

Sylvania City Council
June 2, 2014

6:30 p.m. Streets Committee
Complete Streets Policy

6:45 p.m. Safety Committee
Possible Adjustments to Chapter 505.08

7:30 p.m. Council Meeting
Agenda

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Luetke.
3. Additions to the agenda.
4. Approval of the meeting minutes of May 19, 2014.
5. Susan Searles to speak regarding mosquito spraying.
6. Petition for vacation of High Street, refer to Plan Commission.
7. Proposed Ordinance 28-2014, Amending Chapter 941 – Waste Collection of the Sylvania Codified Ordinances.
8. Proposed Ordinance 32-2014, Revising the Administrative, Departmental and Divisional Organization of the City and Codified Ordinances amending Section 139.03(e)(3).
9. Committee reports.
 - a. Safety Committee Report from May 30th and June 2nd.
 - b. Streets Committee Report from June 2nd.
10. Committee referrals.

Minutes of the Meeting of Council
May 19, 2014

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| <p>The Council of the City of Sylvania, Ohio met in regular session on May 19, 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.</p> | <p>Roll call: All present.</p> |
| <p>Mrs. Husman led the Pledge of Allegiance to the United States of America.</p> | <p>Pledge of Alleg.</p> |
| <p>Mayor Stough stated that Council will now consider agenda item 3.</p> | |
| <p>Requests were made for the following additions to the agenda:</p> | <p>Additions to the agenda.</p> |
| <p>14. Information on Ability Center event.</p> | |
| <p>Mr. Hayman 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.</p> | |
| <p>Mayor Stough stated that Council will now consider agenda item 4.</p> | |
| <p>Mrs. Westphal presented the May 5, 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 May 5, 2014 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.</p> | <p>Approval of the May 5 minutes.</p> |
| <p>Mayor Stough stated that Council will now consider agenda item 5.</p> | |
| <p>Mayor Stough made a presentation of proclamation declaring Poppy Day, May 23. Miss Poppy was introduced and distributed poppies.</p> | <p>Poppy Day, May 23</p> |
| <p>State Senator Randy Gardner addressed council to provide update on Joint Economic Development Zones and other current matters in the State House.</p> | |
| <p>Mayor Stough stated that Council will now consider agenda item 6.</p> | |
| <p>Mayor Stough presented the Planning Commission's recommendation for proposed Special Use Permit Amendment SUP-1-2014, a requested from Highland Meadows Golf Club. Mr. Haynam moved, Mr. Milner seconded to set the public hearing date for</p> | <p>Public hearing for SUP-1-2014 set for July 21,</p> |

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| July 21, 2014 at 7:00 p.m., and to hold June 23, 2014 at 7:00p.m. if applicant would like process expedited, and authorized the clerk to advertise for same; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried. | 7:00 p.m., or June 23 at 7:00 p.m. |
| Mayor Stough presented the Planning Commission's recommendation for proposed Special Use Permit Amendment SUP-2-2014, a request from Loyal Order of the Moose #1579. Mr. Haynam moved, Mr. Milner seconded to set the public hearing date for July 21, 2014, at 7:15 p.m.; and to hold June 23, 2014 at 7:15 p.m. if applicant would like process expedited; and authorized the clerk to advertise for same; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried. | Public hearing for SUP-2-2014 set for July 21, 7:15 p.m. or June 23 at 7:15 p.m. |
| Mayor Stough stated that Council will now consider agenda item 7. | |
| Service Director Kevin Aller's report on the Complete Streets Policy was placed on file. Mrs. Husman moved, Mr. Luetke seconded to refer this proposed Resolution 14-2014, "Adopting a Complete Streets Policy" to the Streets Committee for review and recommendation; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried. | Refer Resolution 14-2014 to Street Committee. |
| Mr. Milner set Streets Committee meeting for Friday, May 30, 2014 at 8:00 a.m. | Street Com, 5/30/14, at 8:00 a.m. |
| Mayor Stough stated that Council will now consider agenda item 8. | |
| Mayor Stough presented the Sylvania Township Fire Department Overall Plan for Fire Levy Consideration report. Mrs. Westphal moved, Mr. Brown seconded to refer this matter to the Safety Committee for review; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried. | Refer Fire Dept Plan to Safety Committee. |
| Mrs. Westphal set the Safety Committee meeting for Friday, May 30, 2014 at 8:30 a.m. | Safety Com., 5/30/14, at 8:30 a.m. |
| Mayor Stough stated that Council will now consider agenda item 9. | |

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Mr. Brown presented and read aloud by title only, proposed Ordinance 29-2014, a written copy of same having been previously furnished to each member of Council, "Authorizing the Donation of Bicycles to Sylvania Area Family Services; determining said items to be of no further use to the City of Sylvania; and declaring an emergency."; Mr. Brown moved, Mr. Haynam 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
29-2014,
"...donation of
bicycles to
SAFS...."

Mr. Brown moved, Mrs. Husman seconded, that Ordinance 29-2014 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 10.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance 30-2014, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into agreements with a Head Teacher, Teachers, and Aides for the Sylvania Safety City Program being conducted by the Sylvania Division of Police; providing funds therefore; and declaring an emergency."; Mrs. Westphal moved, Mr. Milner seconded, that council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Ordinance
30-2014,
"...agreements
with teachers...
for Safety
City..."

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance 30-2014 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

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

Mr. Haynam presented and read aloud by title only, proposed Resolution 15-2014, a written copy of same having been previously furnished to each member of Council, "Adopting a statement, pursuant to Revised Code of Ohio 709.03 (D), indicating what services will be provided to the area proposed to be annexed to the City of Sylvania by petition for annexation filed with the Board of Lucas County Commissioners; and declaring an emergency."; Mr. Haynam moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Resolution
15-2014,
"...Adopting...
what services to
annexed area..."

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Mr. Haynam moved, Mrs. Husman seconded, that Resolution 15-2014 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 12.

Mr. Haynam reported that the Zoning & Annexation Committee met on July 16 to discuss proposed Ordinance 31-2014, Amending Part Eleven-Planning & Zoning Code, by adding Chapter 1152-Design Review Regulations.

Mr. Haynam moved, Mrs. Westphal seconded to refer proposed Ordinance 31-2014 to the Planning Commission for review and recommendation; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Refer Ordinance
31-2014, to
Planning
Commission.

Mr. Luetke reported that the Economic Development Sub-Committee met on July 16 to continue the discussion of the Downtown Parking Initiative. Mr. Luetke outlined specific topics for administrative review and recommendations: regarding the parking behind east business on Main St.; develop a list of special event parking areas; and allocation of dollars if Tier 2 Grant funding was secured.

Econ Dev Sub-
Com. report...
Downtown
parking.

Mrs. Westphal reported that the Safety Committee met at 6:15p.m. to discuss proposed Ordinance 27-2014, Amending Chapter 1505-AIA-Ohio and National Fire Codes.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance 27-2014, a written copy of same having been previously furnished to each member of Council, "Amending Chapter 1505-AIA, Ohio and National Fire Codes of the Sylvania Codified Ordinances, 1979, as amended: and declaring an emergency ."; Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance
27-2014,
"Amending
Chapter
1505...Fire
Codes.."

Mrs. Westphal moved, Mr. Milner seconded, that Ordinance 27-2014 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated the safety committee had a discussion to review possible changes to Chapter 505.08, "Nuisance Conditions Prohibited" of the Sylvania Codified Ordinances. The Committee is requesting administration to draft legislation to update this section.

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Mrs. Westphal moved, Mr. Hayman seconded to set a Safety Committee meeting for Monday, June 2, 2014 at 6:45 p.m. to discuss possible amendments to Chapter 505.08, "Nuisance Conditions Prohibited" of the Sylvania Codified Ordinances; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried. Safety Com
6/2/14 at
6:45 p.m.

Mr. Brown reported that the Utilities & Environment Committee met at 6:45p.m. to discuss proposed Ordinance 28-2014, Amending Chapter 941-Waste Collection. Mr. Brown moved, Mrs. Westphal seconded to refer to Administration Ordinance 28-2014 for review and revision; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried. Refer Ord.
28-2014 to
Admin.

