

**Sylvania City Council**  
**In-person/Zoom**  
June 7, 2021

**6:30 p.m. Utilities Committee Meeting**  
Refuse/Recycling Contract

**7:00 p.m. Public Hearing**  
DORA Expansion

**7:30 p.m. Council Meeting**  
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mrs. Cappellini.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of May 17, 2021.
5. Report of Public Hearing – DORA Expansion.
6. Annual Assessment Ordinances:
  - a. Proposed Ordinance No. 43-2021, Assessing a special tax for ditch maintenance, etc.
  - b. Proposed Ordinance No. 44-2021, Assessing a special tax for street lighting.
  - c. Proposed Ordinance No. 45-2021, Assessing a special tax for tree maintenance, etc.
7. Zoning Ordinance Amendment Application No. ZA-1-2021, Zoning Change from “R-1” Single-Family Residential Large Lot District to “B-2” General Business District from Sara Velasquez for property located at 8216 Erie Street, Sylvania, Ohio. (Refer to Plan Commission)
8. Proposed Ordinance No. 46-2021, Approving the Inclusion of Lucas County as a member of the Toledo Area Regional Transit Authority.
9. Street Banner Application from Chamber of Commerce for Marathon Classic.
  - a. Proposed Ordinance No. 47-2021, Approving the Banner Application for the Sylvania Area Chamber of Commerce.
10. Committee reports.
  - a. Utilities Committee meeting held on this date.
    1. Proposed Ordinance No. 27-2021, Amending Chapter 941-Solid Waste/Recycling Collection of the Sylvania Codified Ordinances; repealing Chapter 943-Residential Recycling Program of the Sylvania Codified Ordinances.
11. Committee referrals.

**INFORMATION**

- A. May 2021 Bank Reconciliation.

Minutes of the Meeting of Council  
May 17, 2021

The Council of the City of Sylvania, Ohio met in regular session via in-person and Zoom on May 17, 2021 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Brian McCann, Patrick Richardson, Mary Westphal, Lyndsey Stough; (7) present; (0) absent.

Roll call:  
All present.

Pledge of Allegiance to the United States of America led by Mrs. Westphal.

Pledge of  
Allegiance.

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

No items have been added to the agenda.

Mr. Frye moved, Mr. Haynam seconded to approve the agenda; roll call vote being: Cappellini, Frye, Haynam, McCann, Stough, Richardson, Westphal; (7) yeas; (0) nays. The motion carried.

Agenda approval.

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

Mr. Frye presented the May 3, 2021 meeting minutes. Mr. Frye moved, Mrs. Westphal 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 3, 2021 be approved; roll call vote being: Frye, Haynam, McCann, Richardson, Westphal, Stough, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
May 3, 2021  
meeting minutes.

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

Kim Dunham, Chief Executive Officer, Laura Koprowski and Kelsee Hoagland of TARTA presented the state of the Agency. They provided an update and significant accomplishments in the last year, reviewing the financial, budgeting and funding moving forward. They requested the City to support adding Lucas County as a member, eliminate property tax funding, and fund by a .5% sales tax.

TARTA  
presentation of  
State of Agency.

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

Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 12-2021, a written copy of same having been previously furnished to each member of Council, "Amending Chapter 1157-Off-Street Parking of the Sylvania Codified Ordinances, 1979, as amended, by adding Section 1157.16-Bicycle Parking; modifying the recommendation of the Sylvania Municipal Planning Commission; and declaring an emergency"; Mr. Haynam moved, Mrs. Westphal seconded for passage of Ordinance No. 12-2021 as an emergency measure"; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
12-2021,  
"Amending  
Chapter 1157-  
Off-street  
Parking...  
Bicycle  
Parking..."

Minutes of the Meeting of Council  
May 17, 2021

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

Mrs. Westphal introduced and read by title only Ordinance No. 41-2021, "Authorizing the Trade-In of the Dump Truck currently used by the Division of Streets, Department of Public Service in the amount of \$7,500; reducing the purchase price appropriated by Ordinance No. 38-2021 to \$75,660; determining said Dump Truck to be no longer needed for Municipal purposes; and declaring an emergency"; Mrs. Westphal moved, Mr. Haynam seconded for passage of Ordinance No. 41-2021 as an emergency measure roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Ordinance No. 41-2021,  
"Authorizing trade-in of dump truck..."

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

Mrs. Cappellini introduced and read by title only Ordinance No. 42-2021, "Authorizing the Mayor and Director of Finance to enter into a Joint Cooperation Agreement on behalf of this City of Sylvania with the Olander Park System, relative to the 2021 Fossil Park Improvement Project; and declaring an emergency". Mrs. Cappellini moved, Mr. McCann seconded for passage of Ordinance No. 42-2021 as an emergency measure"; roll call vote being: Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No. 42-2021,"  
Authorizing Joint Co-Op Agrmt with Olander Park System ...Fossil Park Improvement Project..."

