



**SERVICE COMMITTEE
TUESDAY JANUARY 19, 2016**

COMMITTEE MEETING:

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDBURG, OH 43068**

President: DOUG JOSEPH

Ward Members: Ward I – Stephen M. Cicak
Ward II – Brett Luzader
Ward III – Marshall Spalding
Ward IV - Mel Clemens

At Large Members: Barth R. Cotner
Chris Long
Dan Skinner, Esq.

COMMITTEES:

Community Development: Chmn Skinner, Spalding, Cicak, Luzader
Safety: Chmn Long, Cicak, Luzader, Spalding
Service: Chmn Clemens, Luzader, Spalding, Cicak
Finance: Chmn Cotner, Long, Clemens, Skinner

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Agenda is subject to amendment by Committee/Council at the time of the meeting.

All meetings of the Council shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

If you wish to speak before City Council concerning a specific topic on the agenda, or about a specific topic not on the agenda, please complete a “Speaker Form” and give to the Clerk of Council. Forms are located in the wooden box on one of the bench seats in the atrium. Copies of the Rules of Discussion are available next to the wooden box.

*April Beggerow
Clerk of Council*

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
 - a. Service Committee – Committee Meeting – January 4, 2016
4. Discussion
 - a. Authorize the Mayor to Accept Proposal with EMH&T for CCTV Log Review & Manhole Inspections
 - b. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1325 Residential Code of Ohio for 1,2,And 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1363 Swimming Pools; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code; and Enacting Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions; and Repealing Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units. (First Reading 1/11/2016).
 - c. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations; Enacting Chapter 975 Refuse Collection; and Repealing Chapter 731 Garbage and Refuse Collection; and Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste. (First Reading 1/11/2016).

SERVICE COMMITTEE MONDAY JANUARY 4, 2016

COMMITTEE MEETING:

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDBURG, OH 43068**

1. Call to Order

PRESENT: Clemens, Luzader, Spalding, Cicak, Joseph

ABSENT:

2. Approval of Agenda

Chairman Clemens: I would like to add to tonight's agenda, To Vacate an Easement at 1118 Briarcliff Road. Do I have a second. Seconded by Councilman Luzader. All voted Aye by voice vote. Motion Carried.

3. Approval of Minutes

a. Service Committee – Committee Meeting – December 21, 2015

Minutes stand approved.

4. Election of Chairman; appointment of Vice Chairman

Motion to elect Mel Clemens as Chairman of the Service Committee by Councilman Luzader
Second by Councilman Cicak.

All voted Aye by Voice vote. Motion Carried.

Mr. Clemens appointed Councilman Luzader as Vice Chair.

5. Discussion

Mr. Snowden: Thank you Mr. Chairman, and good evening other members of council. The subsequent items A. through E., that originally went to Council back in December, are a series of zoning and related City code changes. Let me explain briefly what they are and highlight one important change for you and I will explain what the rest of the process entails. The ordinance under Item A. deals with our Building and Fire Prevention Code. The ordinance under Item B. Deals with our Zoning Certificate and General Procedures of the Zoning Code/Zoning Administration. Item C. Deals with the Design Review Board and BZBA Procedures, and our Historic District regulations. Item D. deals with plats and Property Maintenance and Nuisance Abatement Codes. And, Item E. deals with a variety of items related to city services in our Service Department. I am going to highlight what I believe to be the most significant change that you would see here as far as policy change. The majority of these changes involve mainly

Minutes Acceptance: Minutes of Jan 4, 2016 7:30 PM (Approval of Minutes)

texts, moving sections around for a little more consistency within the Zoning Code. But mainly, under the ordinance listed under Item B., under Chapter 1143, I am proposing to have our Planning Commission review Major Site Plans. Today, the BZBA reviews those. That has two advantages, one, it makes Reynoldsburg consistent with most other communities that have a Planning Commission review a site plan, because it is not an appeal, it is new development. And, secondly, it has an advantage that if you had a project proposed, and there were no Special Exception Uses for the project, there were no variances requested, the approval for it could happen in one evening with the Planning Commission and Design Review Board on the same night. So, there is a little bit more efficiency with the same amount of review. It is not changing any uses. It is not allowing or denying any existing use, any existing development standard or regulation. As far as procedures, that is the most significant change. The changes that involve the Zoning Code, need to be approved at a combined hearing that needs to be scheduled by the Council President. It will then be reviewed by our Planning Commission and then come back to City Council. Our Planning Commission has already made a preliminary review to assist me in drafting them. The ordinance listed under A., and the ordinance listed under Item E. will not need to be referred to the Planning Commission, and Ms. Beggerow is aware of this, because they do not deal specifically with the Zoning Code. So, you don't have that charter provision requiring the additional review. So, those could be reviewed along with the normal City Council process for any code change. With that, I would be happy to answer any questions.

Chairman Clemens: There are quite a few changes as far as moving from one chapter to another chapter, and word changes. But, as far as making a definite change, there is nothing in there that really would change what we are doing, other than to make it easier and similar to other cities. It is going to be a long process, so if there are any bad things in there, that you feel you want to change, look it over and read it thoroughly and bring it up at our meetings and also at our hearings. One thing that I have discussed with Eric is the Major Site Plan which is being worked into the Planning Commission to make it much easier and quicker to handle. I have always felt that it should go before Council. That is something after this is done, that we could discuss that possibly we could get it brought before Council. That has always been my feeling on Major Site Plans. That is something I would like to discuss later on. But, as it stands right now, this has to move on to the Planning Commission. Is there anything you would like to ask tonight, before I move it on to Council for its first reading?

