

July 20, 2015
(Special Meeting)

L-148-15 vaz

ORDINANCE NO. 148-15

BY: **BRIAN DAY**
(By Request – Mayor)

AN ORDINANCE ENACTING CHAPTER 967 UNDER TITLE FIVE OF PART SEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, OHIO TO PROVIDE FOR THE COLLECTION OF FEES FOR RESIDENTIAL WASTE COLLECTION, AND DECLARING AN EMERGENCY.

WHEREAS, funding from the State of Ohio has been cut by the Ohio Governor and the Ohio General Assembly by 40% to the City of Parma during the years of 2011 to the present date; and

WHEREAS, the State of Ohio has also eliminated the Ohio estate tax, a tax in which eighty percent (80%) of the proceeds were distributed to local governments and which the City of Parma received an average of \$1.5 million per year; and

WHEREAS, that from 2009 through 2014, the City of Parma has lost state funding in the amount of \$9,181,386 as a result of these massive budget cuts, including the cuts to the Ohio estate tax and to the Local Government Fund; and

WHEREAS, the collection and disposal of garbage and refuse in the City of Parma is a matter which affects the public health, welfare and safety of all City residents; and

WHEREAS, the City of Parma wishes to maintain the highest level of public services and public safety to the residents, and has experienced financial difficulties as a result of the cuts to the Local Government Fund and the Ohio estate tax;

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

Section 1. Chapter 967, Title Five of Part Seven of the Codified Ordinances of the City of Parma is hereby enacted to read as follows:

CHAPTER 967 RESIDENTIAL SOLID WASTE COLLECTION FEE

967.01 ESTABLISHMENT AND DETERMINATION OF FEES.

For solid waste collection and disposal and recycling, commencing on October 1, 2015, the City shall charge all residential properties within the City a monthly fee per dwelling unit. The owner of each residential property shall be responsible for the timely payment of said fee. The monthly fee rate shall be set by the City by ordinance or resolution each year. The City may establish a lower monthly fee rate for residential properties qualifying for a homestead exemption. The City shall review the monthly rate on a yearly basis to determine the amount of the fee for the ensuing year.

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967.02 EXEMPTIONS.

(a) A residential property owner that resides in a multiple dwelling unit where another unit of the dwelling is vacant and not used for rental purposes, may request from the Director of Public Service an exemption from the per-unit charge for the unoccupied units.

(b) The Director of Public Service may create rules and regulations establishing guidelines for vacant properties.

967.03 DEFINITIONS.

As used in this chapter, unless otherwise expressly provided or the content otherwise requires:

(a) “Dwelling unit” means space, comprised of living, dining and sleeping rooms, storage closets and the space and equipment for cooking, bathing and toilet facilities, all used by one family. “Dwelling unit” does not include a tent, trailer or mobile home.

(b) “Residential property” means (i) all single-family and two-family residential dwellings, and (ii) other qualified residential property.

(c) “Other qualified residential property” means any residential condominiums, cooperative apartment corporations, and dwellings within single-family cluster districts approved by the Mayor and the Director of Public Service pursuant to Section 737.10 of these Codified Ordinances and which are specifically covered by a solid waste collection contract entered into by or on behalf of the City of Parma. Other qualified residential property shall include, but is not limited to the following condominium complexes:

1. Stratford Village
2. Arbor Park
3. Peachtree
4. Sandpiper
5. Regency Highlands
6. Snow Village 1
7. Snow Village 2
8. Concord Square

967.04 BILLING AND COLLECTION OF FEE.

The monthly waste collection fee shall be billed in such intervals and collected in such lawful manner established by Council in the annual Resolution establishing rates. The waste collection fee so collected shall be credited to Fund No. 001-020-47290-0000 Trash Fee of City of Parma.

967.05 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on a first offense, and of a misdemeanor of the fourth degree for a second or subsequent violation occurring within twelve (12) months of a prior conviction or plea of guilty or no contest for a similar offense. Penalty shall be as provided for in Section 698.02 of these Codified Ordinances.

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Section 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in open meetings of this Council, and that all deliberations of the Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law, including the City’s Codified Ordinance and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City and for the further reason that this Ordinance must be immediately effective to enable the City to receive the fee revenues to continue solid waste collection services in the City; provided this Ordinance shall take effect and be in full force and effect from and immediately after its passage and approval by the Mayor; otherwise it shall take effect and be in full force after the earlier period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO