.00	4
<u>Totals</u>	159	\$9,863.00	\$12,495.00	312

Misc Repairs (sublet): All Dept.

\$3,766.00

Total Vehicle Maintenance cost:

\$26,124.00

Second Quarter 2014 activities: Provide revolving repair and maintenance for all departments. Ready and maintain seasonal equipment such as leaf loaders and plow trucks.

Jason Music

Vehicle Maintenance Manager

April 25, 2014



City Of Sylvania

DIVISION OF UTILITIES

1st Quarter 2014

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr		
Number of Water Accounts	7,150					
Number of Sewer Accounts	8,424					
					Y-T-D	Prior Year
Number of Water Tap Permits	4				4	13
Number of Sanitary Tap Permits	8				8	52
Number of Storm Tap Permits	3				3	14
Number of Second Meter Permits	2				2	9
Utilities						
Number of Payments Received	19,582				19,582	78216
Total Collection Water	\$778,981.71				\$778,981.71	\$3,614,623.11
Total Collection Sewer	\$483,161.85				\$483,161.85	\$2,043,775.21
Total Collection Refuse	\$112,984.00				\$112,984.00	\$440,847.16
Total Collection On/Off	\$255.00				\$255.00	\$1,040.00
Total Collection Fire	\$915.74				\$915.74	\$3,671.03
Total Collection Misc	\$5,015.66				\$5,015.66	\$13,734.53
Total Collection Water Tap Pay Plan	\$429.75				\$429.75	\$860.45
Total Collection Sewer Tap Pay Plan					\$0.00	\$2,680.99
Utility/Zoning Permit Sales						
Water Tap Permits	\$5,495.00				\$5,495.00	\$13,769.88
Sanitary Tap Permits	\$3,892.51				\$3,892.51	\$6,164.46
Sanitary Connections Fees	\$3,170.00				\$3,170.00	\$61,952.98
Storm Tap Permits	\$380.00				\$380.00	\$1,235.00
Second Meter Permits	\$600.00				\$600.00	\$2,500.00
Hydrant Permits					\$0.00	\$6,577.86
Zoning Permits	\$1,614.93				\$1,614.93	\$6,244.15
Service Dept Sales						
Sewer and Sidewalk Licenses	\$407.00				\$407.00	\$2,640.00
Plans/Bid Documents	\$250.00				\$250.00	N/A
Refuse/Green Yard Waste						
Refuse Extra Bag Tags	\$130.00				\$130.00	\$933.00
Refuse Bulk Item Sticker	\$437.00				\$437.00	\$2,284.00
Green Yard Waster Stickers/Bags	\$1,702.00				\$1,702.00	\$11,970.00
Misc.						
	\$4,770.10				\$4,770.10	\$6,812.45

Total Collection **\$1,404,592.25** **\$1,404,592.25** **\$6,244,316.26**

6730 MONROE STREET • SYLVANIA, OHIO 43560-1994 • (419) 885-8950 • FAX (419) 885-8963

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	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Y-T-D	Prior year
Total Water Purchased (Gallons)	151,446,000				151,446,000	658,389,040
Average Daily Water Purchased	1,682,733				1,682,733	1,803,806
Total Sewer Flow (Gallons)	335,800,000				335,800,000	1,092,060,000
Average Daily Sewer Flow	3,731,111				3,731,111	2,991,945
Estimated Population Served-Water	21,400					
Estimated Population Served-Sewer	25,300					

Activities To Be Performed

Preparing Consumer Confidence Report for electronic delivery

Various water and sewer projects, training and equipment upgrading

Progress This Period

Systematic Cleaning of sewer collection system

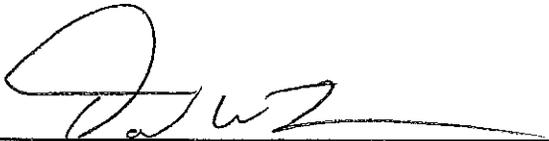
Online utility account availability and email billing

Assisted in distribution of new recycle carts

Maintenance and repairs of water distribution system

Management Considerations/Problems/Comments

Training



David W. France
Utility Manager



B
Board of County
Commissioners
Carol Contrada
President
Tina Skeldon Wozniak
Pete Gerken

Jody L. Balogh
Clerk of the Board

April 21, 2014

Ms. Sharon Bucher
Clerk of Council
City of Sylvania
6730 Monroe Street
Sylvania, OH 43560

Re: Annexation Petition 2014-1
Portion of Sylvania Township to the City of Sylvania (3.335± Acres)

Dear Ms. Bucher:

Enclosed is a copy of Resolution No. 14-342, accepting the filing of the above-referenced annexation petition. The hearing date for this annexation is set for Tuesday, June 17, 2014, at 10:00 a.m., One Government Center, First Floor, Commissioners' Chambers, Toledo, Ohio.

If you need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jody L. Balogh".

Jody L. Balogh, Clerk

/jlb
enc.

Date: April 15, 2014

Resolution No. 14-342

Title: Accepting the Filing of Annexation Petition No. 2014-1, Portions of Sylvania Township to the City of Sylvania (Parcels 78-21377, 78-21374, and 78-21384 3.335 acres)

Department/Agency: Commissioners

Contact: Jody L. Balogh, Clerk

Summary/Background: There was filed with this Board on April 4, 2014, a petition for the annexation by a majority of the owners of approximately 3.335 acres of land, more or less, of real estate in Sylvania Township to the City of Sylvania by James A. Moan, Esq., agent for the petitioners. The petitioners requested that the territory be annexed pursuant to the **Regular Annexation** procedures contained in R.C. 709.02.

Budget Impact: N/A

Statutory Authority/ORC: 709.02

Commissioner Contrada offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. This Board acknowledges receipt of the petition, with a deposit of \$150.00 to be placed into account 8040-8035-418160. The clerk of this Board is directed to enter said petition upon the journal of this Board.

Section 2. This Board's April 15, 2014, meeting is the first available regular session of the Board since the filing of the petition.

Section 3. This Board hereby sets the hearing date of **June 17, 2014, at 10:00 a.m.**, in the Commissioners' Hearing Room, First Floor, One Government Center, Toledo, Ohio.

Section 4. The petition, legal description and map are hereby referred to the Lucas County Engineer to determine that there is an accurate legal description of the perimeter of the territory proposed to be annexed, and a map or plat of the territory.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

April 15, 2014

**Accepting the Filing of Annexation Petition No. 2014-1, Portions of Sylvania Township to the
City of Sylvania (Parcels 78-21377, 78-21374, and 78-21384 3.335 acres)**

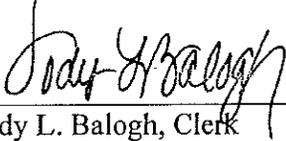
Page 2

Action Taken:

Commissioner Contrada voted yes

Commissioner Skeldon Wozniak voted yes

Commissioner Gerken voted yes



Jody L. Balogh, Clerk

C



City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

May 1, 2014

Mayor Craig A. Stough and Members of Council
City of Sylvania
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

	Deposits	Refunds	Balance
April 30, 2014	\$1,612,979.30	\$0.00	\$1,612,979.30
April 30, 2013	\$1,666,069.46	\$0.00	\$1,666,069.46
	-----	-----	-----
Monthly Difference	-\$53,090.16	\$0.00	-\$53,090.16
Year to Date 2014	\$3,837,970.48	\$58,653.13	\$3,779,317.35
Year to Date 2013	\$3,824,241.60	\$54,380.17	\$3,769,861.43
	-----	-----	-----
Yearly Difference	\$13,728.88	\$4,272.96	\$9,455.92
			0.25%

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director