Mr. Snowden: Chairman Clemens, if I could just respond to what you just said... that is something we could certainly discuss in the future, but the point I would like everyone to take from what is in front of you, currently these are being reviewed by BZBA, and BZBA approves them, so, what I am saying, or what I believe to be in the best interest of the City, would be to have Planning Commission approve them. Cities that are having Council manic review of site plans such as this also have them reviewed by Planning Commission first. So, in order to go to any other procedure like that, we would first need to do this first step. This is what is existing, and I am proposing to make that small change. If the Council wants to discuss a future policy change such as that, we can. But, regardless of that, this would need to happen first.

Chairman Clemens: Other cities have quite a few more people in their Planning Department than we do. So, that would be a little more difficult situation for him to handle, and this would

be much better. So, if there is anything that anyone would like to discuss, call him at work or come and see him. If you want to ask him anything this evening, feel free to.

- a. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1325 Residential Code of Ohio for 1,2,And 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1363 Swimming Pools; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code; and Enacting Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions; and Repealing Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/11/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Brett Luzader, Ward II	
AYES:	Clemens, Luzader, Spalding, Cicak	

- b. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1131 Definitions; Chapter 1143 Zoning Certificates; Site Plan; Plot-Grade-Utility Plan; Chapter 1155 Enforcement; Penalty; Chapter 1161 Zoning Districts; Chapter 1171 General Regulations for Lots and Yards; and Enacting Chapter 1159 Nonconforming Uses & Structures; and Repealing Chapter 1195 Nonconforming Uses.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/11/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Marshall Spalding, Ward III	
AYES:	Clemens, Luzader, Spalding, Cicak	

- c. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1103 Design Review Board; Chapter 1139 Board of Zoning and Building Appeals; Chapter 1147 Variances; Chapter 1193 "HD" Historic Overlay District and Repealing Chapter 163 Village Commission; and Chapter 1194 Historic Commercial Overlay.

Minutes Acceptance: Minutes of Jan 4, 2016 7:30 PM (Approval of Minutes)

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/11/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Stephen Cicak, Ward I	
AYES:	Clemens, Luzader, Spalding, Cicak	

- d. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1111 General Provisions; Chapter 1115 Preliminary Plat; Chapter 1119 Final Plat; Chapter 1127 Standards; Chapter 1355 House Numbering; Chapter 1180 Landscaping and Buffering Standards; and Enacting Chapter 919 Trees; Part 17 Nuisance and Property Maintenance Code: Title 1 Public Nuisance and Title 3 Property Maintenance Code; and Repealing Chapter 543 Trees and Noxious Vegetation; Chapter 1367 Abandoned or Inoperable Service Stations; and Chapter 1369 Nuisance Abatement; Chapter 1389 International Property Maintenance Plan.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/11/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Brett Luzader, Ward II	
AYES:	Clemens, Luzader, Spalding, Cicak	

- e. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations; Enacting Chapter 975 Refuse Collection; and Repealing Chapter 731 Garbage and Refuse Collection; and Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/11/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Marshall Spalding, Ward III	
AYES:	Clemens, Luzader, Spalding, Cicak	

- f. Ordinance to Vacate Easement at 1118 Briarcliff Road

Mr. Snowden: Thank you Chairman Clemens. I was in contact with the citizen. Members of Council, the Planning Staff and our Service Department were contacted by Ms. Patricia Minor or Ms. Patricia Minor-Guitar, who is the property owner at 1118 Briarcliff Road. What she found during the process of attempting to sell her home was that there is a utility easement directly through an existing detached garage and a portion of her home. What this caused for her was a situation where several insurance and title companies were not willing to insure or work with her to sell the property. She attempted to sell the property and the buyers and insurers, and so forth were not willing to work with them. And so, in order to correct this problem, at the request of myself and Director Burd from Service, the City's consulting engineer reviewed the attached legal description and additional site plan which shows the easement. We also had the Ohio Utilities Protection Service visit the site to

confirm there were no other utilities that we are not aware of, and they have not provided us with any information indicating there are any utilities within that easement, therefore we are comfortable with carrying forward this petition to have this Council vacate the easement. You will see on the plot plan in front of you that there is an existing five foot utility at the rear of the property which gives utility access to her home and that will not be vacated as part of this. That will remain in place. It is vacating the two utility easements running from the back of the property to the Briarcliff frontage in front of the property. And with that, I will be happy to answer any questions.

Chairman Clemens: Are there any questions that pertain to this? Jed, do you see any problem with this is we pass it as an emergency?

Attorney Hood: It appears to me, through my review, that this was platted with a utility easement there. But, no utilities have ever been located or situated there. So the City has very little interest in maintaining this. We certainly do not want to stop her sale or being able to divest herself of the property. My concern was something that Mr. Snowden just shared with you is that there is still a way to service that area with the five foot easement to the rear of the property that exists, and we will not be vacating that. This is not something that we do normally, and I appreciate the question Mr. Clemens, the little Q and A that we do have from time to time. Requests for vacation of easements or right of way, we haven't really done much with in the past, so we do scrutinize these as they come in. But, in this case, the City's interest is very minimal, if any.

Chairman Clemens: Thank you. Are there any other questions for Eric? If not, I would like to send this to Council for first reading as an emergency. Do I have a second? Seconded by Councilman Cicak. All voted Aye by voice vote. Motion carried.

Water and Wastewater Department

Mike Root

614-322-4500 Phone

ORDINANCE REQUEST

DATE: January 19, 2016

TO: Service Committee

RE: Proposal form EMH&T for 2016 Manhole Inspection and CCTV Log Review

Emergency/Suspension: Emergency

Reason For Emergency: Financial needs of the City's government

EMERGENCY

Statement of necessity: Requests passage after 3 readings to begin project timely.

