

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

JUNE 10, 2019

6:20 PM

In Caucus Room

or immediately following the Services, Utilities, Technology & Cable Committee Meeting

1. Review Legislation
 - (a) **ORD. NO. 37-19** - An emergency ordinance amending Chapter 1060 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)
2. General Discussion
3. Executive Session
 - (a) Motion to go into an Executive Session to discuss the employment, appointment and compensation of public employee.
4. Adjournment

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 6/10/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 37-19** - An emergency ordinance amending Chapter 1060 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, Administration/Paul Barnett)

BACKGROUND: City Council approved a change from manual trash collection to a semi-automated trash and recycle curbside collection using City provided carts. Due to the changes in process, the existing Codified Ordinances will be out of date when the new program is initiated. The new process will begin on July 1, 2019 and will take up to 3 weeks to be fully implemented.

PURPOSE AND EXPLANATION: The exiting Codified Ordinances are intended to be for the existing manual curbside trash collection. With a new semi-automated curbside trash and recycle program using City provided carts, the Codified Ordinances are in need of updating

IMPLEMENTATION SCHEDULE: 3rd reading on July 8, 2019 and adopted as an emergency.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	Yes
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

Emergency is requested in order to assure the revised Codified Ordinances are in place once the new program is fully implemented in mid July 2019.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE AMENDING CHAPTER 1060 OF THE CITY
OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Chapter 1060 of the Codified Ordinances is hereby amended to read as follows:

“1060.01 ACCUMULATIONS OF GARBAGE, ~~AND RUBBISH~~ AND RECYCLABLES.

No person shall accumulate garbage, ~~or~~ rubbish or recyclables on private property for a longer period than that covered by the weekly pickup periods of the contract hauler.

1060.02 CONTRACT OR PERMIT REQUEST.

(a) No person shall collect garbage, ~~or~~ rubbish or recyclables within the City without first obtaining a valid permit or entering into a valid contract with the City as provided for in these ordinances or the resolutions of the City.

(b) A permit may be issued by the Director of Public Service, without fee, under either of the following conditions:

(1) For hauling of rubbish, bulk rubbish, ~~or~~ construction waste or recyclables only from the premises of the permittee for a twenty-four hour period.

(2) For the removal of specifically enumerated items that were previously discarded as rubbish, bulk rubbish, ~~or~~ construction waste or recyclables provided the permittee can produce written permission from the owner of said ~~waste~~ materials indicating transference of the property to the permittee, fully describing said items to be removed, and assurance that said removal will not create conditions that are hazardous to the public. The permit shall be valid for only a twenty-four hour period and must include a description of items to be removed.

(c) Notwithstanding any other provision of these Codified Ordinances, the hours of garbage, ~~or~~ rubbish or recyclables collection with the City of Brunswick shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except as such hours may be extended by the City Manager.

1060.03 SERVICE CHARGES.

(a) ~~(1)~~ Residences. There shall be a monthly charge to each household for the weekly collection, transportation and disposal of residential solid waste, ~~and~~ yard waste and recyclables. The monthly charge shall include each resident's pro rata share of the contract hauler's current

charge to the City under the contract and a service charge for billing, collecting and managing the monthly charge. The monthly charge shall be billed quarterly in advance. A penalty of eighteen percent (18%) shall be charged on all accounts delinquent in excess of ten days after the expiration of the billing period.

~~(2) Grass Clippings. Effective April 1, 2004 tags required for pickup of bags/containers of grass clippings will be provided without a fee. Effective May 1, 2005 tags will not be required for pickup of grass clippings.~~

(b) Billing. The City, through the office of the Director of Finance, shall make the billing charges and collections set forth in subsection (a) hereof.

(c) Notice. Notice of any hearing pertaining to rates for services rendered under this chapter shall be given to all interested persons at least seven days before the date set for such hearing. The kind of notice, the place of hearing and all facts connected with or relating to such hearing shall be regulated by Council.

(d) Financial Reports. A financial statement of profit and loss shall be filed with the Director of Public Service by contract haulers for each calendar year, within ninety days after the close of such year.

(e) Delinquent Accounts. The previous balance of delinquent amounts shall be shown once each year on the July billing and shall be stamped, ~~in red~~, "FINAL NOTICE." If payment is not received within thirty days, the Director of Finance shall make a written return to the County Auditor and such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon the land from the date of entry and shall be collected as other taxes and returned to the City with the General Fund.

1060.04 UNCOLLECTED GARBAGE, ~~AND RUBBISH~~ AND RECYCLABLES.

Fermenting, putrefying or odoriferous garbage in containers or dumped in the open is hereby declared to be a nuisance. Rubbish or recyclables stored in receptacles or containers or in piles on premises in possession of the party responsible therefor for a period exceeding thirty days is also declared to be a nuisance. Such nuisances are prohibited, and the person responsible for either or both of them shall be subject to the penalty provided in Section 1060.99.

1060.05 WAIVER OF CHARGES.

Effective July 1, 2011, any homeowner, in the City, that has been granted a Homestead Exemption as of January 1, 2007, as certified by the County Auditor, shall be exempt from the regular garbage and rubbish service collection charges except for a charge of eleven dollars and thirty-five cents (\$11.35) per month. Any homeowner in the City who has not previously obtained a Homestead Exemption as of January 1, 2007, shall be charged a monthly rate as provided in Section 1060.03.

1060.06 HOURS FOR PLACING GARBAGE, ~~AND RUBBISH~~ AND RECYCLABLES OUT FOR PICK-UP.

~~(a) April 1st through October 31st. No earlier than 6:00 p.m. the day before regularly~~

~~scheduled pick-up day.~~

~~—(b) November 1st through March 31st. No earlier than 4:00 p.m. the day before your regularly scheduled pick-up day.~~

Garbage, rubbish and recyclables are to be set out no earlier than 4:00 p.m. the day before the regularly scheduled pick-up date. All carts are to be removed from the right-of-way no later than 8:00 p.m. the day of the regularly scheduled pick-up date.

1060.06 GARBAGE, RUBBISH AND RECYCLABLE RULES AND REGULATIONS.

The curbside garbage, rubbish and recyclable collection program will utilize carts provided by the City. No other containers will be permitted. The rules and regulations for the program shall be as established, from time to time, by the Service Director.

1060.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter or the rules and regulations as established by the Service Director is guilty of a minor misdemeanor and shall be fined not more than one hundred and fifty dollars (\$1500.00) per offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”

SECTION 2: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and for the additional reason to be effective as of the July 9, 2019 anticipated delivery date of the garbage/recycling carts. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 37-19

BY: Committee-of-the-Whole

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Clerk of Council
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