Mr. Luetke provided information on The Ability Center, Friends of the Center Breakfast to be held on June 10th, 2014 8:00-9:00 a.m.

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

Mrs. Westphal moved, Mr. Luetke seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 8:39p.m. Adjournment.

Clerk of Council

Mayor

PETITION FOR THE VACATION
OF HIGH STREET

To: The City of Sylvania

The undersigned, being the owner of several lots in the City of Sylvania located in the immediate vicinity of High Street, hereby petition the City of Sylvania pursuant to Section 723.04 of the Ohio Revised Code, to vacate the West 172.4 feet of High Street. The purpose of the request is to permit the subject property to be redeveloped as part of the Lourdes University Mid-Campus improvements.

Dated at Sylvania, Ohio, this 29 day of MAY, 2014.


Michael Killian
Vice President of Administration & Finance
Lourdes University

Legal Description High Street Vacation: Proposed Vacation of part of High Street, so called, as shown in the plat of Sommers Place as recorded in Volume 41 of Plats, Page 85, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Commencing at the Northeast corner of Lot 13 in Sommers Place, said point also being the True Point of Beginning.

Thence North 84 degrees, 55 minutes, 18 seconds East, along the North right-of-way of High Street, a distance of 30.09 feet to the East line of the Southeast 1/4 of Section 9, Town 9 South, Range 6 East.

Thence North 00 degrees, 44 minutes, 50 seconds West, along the East line of the Southeast 1/4 of Section 9, a distance of 0.25 feet to the North right-of-way of High Street.

Thence North 68 degrees, 24 minutes, 48 seconds East, along the North right-of-way of High Street, a distance of 140.35 feet to the Northerly prolongation of the East line of Lot 17 in Sommers Place.

Thence South 00 degrees, 45 minutes, 42 seconds East, along the Northerly prolongation of the East line of Lot 17, a distance of 64.19 feet to the South right-of-way of High Street.

Thence South 68 degrees, 24 minutes, 48 seconds West, along the South right-of-way of High Street, a distance of 172.47 feet to the East line of Lot 12 in Sommers Place.

Thence North 00 degrees, 44 minutes, 50 seconds West, along the East line of Lots 12 and 13 in Sommers Place, a distance of 73.09 feet to the True Point of Beginning.

Containing 10,477.15 square feet or 0.241 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on May 30, 2014.

Legal Description Prepared by



Matthew D. Lewandowski, P.L.S.
Registered Surveyor, State of Ohio No. 7476

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;” and,

WHEREAS, at the May 5, 2014 meeting of Sylvania City Council, the proposed changes to Chapter 941 were referred to the Utilities Committee for its review and recommendation; and,

WHEREAS, the Utilities Committee met on May 19, 2014 to consider the proposed amendments to Chapter 941 and thereafter recommended that the amendments be approved, subject to some additional changes as set forth on “Exhibit A” attached hereto.

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.”

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.

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

President of Council
APPROVED AS TO FORM:

Director of Law

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 the current fiscal year Section 8 Very Low Income Limit for Lucas County as established by the Housing and Urban Development Office ("Income Limit") 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 the Income Limit as defined above. 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.)

(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 the Income Limit as defined in subsection (d) above, 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 the Income Limit as defined in subsection (d) above, 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 the Income Limit as defined in subsection (d) above. (Ord. _____-2014. Passed _____-2014.)

(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.

(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.

(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.

(c) 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. ____-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.)

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 the site currently being served and designate the location 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 item listed in 941.08. Residents shall purchase bulk item stickers from the City to properly dispose of such items.

(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.)

139.02(e)(3) Compensation for elective and appointive officials. The following elective and appointed officials which are not otherwise provided for in this chapter shall be compensated as follows:

| <u>TITLE</u> | <u>RATE</u> |
|-----------------------------------|---|
| | * * * |
| Information Technology Manager | \$84,000 annually commencing June 3, 2014. |
| Information Technology Specialist | \$60,000 annually commencing June 23, 2014. |
| | * * * |

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

“Exhibit A”