Request legislation for the Mayor to accept proposal with EMH&T, 5500 New Albany Road, Columbus, Ohio 43054 for the management of reviewing of CCTV videos and manhole inspections.

Request authorization to proceed with this proposal for the amount of \$72,672.00 from account 720.736.5365.

Mike Root

Water/Wastewater Superintendent
CITY OF REYNOLDSBURG
7232 EAST MAIN STREET
REYNOLDSBURG, OHIO 43068
(614) 322-4500 voice
(614) 575-4573 fax
mroot@ci.reynoldsburg.oh.us



MEMORANDUM

DATE: 1/13/2016

TO: Reynoldsburg City Council

CC: Mayor Brad McCloud, Auditor Richard Harris, Service Director, Nathan Burd

RE: 2016 Manhole Inspection and CCTV Log Review

Please see proposal from EMH&T for management of our 2016 Manhole Inspection and CCTV Log Review. We will be CCTV 15,915 feet this year. We will be in Greentree, Treebourne and Lancaster Ave area. This area has never been televised.

We will be doing 600 manhole inspections. This work is what generates our CIP work.

Our CMOM Program consists of 2 parts, inspection and rehabilitation. The rehabilitation part will be funded through our CIP Account. The inspection part would come from our operating budget.

Request authorization to proceed with proposal, in the amount of \$72,672.00 from 720.736.5365.

Planning Commission

Eric Snowden

7232 E. Main Street

Reynoldsburg OH 43068

Phone

ORDINANCE REQUEST

DATE: **January 19, 2016**

TO: **Service Committee**

RE: ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1325 Residential Code of Ohio for 1,2,and 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1363 Swimming Pools; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code; and Enacting Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions; and Repealing Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units. (First Reading 1/11/2016).

See the attached materials for details.

-Staff Reports

- Proposed Amendments



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Part 13 – Building Code & Part 15 – Fire Prevention Code

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Staff is proposing to revise Part 13 – Building Code of the Codified Ordinances to provide internal consistency with position titles and remove extraneous language. This proposed revision will have no effect on adopted building codes, fees, procedures or processes for obtaining any building permits.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 153 - Fire Division

This chapter is a reserved chapter for utilization in the event that the City ever elected to operate its own Fire Division. Staff is proposing to utilize this chapter to provide some basic definitions for terms related to the fire districts covering the City. This will allow future code revisions to be drafted more easily and remove the need to define terms related the fire districts that serve the City each and every time they are references in the code. Staff is proposing to repeal the sections of Code that provide for an administrative appeal to the BZBA. The current Ohio Building Code requires an appeal to the State Board of Building Standards.

CHAPTERS 1301, 1305, 1307, 1325, 1335, 1339.

These chapters outline the adopted and incorporated building codes, fees and permitting procedures utilized by the Building Division. Staff has edited the sections to apply job titles and division names consistently.

CHAPTER 1351 - Fences

The information within this chapter was incorporated into Section 1171.06(c) of the Zoning Code. Fences are now regulated though the zoning certificate process. Staff is proposing to repeal this chapter.

CHAPTER 1363 – Swimming Pools

This chapter regulates the installation of swimming pools. Staff has standardized the application of position titles to be consistent with the remainder of the Code.

TITLE SEVEN – HOUSING CODE

Staff is proposing to rename this title to be more consistent with the current contents. Staff has standardized the application of job titles to be consistent with the remainder of

the Code. Staff proposing to repeal section 1395 in its entirety as occupancy permits for multi-family dwellings are now covered by the Ohio Building Code.

PART FIFTEEN - FIRE PREVENTION CODE

Staff is proposing revisions to this part of the code to make position titles consistent with the titles used in the Building Code and to relocate the administration procedures to a new chapter.

CHAPTER 153 - Fire Division

153.01 Definitions.

Unless otherwise defined, the following terms shall be defined as follows:

- (a) “Fire District” shall mean the township or fire district having jurisdiction over a particular lot, parcel or structure within the City.
- (b) “Fire Chief” means the Fire Chief of the township or fire district having jurisdiction over a particular lot, parcel or structure within the City.
- (c) “Fire Prevention Officer” shall mean any official designated as such by a Fire District or Fire Chief.

PART THIRTEEN – BUILDING CODE

Chapter 1301 – ~~Department of Building Inspection~~ Building Division

1301.01 DEPARTMENT ESTABLISHED; DUTIES OF ~~INSPECTOR~~ BUILDING OFFICIAL.

- (a) The ~~Department of Building Inspection~~ Building Division is hereby created, and shall consist of a Building Official and such other deputies and assistants as may be provided by Council.
- (b) The Building ~~Inspector~~ Official shall be charged with the enforcement of the Building Code and the Housing Code of the City and shall possess the powers and duties contained therein.

Chapter 1305 – Permits and Fees

1305.04 FEES FOR INSPECTIONS.

- (e) Inspections requested by contractors shall be made during regular working hours. Inspections requested by contractors after regular working hours (at the discretion of the ~~Chief Building Inspector~~ Building Official) shall be one hundred dollars (\$100.00) for the first hour plus fifty dollars (\$50.00) each additional hour per Inspector. Base fee shall be paid prior to inspection.

1305.05 REINSPECTION FEES.

(a) In the event that work covered by any permit or inspection required by the Building Code is not installed or completed, or both, in accordance with the Code, thereby requiring one or more reinspections, the Building ~~Inspector~~ Official shall assess a fee for each reinspection.

(c) The Building ~~Inspector~~ Official may waive the requirement for a reinspection fee if it is determined that failure to complete or install the work according to the Code was caused by circumstances beyond the control of the contractor.

1305.18 CONTRACTOR'S REGISTRATION.

(a) Contractor's registration shall be required by any contractor who may work in the City. All registrations expire December 31 of the year issued and must be renewed by January 31 of the following year. Contractors entering the City must apply prior to working their first jobs. Before issuance of a contractor's registration, each registrant shall furnish proof and maintain at all times a bond of not less than ten thousand dollars (\$10,000) with good and sufficient surety approved by the ~~Chief Building Inspector~~ Building Official, conditioned to reimburse any person from all damages resulting from any act on the part of such registrant, his agents, or employees contrary to the provisions of said chapter or any other ordinance of the City or any omission on his part to perform any duties required within. Where a contractor has more than one registration, the ten thousand dollar (\$10,000) bond will be sufficient for all registrations. In addition thereto, each license shall furnish proof of premises operations liability insurance with a minimum combined bodily injury and property damage limit of five hundred thousand (\$500,000.00) or equivalent. The City also requires a thirty day notice of cancellation. All bonds and are to run from January 1 through December 31.

All contractors must comply with all applicable building codes and Codified Ordinances of the City.

The Building Official~~Service Director of the City~~ may revoke a contractor's registration if the work for which the permit is granted does not comply with applicable building codes or the ~~Reynoldsburg~~ construction specification requirements enforced by the City of ~~Reynoldsburg~~.

The fee for registration is seventy-five dollars (\$75.00).

(b) The following contractors must have a license from the State of Ohio, and proof of bonding and insurance in order to obtain a City of ~~Reynoldsburg~~ contractor's registration:

- (1) Heating, ventilation and air conditioning contractor.
- (2) Refrigeration contractor.
- (3) Hydronics contractor.
- (4) Electrical contractor.
- (5) Plumbing contractor.

(c) The following contractors must provide proof of bonding and insurance to obtain a City of Reynoldsburg contractor's registration including but not limited to:

- (1) General contractor.
- (2) Concrete contractor.
- (3) Home improvement contractor.
- (4) Sign contractor.
- (5) Asphalt contractor.
- (6) Swimming pool contractor.
- (7) Low voltage contractor.
- (8) Fire protection.

(d) The following contractors must register with the City of Reynoldsburg. No bond will be required if they are working for a registered and bonded general or home improvement contractor and provide the City with proof of employment. If they are working for a home owner, they will need to provide proof of bonding and insurance including but not limited to:

- (1) Concrete footing contractor.
- (2) Excavation contractor.
- (3) Grading contractor.
- (4) Landscape contractor.
- (5) Masonry contractor.
- (6) Drainage contractor.
- (7) Framing contractor
- (8) Siding contractor.
- (9) Roofing contractor.
- (10) Insulation contractor.

1305.19 GRANTING AND REVOKING OF PERMITS.

(d) When a permit is granted, there shall be no refund after the fee has been deposited into The City of Reynoldsburg accounts.

Chapter 1307—Appeals and Variances

~~1307.01 APPEAL TO BOARD.~~

~~Any person or any City officer or official or any public body aggrieved by the action of the Building Inspector may take an appeal to the Board of Zoning and Building Appeals. The Building Inspector or any City officer or official or any public body, or any member of the Board of Zoning and Building Appeals, may request a hearing by the Board on any subject over which the Board has jurisdiction or power, as set forth in this Part Thirteen – Building Code, or may request the Board to review or interpret any provision of this Building Code.~~

~~1307.02 TIME, FEE AND NOTICE OF APPEAL.~~

~~An appeal from any decision of the Building Official may be taken within thirty days from the date of the decision from which the appeal is taken by paying the required fee and filing with the Building Inspector and with the Board of Zoning and Building Appeals a notice of appeal, specifying the grounds therefor. The Building Inspector shall forthwith transmit to the Board papers upon which the action appealed was taken.~~

~~1307.03 ACTION ON APPEALS, HEARINGS AND REVIEWS.~~

~~—(a)—The Board of Zoning and Building Appeals shall hold a public hearing on each appeal and shall give such notice to the Building Inspector and other interested parties as the Board shall direct and shall give such notice to the public by posting, publication or otherwise as the Board shall deem appropriate. At the hearing, any party may appear in person, or by his agent or attorney.~~

~~1307.04 DECISION OF THE BOARD.~~

~~The Board of Zoning and Building Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate the vote upon a decision. Every decision shall be promptly filed in the office of the Building Inspector and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant or other interested party and a copy shall be kept publicly posted in the office of the Building Inspector for two weeks after filing.~~

~~1307.05 VARIATIONS AND MODIFICATIONS.~~

~~—The Board of Zoning and Building Appeals, after public hearing, may vary the application of any provision of this Part Thirteen – Building Code, to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and purpose of this Building Code or public interest or when, in its opinion, the interpretation of the Building Inspector should be modified or reversed. A decision of the Board to vary the application of any provision of this Building Code or to modify an order of the Building Inspector shall specify in~~

~~what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.~~

~~1307.06 BUILDING INSPECTOR TO TAKE ACTION.~~

~~—If a decision of the Board of Zoning and Building Appeals reverses or modifies a refusal, order or disallowance of the Building Inspector or varies the application of any provision of this Building Code, the Building Inspector shall take action immediately in accordance with such decision.~~

TITLE THREE – General Standards

CHAPTER 1325 – Residential Code of Ohio for 1, 2, and 3 Family Dwellings

1325.01 ADOPTED.

~~There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, that certain code known as the Residential Code of Ohio for 1, 2, and 3 Family Dwellings, as amended to the effective date of this section, or as hereafter amended in the most recent edition.~~

(a) In accordance with Section 4.12(a) of the City Charter, the Residential Code of Ohio for 1, 2, and 3 Family Dwellings, as adopted by the Ohio Board of Building Standards, and has may be amended hereafter, is hereby adopted and incorporated by reference.

(b) In accordance with Section 4.12(b) of the City Charter, the Building Official shall file a copy of this code with the Clerk of Council, and shall file all revised versions of this code whenever it is revised or amended by the Ohio Board of Building Standards.

1325.02 ~~FILE AND DISTRIBUTION COPIES.~~ PURPOSE.

~~A copy of the Residential Code of Ohio For 1, 2, and 3 Family Dwellings, adopted in Section 1325.01 is on file with the Clerk of Council for inspection by the public as required by Section 4.12 of the Charter.~~ The purpose of this code is to establish rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of residential buildings and structures.

CHAPTER 1335 – Flood Damage Prevention

1335.06 APPLICABLE LANDS.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Reynoldsburg, as identified in Section 1335.07 including any additional areas of special flood hazard annexed by the City of Reynoldsburg.

1335.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Reynoldsburg as required by Section 1335.28(c) Subdivisions and Large Scale Developments.

(d) Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on

file at 7232 E. Main Street, City of Reynoldsburg, Ohio in the office of the Floodplain Administrator.

1335.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Reynoldsburg, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

1335.14 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ADMINISTRATOR.

The ~~Chief Building Inspector~~ Official is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

1335.16 APPEAL AND VARIANCE PROCEDURES.

(a) Appeals Board. City Council of the City of Reynoldsburg shall hear all requests for variances and appeals, and in such capacity shall hereinafter be referred to as the "Appeals Board". All meetings of the Appeals Board shall be open to the public except that the Appeals Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed at 7232 E. Main Street, City of Reynoldsburg, Ohio in the office of the Clerk of Council.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board, or their designated representative.

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. All applications for a variance shall be accompanied by a variance application fee set in the fee schedule adopted by the City of Reynoldsburg.

1335.17 MAP MAINTENANCE ACTIVITIES..

(c) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Reynoldsburg have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Reynoldsburg's Flood Insurance Rate Map accurately represent the City of Reynoldsburg boundaries, include within such notification a copy of a map of the City of Reynoldsburg suitable for reproduction, clearly showing the new corporate limits of the new area for which the City of Reynoldsburg has assumed or relinquished floodplain management regulatory authority.

1335.23 APPLICATION REQUIRED.

(f) A floodplain development permit application fee set by the fee schedule adopted by the City of Reynoldsburg.

1335.28 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1335.07 or 1335.18(a):

(a) Use Regulations

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Reynoldsburg the City are allowed provided they meet the provisions of these regulations.

1335.99 PENALTY.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor of the first degree. Whoever violates these regulations or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be fined or imprisoned as provided by the laws of the City of Reynoldsburg. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall

prevent the City of Reynoldsburg from taking such other lawful action as is necessary to prevent or remedy any violation. The City shall prosecute any violation of these regulations in accordance with the penalties stated herein.

CHAPTER 1339 – ~~Ohio~~ Building Codes

1339.01 ADOPTION.

~~The Ohio Building Code (OBC) and related codes listed in OAC 4101:1-1-01.4, as promulgated by the March 2, 2005, and as published in Divisions 4101:1 to 4101:5 and 4101:7 to 4101:8 of the Ohio Administrative Code (OAC) as amended to the effective date of this section, are hereby adopted by reference and incorporated fully herein as if set out at length.~~

(a) In accordance with Section 4.12(a) of the City Charter, the Ohio Building Code, Ohio Mechanical Code, and Ohio Plumbing Code, as adopted by the Ohio Board of Building Standards, and as may be amended hereafter, are hereby adopted and incorporated by reference.

(b) In accordance with Section 4.12(a) of the City Charter, the National Electric Code, as adopted by the National Fire Protection Association, and as may be amended hereafter, are hereby adopted and incorporated by reference.

(c) In accordance with Section 4.12(b) of the City Charter, the Building Official shall file a copy of these codes with the Clerk of Council, and shall file all revised versions of these codes whenever they are revised or amended by the Ohio Board of Building Standards.

1339.02 DEFINITIONS.

Wherever used in this chapter or in the Ohio Building Code adopted in Section 1339.01, the following terms shall have the meanings respectively ascribed to them:

(a) "Board of Appeals" means the Ohio Board of Building Appeals in the Department of Commerce created pursuant to Ohio R.C. 3781.19.

(b) "Board of Health" means the Franklin County Board of Health, which has a contractual obligation to inspect provisions relating to sanitary construction throughout the City of Reynoldsburg.

(c) "Building Department or Building Division" means the Building ~~Department~~Division of the City of Reynoldsburg.

(d) "Building Official" means the ~~Chief Building Inspector~~ Official of the City of Reynoldsburg.

(e) "~~Fire Chief~~" means the ~~Fire Chief of the Township or Fire District where a building or structure is located within the City of Reynoldsburg.~~

—(f) "Jurisdiction" means the City of Reynoldsburg.

1339.04 APPLICABILITY.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure, or any appurtenances connected or attached to such building or structure. No building or its equipment or accessories, to which the Ohio Building Code applies shall be erected, constructed, or installed except in conformity with the Ohio Building Code. Exceptions include the following:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with the provisions of Chapter 1325, —1999 “Ohio Residential Code for 1, 2, and 3 Family Dwellings” of the Codified Ordinances of the City of Reynoldsburg. This exception does not include the energy provisions required in “Chapter 13, Energy Efficiency” of the OBC (see sections 3781.06, 3781.181, and 3781.182 of the Ohio R.C.);
- (b) Buildings owned by and used for a function of the United States government;
- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered in the business of retail trade if fifty per cent (50%) or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see sections 3781.06 and 3781.061 of the Ohio R.C.);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. secretary of defense, pursuant to 10 U.S.C. 18233(a)(1) and 18237, has acquired by purchase, lease or transfer, and constructs, rehabilitates, or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.
- (g) Manufactured homes constructed under “24 CFR Part 3280,” “Manufactured Home Construction and Safety Standards.”

1339.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The ~~Municipality~~City may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1339.06(b).

TITLE FIVE – Local Provisions

CHAPTER 1351 - Fences

~~1351.01 LOCATION; DEFINED; PERMIT.~~

~~(a) No fence shall be erected nearer the right-of-way line of any street than the minimum setback line for buildings and accessory buildings, as indicated in Section 1175.08. It may be permissible to erect no more than two sets of two eight-foot length decorative fence sections within the prescribed distances set forth in Section 1175.08, provided they are not nearer than five feet to the right of way of any street, and do not exceed thirty-six inches in height. Decorative fences shall not be of solid construction, such as basket weave, stockade or chain link, or be allowed to impede vision as defined in Section 1175.09.~~

~~—(b) As used in this section, "fence" means a hedge, wall structure or partition, whether wood, metal or of other construction, erected for the purpose of enclosing a piece of land, or to divide a piece of land from adjoining lands or streets, or for privacy screening or decorative purposes, the improved side or good side shall face toward the property lines. "Fence" includes natural growth which forms a continuous line of foliage from one plant to another for a length in excess of sixteen feet. A hedge or other natural growth of two feet or less in height shall not be considered a fence within the meaning of this section.~~

~~—(c) The erection of a fence does require a permit, approved by the zoning officer. A plot plan showing the proposed fence location is required to obtain the permit.~~

~~—(d) The maximum height is six feet in residential districts, and ten feet in commercial districts, see Section 1175.05.~~

~~(Ord. 11-86. Passed 1-27-86)~~

~~—(e) Solid fences may not block drainage swales.~~

~~—(f) Fence regulations for L.P.G. tanks, see Section 1541.03(p).~~

~~—(g) Fence regulations for off street parking, see Section 1179.04.~~

~~(Ord. 70-83. Passed 8-8-83; Ord. 90-06. Passed 12-18-06.)~~

~~—(h) Fence regulations for side and rear yard requirements for nonresidential uses abutting residential districts, see Section 1175.05.~~

~~1351.02 BARBED WIRE FENCES.~~

~~—(a) No person shall cause a fence containing barbs to be erected, constructed or maintained within the City except as provided in subsections (b) and (c) hereof.~~

~~—(b) Fences containing barbs may be erected to enclose areas used to contain domestic livestock or to secure industrial properties by securing a permit from the Building Inspector. The Building Inspector shall grant a permit for barbed wire fence only after he has determined that, considering the nature and location of the proposed fence, the safety of persons within the City will not be endangered.~~

~~—(c) When barbed wire fences enclose and secure industrial areas, the entire barbed section shall be at least seven feet above the surface of the ground and the level of the public or private sideways and roadways.~~

~~1351.03 ELECTRICALLY CHARGED FENCES.~~

~~(a) No person shall erect, construct, maintain or use any fence charged with electric current within the City except as provided in subsection (b) hereof.~~

~~(b) Fences charged with electricity may be erected to contain domestic livestock by securing a permit from the Building Inspector. The Building Inspector shall grant a permit for an electrically charged fence only after determining that, considering the nature and location of the proposed fence, the safety of persons within the City will not be endangered.~~

~~1351.04 PERMIT FEE.~~

~~A fee of ten dollars (\$10.00) shall be charged for permits required by this chapter.~~

~~1351.99 PENALTY.~~

~~Whoever violates any provision of this chapter is guilty of a minor misdemeanor.~~

CHAPTER 1363 – Swimming Pools

1363.02 LOCATION, AREA AND HEIGHT.

(a) No swimming pool, or part thereof, shall be located closer than ten feet to the side or rear line of the lot or parcel upon which it is situated, or closer to any street on which such lot or parcel abuts than a distance of ten feet greater than the building setback line as fixed by the Zoning Code. The area of the pool proper, exclusive of decks, walks and other appurtenances, shall not exceed ten percent of the area of the lot or parcel on which it is situated.

(b) The top of the walls, decks or walks of any swimming pool shall not extend more than twenty feet beyond the pool proper in each direction, except that where any side of the pool is less than twenty feet from any lot line, the difference between such distance and twenty feet shall be added to the required distance of the portion beyond the opposite side of the pool. In the event that, because of the unusual shape or grade of the lot, or the location or shape of the pool, the foregoing formula cannot be applied with reasonable results, the Building ~~Inspector~~ Official shall be empowered to fix the location of the pool site to be used in determining the maximum grade of the pool, in keeping with the results sought to be achieved by the formula. In the event of dissatisfaction by any interested party with the determination of the Building ~~Inspector~~ Official, an appeal may be taken to the Board of Zoning and Building Appeals.

(c) No lights, diving boards or other accessories shall project more than ten feet above the average grade of the pool site as determined under the provisions of this section.

1363.06 PERMITS; FEES.

No person shall locate, construct or install any swimming pool or make any changes therein or in the appurtenances thereof without having first submitted an application and plans therefor to, and having obtained a permit from the Building ~~Inspector~~ Official and the Health Commissioner. The fee for such permit which shall be collected by the Building ~~Inspector~~ Official shall be fifty dollars (\$50.00) for an above ground pool and hundred dollars (\$100.00) for an in-ground pool. A separate electrical permit is required.

The permit shall not be issued until the plans and specifications have been approved as to structural safety and compliance with this chapter by the Building ~~Inspector~~ Official, and the pool shall not be used until the construction thereof has been approved by the Building ~~Inspector~~ Official.

Every commercial pool, including existing pools, shall be provided with a permit and filtration system approved by the Board of Health.

No person shall use, operate, repair or maintain any swimming pool in violation of any of the provisions of this chapter or of any lawful order of the Building ~~Inspector~~ Official, or in violation of any regulation of the Board of Health, or any order of the Health Commissioner issued pursuant thereto.

TITLE SEVEN – HOUSING MAINTENANCE AND OCCUPANCY CODE

~~CHAPTER 1395 – Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units~~

~~1395.01 OPERATION OF A MULTIPLE DWELLING.~~

~~—No person shall operate or occupy a multiple dwelling, dormitory rooms, a rooming house or rooming units herein called multiple dwellings, unless he holds a valid occupancy permit issued by the City in the name of the owner or operator for the specific dwelling. The owner or operator shall apply to the City for an occupancy permit. Upon compliance by the owner or operator with the provisions of this Code and of any rules and regulations adopted pursuant thereto, by the Board of Zoning and Building Appeals, the permit will be issued.~~

~~1395.02 OCCUPANCY PERMIT.~~

~~The Zoning Officer of the City is hereby authorized to issue new occupancy permits and renewals thereof, to the owners or operators of multiple dwellings. Such permits shall be issued for each building and apply to and specify each dwelling unit within the building. All such permits issued by the Zoning Officer shall be valid unless suspended or revoked by the Zoning Officer. The Zoning Officer may revoke or suspend any such occupancy permit so is sued or renewed, if it is found after inspection, any such multiple dwelling unit is not in substantial compliance with the requirements as set forth in the Code.~~

~~As used in this Code "substantial compliance" means "substantial good faith compliance."~~

~~1395.03 APPLICATION.~~

~~Occupancy permits shall be issued or renewed upon application by the owner or operator pursuant to the rules and regulations as developed by the Zoning Officer and as approved by the Board of Zoning and Building Appeals.~~

~~1395.04 INSPECTIONS.~~

~~—No occupancy permit shall be issued or renewed unless the owner or operator agrees in his application to such inspection pursuant to the provisions of this Code, as the Inspector may require to determine whether the multiple dwelling is in substantial compliance with the requirements of this Code and of any rules and regulations pursuant thereto by the Board of Zoning and Building Appeals.~~

~~1395.05 PERMIT TO BE DISPLAYED OR FURNISHED.~~

~~The owner or operator of a multiple dwelling, for which an occupancy permit has been issued or renewed, shall display the same in a conspicuous place at all times and furnish a copy thereof to prospective or current tenants or to the Zoning Officer upon request. No occupancy permit issued by the Zoning Officer shall apply or be transferable to any other multiple dwelling. The owner or operator of a multiple dwelling for which an occupancy permit has been issued or renewed shall give written notice to the Zoning Officer within seven days after a conveyance of title to such~~

premises to any other person or entity. Such notice shall include the name and address of the person or entity to whom title to the premises has been transferred or conveyed.

~~1395.06 VIOLATION OF CODE.~~

~~—If after inspection, it is found that a multiple dwelling is not in substantial compliance with the requirements of this Code and of applicable rules and regulations pursuant thereto, the owner or operator of the building shall be given written notice of such condition or conditions as provided for herein below. Such notice shall state that unless the violations cited therein are corrected within a reasonable time, the occupancy permit for the multiple dwelling may be suspended.~~

~~1395.07 SUSPENSION OF OCCUPANCY PERMIT.~~

~~If an owner or operator has failed to correct any violation under the provisions of this Code, the Zoning Officer may issue an order suspending the occupancy permit. Such suspension does not require that the occupants vacate the dwelling unless specifically ordered to do so under the provisions of Section 1389.05, but after any such suspension, such dwelling may not be reoccupied once having been vacated until the condition or conditions causing the suspension of the occupancy permit have been restored to substantial compliance with the requirements of this Code and with applicable rules and regulations pursuant thereto.~~

~~1395.08 RECONSIDERATION PROCEDURE.~~

~~—Any owner or operator of a multiple dwelling whose occupancy permit has been suspended, according to Section 1395.07 shall be entitled to a reconsideration of the order or a formal hearing before the Board of Zoning and Building Appeals, in a manner prescribed by Ohio R.C. 119. If no request for reconsideration or petition for hearing reaches the Board within twenty one days following the issuance of the order of suspension, the permit shall be revoked, except that prior to revocation, any person whose permit has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.~~

~~1395.09 REINSTATEMENT.~~

~~If at anytime the Zoning Officer finds that the multiple dwelling for which the order of suspension was issued, is now in substantial compliance with the requirements of this Code and with applicable rules and regulations pursuant thereto, the Zoning Officer shall thereupon reinstate occupancy. The Board of Zoning and Building Appeals may terminate the suspension of any occupancy permit if at any time during the period of suspension, the Zoning Officer finds that the owner or operator has bed the work~~

~~necessary to correct any violation as set forth above and the owner will successfully complete same within a reasonable period of time.~~

~~1395.10 SUBMISSION OF APPLICATION.~~

~~A fee of ten dollars (\$10.00) shall accompany each and every application for the reinstatement of an occupancy permit which has been revoked pursuant to the provisions of this Code.~~

PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501 – General Provisions

1501.01 ADOPTION OF OHIO FIRE CODE.

(a) In accordance with Section 4.12(a) of the City Charter, the Ohio Fire Code, as adopted by the State Fire Marshal, and as may be amended hereafter, is hereby adopted and incorporated by reference.