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

Mr. Frye moved, Mr. Cappellini seconded to not request a hearing for new liquor permit for D1, Beer for on premises consumption until 1:00 a.m.; D2, Wine & mixed beverages for on premises consumption or for carryout only until 1:00 a.m.; D3, Spirituous liquor for on premises consumption until 1:00a.m.; and D3A, Extend issued permit privileges until 2:30a.m. for Joseph Starlite Plaza LLC, 5700 Monroe St, Unit 5702 & Patio, Sylvania, OH 43560. roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

No Hearing:  
Liquor Permit Joseph Starlite Plaza, LLC.

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

Minutes of the Meeting of Council  
May 17, 2021

Mr. Richardson reported on the Employee & Community Relations Committee meeting held on 5/6/21 which discussed the Mobile Food Vehicles. He stated several amendments to the legislation, licensing fees, placement and software system were discussed, and are ready to enact.

Emp & Com  
Relations  
meeting report.

Mr. Richardson introduced and read by title only Ordinance No. 29-2021, "Amending the Codified Ordinances, 1979, as amended, by adding Chapter 769 – Mobile Food Vehicles; and declaring an emergency". Mr. Richardson moved, Mr. Frye seconded for passage of Ordinance No. 29-2021 as an emergency measure"; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
29-2021;  
"Amending  
Codified Ord  
...adding  
Chapter 769-  
Mobile Food  
Vehicles...."

Mr. McCann moved, Mr. Frye seconded to reschedule a Utilities Committee meeting for June 7, 2021 at 6:30 p.m. to discuss the Refuse/Recycling Contract. Roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, McCann, Stough, (7) yeas; (0) nays. The motion carried.

Set Util Com  
Mtg: 6/7 /21 at  
6:30p.m. Re:  
Refuse &  
Recycling.

There was short updated on the SUP-1-2021. Mr. Haynam stated promised materials have not yet been received.

The Mayor provided an update on the Cushman Road staging administration met with residents and will present to Council the options to resolve concerns.

Mayor Stough stated all agenda items have been addressed.

Mrs. Cappellini moved, Mr. McCann seconded to adjourn at 8:30 p.m. Roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays.

Adjournment.

---

Clerk of Council

---

Mayor

**ORDINANCE NO. 43 - 2021**

**TO ASSESS A SPECIAL TAX UPON THE LOTS AND LANDS  
DESCRIBED IN THE SCHEDULE REFERRED TO HEREIN  
TO PAY A PART OF THE COST AND EXPENSE OF PROVIDING  
FOR THE CONSTRUCTION, MAINTENANCE, REPAIR,  
CLEANING AND ENCLOSING OPEN DRAINAGE DITCHES  
WITHIN THE CORPORATE LIMITS OF THE CITY OF SYLVANIA  
FOR THE YEAR ENDING DECEMBER 31, 2021; AND  
DECLARING AN EMERGENCY.**

WHEREAS, the Council of the City of Sylvania has heretofore, by Ordinance, established one (1) district for the purpose of constructing, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2018, and provided that part of the cost and expense connected with said work in said district in the total amount of Three Hundred Eight Thousand, Two Hundred Forty-Five and 00/100 (\$308,245.00) shall be levied and assessed bases on:

- a) Small Residential (less than 9,900 square feet) =\$15.00 per year;
- b) Large Lot Residential (greater than 9,900 square feet) =\$30.00 per year;
- c) Non-Single Family Residential = \$30.00 per year per 5,000 square feet or impervious area;

as set forth in said Ordinance; and,

WHEREAS, the Clerk of Council has given notice of the passage of the Ordinance creating the Ditch District for 2021 and of the estimated assessments on file in the Office of the Clerk of Council; and,

WHEREAS, Council has considered and adjusted all objections to estimated assessments that were properly and timely filed.

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

SECTION 1. That, to pay a part of the cost and expense of the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania as described in the schedule as reported by the Clerk of Council for the year ending December 31, 2021, there be, and hereby is assessed, in one (1) installment for 2021, upon the lots and lands bounding and abutting upon the streets and public right-of-way in said district, the several sums shown in the list of assessments, as adjusted if adjusted, and set opposite the description of the respective lots and lands and do hereby determine and declare that said lots and lands are specially benefitted in the amounts so assessed against the same, which amounts and assessments are hereby confirmed and approved.

SECTION 2. That the owners of said several lots and parcels of land shall pay the said sum so assessed as above against their said lots and lands, respectively, in one (1) installment, to the Treasurer of Lucas County, Ohio, at the same time and in the same manner as other taxes are paid, or be subject to the penalty and interest to be paid thereon as provided by law.

SECTION 3. That the Clerk of Council be, and she hereby is, directed to certify said assessments in one (1) installment within twenty (20) days of the passage hereof, to the Auditor of Lucas County, Ohio, to be, by her, placed upon the grand tax duplicate of said County for the year 2020 against said lots and lands, respectively, to be collected at the same time and in the same manner as other taxes are collected.

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 construction, maintenance and repair of ditches should be made forthwith and therefore this Ordinance should be effective 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 the Charter.

Vote dispensing with the second and third readings: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2021, as an emergency measure.

ATTEST:

\_\_\_\_\_  
Clerk of Council

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Director of Law

6b

**ORDINANCE NO. 44 -2021**

**ORDINANCE APPROVING THE ASSESSMENTS HERETOFORE  
AUTHORIZED BY RESOLUTION NO. 6-2021 FOR STREET  
LIGHTING; LEVYING SAID ASSESSMENTS; AND DECLARING  
AN EMERGENCY.**

WHEREAS, this Council by Resolution No. 6-2021, passed May 3, 2021, declared the necessity for lighting the municipal streets, determined the basis for levying annual assessments on lots and lands in this City for such purpose, and authorized such assessments in the amount as estimated by the Clerk of Council, pursuant to said Resolution; and,

WHEREAS, the Clerk of Council pursuant to said Resolution and Revised Code Section 727.14, gave notice of the passage of said Resolution and the filing of such estimated assessments; and,

WHEREAS, no objections were filed pursuant to Revised Code Section 727.15 or such objections as were filed have been considered by Council, and such assessments, as adjusted if adjusted, should be approved, levied and certified to the Auditor of Lucas County, Ohio.

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

SECTION 1. That the assessments for the street lighting authorized by said Resolution in the aggregate amount of Four Hundred Twenty-Three Thousand, One Hundred Thirty-Seven and 42/100 (\$423,137.42) and the assessments, as adjusted if adjusted, are hereby approved and such assessments in the amount so approved are hereby levied on the several parcels and lots of land in said City on the basis as set forth in said Resolution and the Clerk of Council is hereby directed to certify said assessments to the Auditor of Lucas County, Ohio, within the time provided therefore by the Revised Code of Ohio Section 5705.34.



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 immediate provision must be made for lighting the City streets. 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, \_\_\_\_\_, 2021, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

6c

ORDINANCE NO. 45 -2021

**TO ASSESS A SPECIAL TAX UPON THE LOTS AND LANDS DESCRIBED IN THE SCHEDULE REFERRED TO HEREIN TO PAY A PART OF THE COST AND EXPENSE OF PROVIDING FOR THE REMOVAL AND SPECIAL TREATMENT OF SHADE TREES FOR THE PURPOSE OF CONTROLLING BLIGHT AND DISEASE OF SAME; AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHT-OF-WAY OF THE CITY FOR THE YEAR ENDING DECEMBER 31, 2021; AND DECLARING AN EMERGENCY.**

WHEREAS, the Council of the City of Sylvania has heretofore, by Ordinance, established one (1) district for the purpose of removing or specially treating therein shade trees for the purpose of controlling the blight and disease of same for the planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2020, and provided that part of the cost and expense connected with said work in said district in the total amount of Two Hundred Forty-Four Thousand, Nine Hundred Fifty-Seven and 90/100 (\$244,957.90) shall be levied and assessed in the sum of thirty-five cents (35¢) per front foot upon all lots and lands bounding and abutting upon the streets and public right-of-way in said district as set forth in said Ordinance; and,

WHEREAS, the Clerk of Council has given notice of the passage of the Ordinance creating the Tree District for 2021, and of the estimated assessments on file in the Office of the Clerk of Council; and,

WHEREAS, Council has considered and adjusted all objections to estimated assessments that were properly and timely filed.

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

SECTION 1. That, to pay the cost and expense of the removal or special treatment of certain shade trees for the purpose of controlling the blight and disease and for planting, maintaining, trimming and removing of other shade trees in and along the streets and within public right-of-way of the City of Sylvania described in the schedule as reported by the Clerk of Council for the year ending December 31, 2021, there be, and hereby is assessed, in one (1) installment for 2021, upon the lots and lands bounding and abutting upon the streets and public right-of-way in said district, the several sums shown in the list of assessments, as adjusted if adjusted, and set opposite the description of the respective lots and lands and do hereby determine and declare that said lots and lands are specially benefitted in the amounts so assessed against the same, which amounts and assessments are hereby confirmed and approved.

SECTION 2. That the owners of said several lots and parcels of land shall pay the said sum so assessed as above against their said lots and lands, respectively, in one (1) installment, to the Treasurer of Lucas County, Ohio, at the same time and in the same manner as other taxes are paid, or be subject to the penalty and interest to be paid thereon as provided by law.

SECTION 3. That the Clerk of Council be, and she hereby is, directed to certify said assessments in one (1) installment within twenty (20) days of the passage hereof, to the Auditor of Lucas County, Ohio, to be, by him, placed upon the grand tax duplicate of said County for the year 2019 against said lots and lands, respectively, to be collected at the same time and in the same manner as other taxes are collected.

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 assessments need to be certified immediately so as to meet the deadline for certifying the same to the Auditor and therefore this Ordinance should be effective 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 the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2021, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

PETITION FOR ZONING ORDINANCE AMENDMENT

7

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

Application No. ZA-1-2021  
Date 5-17-21

Petitioner Name(s): Current owner: Sara Velasquez Potential owner: Ashley Balester

Petitioner Address: Current owner: 8216 Erie St., Sylvania, OH 43560

Contact/potential owner: 950 Bexley Dr. Piquette OH 43551

Email: velasquez.sara@hotmail.com Telephone: 419-297-9919

Ashley: contact@localrootsjuiceco.com

Ashley: 419-514-2106

Location of property for which zoning amendment is requested:

8216 ERIE ST

Purpose of amendment request: Change zoning to allow a juice  
Shop owner to purchase property and run the business at  
this address.

Current Zoning: R1

Requested Zoning: BZ

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 \$100.00 + cost of advertising, 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:

Sara Velasquez  
Ashley Balester

Date referred by Council: \_\_\_\_\_

Date of Commission Action: \_\_\_\_\_

Date of Council Action: \_\_\_\_\_

Action: \_\_\_\_\_

For Office Use Only

Date: 5/22/2021

Check #: 761

Cash: -

Fee: \$ 100.00

Bo



All that part of the Southwest quarter ( $\frac{1}{4}$ ) of Section five (5), Town nine (9) south, Range six (6) East, City of Sylvania, Lucas County, Ohio bounded and described as follows:

Commencing at a brass plate in monument box at the southwest corner of said Southwest quarter ( $\frac{1}{4}$ ) of said Section five (5);

Thence South ninety (90) degrees zero (00) minutes, zero (00) seconds East a distance of four hundred ninety-four and sixty-eight hundredths (494.68) feet long along the south line of said Section 5 to a set pk nail said nail being thirty (30.0) feet south of a capped five-eighths ( $\frac{5}{8}$ ) inch iron bar and the point of beginning.

Thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East a distance of one hundred ninety-five and zero hundredths (195.00) feet to a set capped five-eighths ( $\frac{5}{8}$ ) inch iron bar thirty (30) inches long;

Thence North ninety (90) degrees, zero (00), minutes, zero (00), seconds East a distance of one hundred and zero hundredths (100.00) feet to a set capped five-eighths ( $\frac{5}{8}$ ) inch iron bar thirty (30) inches long;

Thence South zero (00) degrees, zero (00) minutes, zero (00) seconds East a distance of one hundred ninety-five and zero hundredths (195.00) feet to a set pk nail that is thirty and zero hundredths (30.00) feet south of a capped five-eighths ( $\frac{5}{8}$ ) inch iron bar thirty (30) inches long;

Thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds, West one hundred and zero hundredths (100.00) feet to place of beginning.

Containing .4476 gross and .0689 right-of-way acres of land, more or less, and subject to legal highways.

**ORDINANCE NO. 46 -2021****APPROVING THE INCLUSION OF LUCAS COUNTY AS A MEMBER  
OF THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY; AND  
DECLARING AN EMERGENCY.**

WHEREAS, the Toledo Area Regional Transit Authority (“TARTA”) exists as a political subdivision under the laws of the State of Ohio and is operated in the following jurisdictions (Member Communities): the City of Toledo, the City of Maumee, the City of Sylvania, the City of Rossford, the Village of Ottawa Hills, the City of Waterville and the Township of Sylvania; and,

WHEREAS, TARTA provides transit services within the areas of the Member Communities which are within portions of Lucas County, Ohio and Wood County, Ohio; and,

WHEREAS, TARTA currently derives funding from two ad valorem property taxes (one 1.0 mill levy and one 1.5 mill levy) for a total of 2.5 mills paid by the property owners within the area of TARTA; and,

WHEREAS, several other Regional Transit Authorities in Ohio utilize a sales and use tax to fund operations, which funding system is viewed as a preferable method of funding because it is paid by nonresidents as well as residents; and,

WHEREAS, the Board of Lucas County Commissioners established a community task force comprised of a broad cross section of leaders throughout the region to assess the state of public transportation in and around Lucas County; and,

WHEREAS, in August of 2019, the final report of the task force, entitled Community Task Force: Public Transportation in Northwest Ohio, was issued and it recommended that Lucas County should be invited to become a member of TARTA and that a 0.5% sales tax levy

be proposed to replace the inefficient property taxes; and,

WHEREAS, a sales and use tax funding system requires the addition of Lucas County as one of TARTA's Member Communities; and,

WHEREAS, the Board of Trustees of TARTA has approved a resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding structure that would: (1) expand mass transit service throughout Lucas County by adding Lucas County as a member of TARTA; (2) eliminate the current 2.5 mill property tax levies and substitute a 0.5% sales and use tax; and (3) allocate monies from the sales and use tax collected to TARTA to directly fund its operations and allocate monies from the sales and use tax collected to other local governmental entities for the installation, maintenance and improvement of mass transit related infrastructure; and,

WHEREAS, TARTA's resolution provides that if Lucas County is added as a member of TARTA, the Board of Trustees will amend its composition to reflect its expanded geographical boundaries, as follows: four members, who shall have terms of three years, shall be appointed by the Mayor of the City of Toledo, with the advice and consent of the Council of the City of Toledo; three members, who shall have terms of three years, shall be appointed by the Board of Lucas County Commissioners; one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Maumee, with the advice and consent of the Council of the City of Maumee; one member, who shall have a term of three years, shall be appointed by the Mayor of the Village of Ottawa Hills, with the advice and consent of the Council of the Village; one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Rossford, with the advice and consent of the Council of the City of Rossford; one member, who



shall have a term of three years, shall be appointed by the Mayor of the City of Sylvania, with the advice and consent of the Council of the City of Sylvania; one member, who shall have a term of three years, shall be appointed by the Board of Trustees of Sylvania Township; and one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Waterville, with the advice and consent of the Council of the City of Waterville; and,

WHEREAS, TARTA's resolution provides that if the current 2.5 mill property tax levies are replaced with a 0.5% sales and use tax, the monies derived therefrom will be utilized in accordance with Ohio Revised Code Section 306.35, and after application of Section 306.322, certain of these sums collected are to be expended for public infrastructure projects to assist other local governmental entities in the TARTA service area in funding installation, maintenance and improvement of transit related infrastructure so that the roads, sidewalks, bridges, bus stops, bus shelters, signage and associated improvements are adequate to allow TARTA to operate its vehicles and serve its passengers in the Member Communities, with annual payments as follows: City of Toledo \$300,000; City of Maumee \$90,000; Village of Ottawa Hills \$90,000; City of Rossford \$90,000; City of Sylvania \$90,000; Sylvania Township \$90,000 and City of Waterville \$90,000; and,

WHEREAS, the proposed changes first require the Lucas County Board of County Commissioners to adopt a resolution or ordinance proposing that Lucas County join TARTA without a time limit on the County's membership, and to then submit a copy of its resolution or ordinance to the governing body of each political subdivision comprising TARTA; and,

WHEREAS, if a majority of the governing bodies of the political subdivisions comprising TARTA, within 30 days of receiving the copy of the Lucas County Board of County

Commissioners' resolution or ordinance proposing to join TARTA, adopt a resolution or ordinance approving the inclusion of Lucas County as a member of TARTA without a time limit on the County's membership, TARTA's Board of Trustees may adopt a resolution to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a sales and use tax under R.C. 5739.23 and 5741.022 throughout TARTA's territorial boundaries as so enlarged, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49; and,

WHEREAS, if a majority of the governing bodies of the political subdivisions comprising TARTA adopt a resolution or ordinance approving the inclusion of Lucas County as a member of TARTA without a time limit on the County's membership, the Board of Trustees of TARTA intends to proceed to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a 0.5% sales and use tax under R.C. 5739.23 and 5741.022 throughout TARTA's territorial boundaries as so enlarged for a period of ten years, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49 at the November 2, 2021 General Election; and,

WHEREAS, the Board of Lucas County Commissioners approved a resolution on \_\_\_\_\_, 2021 proposing that Lucas County join TARTA without a time limit as to the County's membership and submitted to this Council a copy of the County Commissioners' resolution on \_\_\_\_\_, 2021.

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

SECTION 1. That the Council of the City of Sylvania approves the Board of Lucas County Commissioners' proposal that Lucas County join TARTA as a member without a time

limit.

SECTION 2. This Council hereby authorizes the Clerk of Council to promptly take all actions necessary to promptly present this Ordinance to the Board of Trustees of TARTA in time for it to adopt a resolution to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a 0.5% sales and use tax under R.C. 5739.23 and 5741.022 throughout TARTA's territorial boundaries as so enlarged for a period of ten years, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49 at the November 2, 2021 General Election.

SECTION 3. 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 4. 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 5. 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 it is necessary to inform the Board of Trustees of TARTA of this Council's approval of the Board of Lucas County Commissioners' proposal in time for the TARTA Board of Trustees to submit the above-described question to the electors within TARTA's territorial boundaries, as would be enlarged by the inclusion of Lucas County, at the November 2, 2021 General Election at the earliest possible time, and therefore, this Ordinance should be effective 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 the Charter.

Vote on passage as an emergency:                      Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2021, as an emergency measure.

ATTEST:

\_\_\_\_\_  
President of Council  
APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council  
APPROVED:

\_\_\_\_\_  
Director of Law

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

# City of Sylvania

9

## STREET BANNER APPLICATION/PERMIT

Name of Organization: Marathon Classic / Sylvania Chamber  
Contact Person: Tiffany Scott (Sylvania Chamber)  
E-mail: tscott@syvoniachamber.org Phone: 419 882 2135  
Explanation of the Qualifying Event\*: Marathon Classic

Dates of Event: July 5-11

Installation & Removal Dates of Banner: June 27 - July 12<sup>th</sup>  
[maximum four (4) weeks]

Banner Location: ☐ Monroe Street Fee: \$100.00 (Installation by Applicant)  
☒ Main Street Fee: \$700.00 (Installation by City of Sylvania)

Text of Banner: "Welcome to Sylvania"  
"Home of the Marathon PGA Classic"

Company Installing Banner (Monroe Street Only): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Insurance on File: \_\_\_\_\_

Edison Approval: \_\_\_\_\_

City Approval: \_\_\_\_\_

**The banner and installation shall meet the attached specifications.**

- \* The purpose of the banner installation shall be one of the following reasons:
- A Sylvania charitable or civic event.
  - Banners may not be installed for private commercial or political gain.

**WELCOME TO SYLVANIA**



**HOME OF THE  
MARATHON LPGA CLASSIC**

9a

**ORDINANCE NO. 47 -2021**

**APPROVING THE BANNER APPLICATION OF THE SYLVANIA AREA CHAMBER OF COMMERCE; AUTHORIZING THE ZONING ADMINISTRATOR TO INDICATE SUCH APPROVAL ON BEHALF OF THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.**

WHEREAS, Resolution No. 19-2000, passed June 5, 2000, granted permission to install banners in the public right-of-way on the Toledo Edison poles located on Monroe Street by Wendy's across to the area in front of Country Squire Plaza (near the intersection of Corey Road and Monroe Street); and,

WHEREAS, Resolution No. 19-2000 provided that the applications were to be reviewed on an application-by-application basis and set forth the criterion on which the applications were to be considered; and,

WHEREAS, Ordinance No. 20-2018, passed May 21, 2018, amended Part Eleven – Planning and Zoning Code of the Codified Ordinances of Sylvania, 1979, as amended, by amending Section 1166.07 – Standards for Permitted Signs to permit banners to be installed in the downtown; and,

WHEREAS, the Sylvania Area Chamber of Commerce has submitted a request to hang a banner within said Main Street public right-of-way welcoming visitors to the City for the Marathon Classic; and,

WHEREAS, the banner will hang from June 27-July 12, 2021 and will comply with all of the terms and conditions set forth in Resolution No. 19-2000 and Ordinance No. 20-2018.

NOW, THEREFORE BE IT ORDINANCE by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

**SECTION 1.** That the application of the Sylvania Area Chamber of Commerce to hang a banner across the downtown block of Main Street between Maplewood Avenue and Monroe Street is found to comply with Section 1166.07(h)(2)(A)(1) and is hereby approved.

SECTION 2. That the Zoning Administrator is authorized to sign said permit granting permission to proceed under the application hereby approved.

SECTION 3. 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 4. 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 5. 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 permission should be granted immediately to provide for the timely installation of the banner. 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 on passage as an emergency:                      Yeas \_\_\_\_\_      Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2021, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

10a1.

**ORDINANCE NO. 27 -2021**

**AMENDING CHAPTER 941 – SOLID WASTE/RECYCLING  
COLLECTION OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS  
AMENDED; REPEALING CHAPTER 943 – RESIDENTIAL RECYCLING  
PROGRAM 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, the Director of Public Service has recommended that the necessary sections from Chapter 943 be incorporated into Chapter 941 and that Chapter 943 be repealed; and,

WHEREAS, this matter was referred to the Utilities Committee for its review and recommendation and thereafter recommended that the proposed amendments as set forth on “Exhibit A” be made.

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 – Solid Waste/Recycling Collection 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. That Chapter 943 – Residential Recycling Program of the Codified Ordinances of Sylvania, 1979 be repealed.

SECTION 3. 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 4. 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 5. 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 these Chapters 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 on passage as an emergency: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2021, 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/Recycling Collection**

- |  |   |
|--|---|
| <p><b>941.01 Definitions.</b></p> <p><b>941.02 City to provide collection and disposal for residential buildings at City expense.</b></p> <p><b>941.021 Fees for collection and disposal for residential buildings.</b></p> <p><b>941.03 Solid Waste collection and disposal service.</b></p> <p><b>941.04 Solid Waste preparation.</b></p> <p><b>941.05 Container requirements.</b></p> <p><b>941.06 Location of containers.</b><br/><b>(Repealed)</b></p> <p><b>941.07 Collection and disposal contract provisions. (Repealed)</b></p> <p><b>941.08 Materials not considered refuse.</b></p> <p><b>941.09 Solid Waste collection and disposal by non-City contractors.</b></p> | <p><b>941.10 Dumping of solid waste in public place; burning prohibited.</b></p> <p><b>941.11 Burning or burying solid waste prohibited.</b></p> <p><b>941.12 Commercial Establishment containers.</b></p> <p><b>941.13 Christmas tree removal.</b></p> <p><b>941.14 Bulk items.</b></p> <p><b>941.15 Leaf collection.</b></p> <p><b>941.16 Public waste receptacles.</b></p><br><p><b>941.17 Green Yard Waste Collection.</b></p> <p><b>941.18 Title to Recyclable Materials.</b></p> <p><b>941.19 Theft of Recyclable Materials.</b></p> <p><b>941.20 Donation or Sale of Recyclable Materials.</b></p> <p><b>941.99 Penalty.</b></p> |
|--|---|

#### **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 (non-hazardous); and empty paint cans.

(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 more than six family dwelling units.

(d) "Residence" includes each single family dwelling unit, and each unit of a multiple family structure containing up to a maximum of six family dwelling 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.

(g) "Bulk Items" includes appliances; water tanks/boilers; sinks & fixtures; furniture; mattresses; carpeting (rolled in four-foot lengths and tied); dismantled swing sets (concrete bases removed).

(h) "Recyclable materials" means materials that would otherwise become refuse and that may be collected, separated or processed and returned to the economic mainstream as a raw material or product and shall include the following materials:

- (1) Aluminum, steel and bi-metal cans;
- (2) Glass containers;
- (3) Plastic milk, water, juice and detergent containers;
- (4) Corrugated paper (cardboard and paper boxes);
- (5) Newspaper;
- (6) Computer print-out paper;
- (7) Other materials as set forth by rules promulgated by the Director of Public Service and published for a minimum of fifteen days.

(i) "Recycling program" means a resource recovery method that involves the collection and treatment of waste products for use as raw materials in manufacturing the same or a similar product.

(j) "Solid waste" means refuse and recyclable materials, all inclusive, to be disposed of.

(k) "Green Yard Waste" means yard waste, grass clippings, tree limbs (folded, bundled, and tied in lengths of no more than four feet with a diameter of no more than one foot and not more than forty pounds in weight).

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **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 solid waste from each residence within the City. The Director of Public Service is hereby authorized to establish reasonable rules and regulations that are consistent with any ordinance of the City and as may be reasonably necessary to the public safety and health regarding the manner and method of collecting, handling, storing and disposing of solid waste within the City.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.021 FEES FOR COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS.**

(a) The City shall provide and pay for the removal and disposition of solid waste from each residence within the City, and there is hereby imposed on the owner (collectively including all owners or tenants) of each residence an annual fee which is one hundred sixty-one dollars and forty cents (\$161.40) for the year 2021) 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 solid waste 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 solid waste. 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 solid waste service and the provisions of Section 923.09 (b) shall apply with the force and effect to solid waste service as though that term has been included in such section.

(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 171.08, 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 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 171.08, 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 proof of such applicant's payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.

(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 solid waste fee is imposed and paid, such persons shall be entitled to a refund of such refuse fee 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 exemption based on income waiver provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income received.

(f) If the combined City income tax liability less any credit given under Section 171.08, 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 exemption based on income waiver 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 171.08, 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 solid waste fee so imposed upon such owner (any of them) paying to the utility office an amount equal to the difference between the annual solid waste 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 exemption based on income waiver provided by the Tax Commissioner and upon payment of such income tax being verified by the Tax Commissioner.

(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 solid waste 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 solid waste fee is imposed, then the residents of such residence shall be exempt from the payment of the annual solid waste 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 exemption based on income waiver provided by the Tax Commissioner, which waiver 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 solid waste fee would be imposed is less than the Income Limit as defined in subsection (d) above.

(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 solid waste 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 solid waste fee that has been paid to the City in the absence of proof to the contrary.

(m) All requests for refunds of a solid waste fee shall be filed with the City on or before December 31 of the year following the year for which the solid waste 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 solid waste 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. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.03 SOLID WASTE COLLECTION AND DISPOSAL SERVICE.**

(a) Refuse collection services are to be provided to each residence within the City once each week.

(b) Recycling collection services are to be provided to each residence within the City every other week.

(c) Collections, except in an emergency, shall be between the hours of 7:00 a.m. and 7:00 p.m.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.04 SOLID WASTE PREPARATION.**

(a) Recyclable materials shall be separated from refuse and prepared for recycling in accordance with rules and regulations promulgated by the Director of Public Service.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.05 CONTAINER REQUIREMENTS.**

(a) All nondisposable containers utilized for the purpose of solid waste collection shall be provided by the City. The cost of this container shall be included in the fees addressed in Section 941.021. All solid waste material shall be placed in the container provided by the City. All refuse material placed in the container shall be securely bagged. All recyclable material placed in the container shall not be bagged.

(b) A resident may purchase additional disposable containers to contain refuse over and above the container limit from the City.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.06 LOCATION OF CONTAINERS.**

(a) All containers and bulk items shall be placed in the street right of way at the edge of the street off the pavement. Containers 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 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 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. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.08 MATERIALS NOT CONSIDERED REFUSE.**

(a) "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 other forms of yard waste; or dead animals.

(b) 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. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.09 SOLID WASTE 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 solid waste as herein defined from any residence within the City.

(b) 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.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.10 DUMPING OF SOLID WASTE 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 solid waste, and burning such materials in outside incinerators or other outside burying devices within the City is prohibited.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.11 BURNING OR BURYING SOLID WASTE PROHIBITED.**

No person shall burn or bury solid waste within the corporate limits of the City.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.12 COMMERCIAL ESTABLISHMENT CONTAINERS.**

(a) 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 solid waste 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 and screening requirements of Section 1160.03. The owner of any residence shall be required to comply with Sections 941.05 and 941.06 and all other sections contained herein which apply to residential solid waste disposal. Excepting, the collective owners of more than three such dwelling units with common walls may at their option be considered; 1) residences with each occupant receiving service under Sections 941.05 and 941.06, or 2) commercial establishments and opt-out of residential service with services then to be provided under this Section 941.12 with costs to be borne by the resident. Proper "opt-out" forms shall be submitted to and approved by the Department of Public Service.

(b) The owner of any commercial establishment shall provide at least one solid waste container, or as many additional containers as may be required to adequately serve such commercial establishment. The owner shall enter into a private agreement with a contractor for the collection and disposal of its solid waste. Vehicles used for such disposal shall be provided with watertight covers and operated to prevent offensive odors escaping therefrom and solid waste from being blown, dripped or spilled.

(c) Solid waste 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) Groups of tenants or owners or both, or one or more commercial buildings may jointly utilize the same solid waste container, provided, that a single owner or tenant of such a group shall be responsible for the maintenance of the container, the upkeep of the grounds it occupies and any other managerial or housekeeping responsibilities.

(f) 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 solid waste 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. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **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 second Monday following New Year's Day and continuing for a three-week period.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.14 BULK ITEMS.**

Residents shall purchase bulk item stickers from the City to properly dispose of such items.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **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 Sections 941.06 and 941.17 and place them out for collection on the regular green yard waste collection day.

(Ord. 28-2014. Passed 6-2-14.) (Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

#### **941.16 PUBLIC WASTE RECEPTACLES. (REPEALED)**

EDITOR'S NOTE: Former Section 941.16 was repealed by Ordinance 28-2014.

#### **941.17 GREEN YARD WASTE COLLECTION.**

The City shall arrange for the distribution of special disposable containers, or sticker to be applied to non-disposable containers, whereby the resident may dispose of green yard waste with the cost of such disposal being borne by the resident.



(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

**941.18 TITLE TO RECYCLABLE MATERIALS.**

From the time of placement of recyclable materials in a designated municipal recycling drop off station or in the street right of way, such materials shall become the property of the City.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

**941.19 THEFT OF RECYCLABLE MATERIALS.**

No person, other than the City or its authorized agents, shall, without privilege to do so, knowingly obtain or exert control over recyclable materials which have been separated from other solid waste and placed either in a designated municipal recycling drop-off station or in the street right of way for collection.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

**941.20 DONATION OR SALE OF RECYCLABLE MATERIALS.**

Nothing herein contained shall prohibit a resident, owner or householder from donating or selling recyclable materials to any person, club, business or organization.

(Ord. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

**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. \_\_\_\_-2021. Passed \_\_\_\_-2021.)

“Exhibit A”

**City of Sylvania**  
Bank Reconciliation  
May 2021

A

Ending balance for April 2021	32,428,939.45
Add: Monthly Receipts	<u>3,584,907.86</u>
Subtotal	\$ 36,013,847.31
Less: Monthly Disbursements	<u>3,195,094.32</u>
Ending balance for May 2021	\$ 32,818,752.99

Less:	
CD Metamora Bank	\$ (2,176,639.59)
Star Ohio	(82,323.71)
Petty Cash (1)	(2,050.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(31,803.18)
Key Bank Securities	(8,173.48)
5/3rd Securities	(8,160,181.42)
SJS Account	(5,849,192.69)
Morgan Stanley Investment	
UBS Financial	(7,408,591.21)
Premier Bank (CD)	(2,100,782.56)
Key Bank (CD)	(1,048,400.00)
Sylvania Township Bonds	(155,000.00)
	\$ 5,794,552.29

Utility NSF- 1ck	(75.66)
------------------	---------

(1)	
Division of Public Service	\$ 150.00
Department of Finance	100.00
Division of Water	600.00
Division of Police	200.00
Municipal Court	700.00
Division of Taxation	150.00
Division of Forestry	150.00

Petty Cash Balance	\$ 2,050.00
--------------------	-------------

**BANK BALANCE**

EOM 5/3rd Bank Balance	\$ 6,303,732.38
Deposit in Transit:	
Income Tax	505.02
General Deposit	25,559.20
Bond Overpayment Refund	1,000.00

Subtotal	\$ 6,330,796.60
----------	-----------------

Less: Outstanding Checks (2)	536,319.97
------------------------------	------------

Adjusted Bank Balance	\$ 5,794,476.63
-----------------------	-----------------

(2)	
April Outstanding Checks	\$ 384,469.33

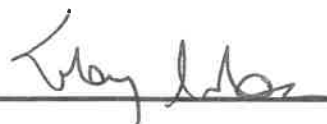
Checks written this month	1,218,863.47
---------------------------	--------------

Voided CK#77724 dtd 4/13/21	(215.00)
-----------------------------	----------

Subtotal	<u>\$ 1,603,117.80</u>
----------	------------------------

Checks Cleared this month	<u>(1,066,797.83)</u>
---------------------------	-----------------------

May Outstanding Checks	\$ 536,319.97
------------------------	---------------

  
Toby Schroyer  
Director of Finance, City of Sylvania