(b) In accordance with Section 4.12(b) of the City Charter, the Building Official shall file a copy of this code with the Clerk of Council, and shall file all revised versions of this code whenever it is revised or amended by the State Fire Marshal.

1501.02 PURPOSE.

The purpose of the Fire Prevention Code shall be to maintain public safety by prescribing regulations governing conditions involving fire or explosion that could be hazardous to life and property.

1501.03 DEFINITIONS.

The following terms as used in this code or the Ohio Fire Code, shall have the following meanings:

- (a) "Municipality" means the City of Reynoldsburg.
- (b) "Corporation counsel" means City Attorney.
- (c) "Bureau of Fire Prevention" means person designated to enforce the provisions of the BOCA Basic/National Fire Prevention Code.

1501.04 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH REQUIRE PERMITS.

The Mayor, Director of Public Safety and Building Official shall collectively determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which require permits, in addition to those now enumerated in the Ohio Fire Code. The Director of Public Safety shall post such list in a conspicuous place, and distribute copies to interested persons.

1501.05 ENFORCEMENT.

The Ohio Fire Code shall be enforced by a Certified Fire Inspector designated by the Mayor. No person properly served with an order under the provisions of this Code shall fail to comply with such order.

1501.99 PENALTY.

Whoever violates any provision of this code or the Ohio Fire Code, fails to comply therewith, violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder of any certificate or permit issued thereunder, shall, for each violation and noncompliance respectively, be guilty of a minor misdemeanor.

The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified each ten-day period that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 1507 - Open Burning

1507.06 PERMIT: ISSUANCE, USE AND FEE.

No person shall kindle, maintain or authorize burning of construction debris as provided in Section 1507.05 without a permit.

(a) Permit Issuance.

(1) The permit shall be issued for a period not to exceed six months, by the ~~City Building Department~~Building Division.

(2) Burning approval and monitoring will be by the ~~Truro Township Fire Department~~Fire District.

(3) The ~~Truro Township~~ Fire Chief or his representative may disallow such burning when conditions or circumstances make the fires hazardous.

(4) Burning under such permit ceases when the building is first inhabited.

CHAPTER 1511 - ~~Fire Prevention Code~~General Regulations

~~1511.01 EDITION DATE.~~

~~—There is hereby adopted and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Ohio Fire Code, current edition, and all subsequently revised editions.~~

1511.02 FILE AND DISTRIBUTION COPIES.

~~—A complete copy of the current edition of Ohio Fire Code is on file with the Clerk of Council for inspection by the public as required by Section 4.12 of the Charter.~~

1511.03 DEFINITIONS.

~~—The following terms as used in the Ohio Fire Code, shall have the following meanings:~~

~~—(a) "Municipality" means the City of Reynoldsburg.~~

~~—(b) "Corporation counsel" means City Attorney.~~

~~—(c) "Bureau of Fire Prevention" means person designated to enforce the provisions of the BOCA Basic/National Fire Prevention Code.~~

1511.04 ENFORCEMENT.

~~—The Ohio Fire Code shall be enforced by a Certified Fire Inspector designated by the Mayor. No person properly served with an order under the provisions of BOCA Basic/National Fire Prevention Code shall fail to comply with such order.~~

1511.05 DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

The storage of explosives and blasting agents is prohibited in ~~Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and C~~except in the S-1 Special District and industrial zoning districts.

1511.06 DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

(a) The storage of flammable liquids in outside aboveground tanks is prohibited in ~~Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and C~~except in the S-1 Special District and industrial zoning districts.

(b) New bulk plants for flammable liquids are prohibited in ~~Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and CS~~ except in the S-1 Special District and industrial zoning districts.

1511.07 DISTRICTS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS RESTRICTED.

Bulk storage of liquefied petroleum gas is restricted in ~~in Zoning Districts R-1, R-2, R-3, R-4, AR-1, MHP, AR-2, AR-3, CO, NC, GC and CS~~ except in the S-1 Special District and industrial zoning districts.

1511.11 APPEALS.

~~—Whenever the Director of Public Safety disapproves an application or refuses to grant a license or permit applied for, or when it is claimed that the provisions of the Ohio Fire Code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Director to Council within thirty days from the date of the decision.~~

1511.12 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH REQUIRE PERMITS.

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

1511.99 PENALTY.

~~Whoever violates any provision of the Ohio Fire Code, fails to comply therewith, violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder of any certificate or permit issued thereunder, shall, for each violation and noncompliance respectively, be guilty of a minor misdemeanor.~~

~~—The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified each ten day period that prohibited conditions are maintained shall constitute a separate offense.~~

~~—The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Whoever violates any provision of this chapter shall be subject to the penalties listed in Section 1501.99 of this code.~~

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1325 Residential Code of Ohio for 1,2,and 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1363 Swimming Pools; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code; and Enacting Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions; and Repealing Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 1301 Department of Building Inspection; Chapter 1305 Permits and Fees; Chapter 1307 Appeals and Variances; Chapter 1325 Residential Code of Ohio for 1,2,and 3 Family Dwellings; Chapter 1335 Flood and Damage Prevention; Chapter 1339 Ohio Building Code; Chapter 1351 Fences; Chapter 1363 Swimming Pools; Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units; Chapter 1507 Open Burning; Chapter 1511 Fire Prevention Code of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Chapters 1301; 1305; 1307; 1325; 1335; 1339; 1351; 1363; 1395; 1507; and 1511 be and are hereby repealed and replaced.

SECTION 3. That Section 153.01 Definitions of Chapter 153 Fire Division; and Chapter 1501 General Provisions of the Codified Ordinances be and are hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 4. That Chapter 1307 Appeals and Variances; Chapter 1351 Fences; and Chapter 1395 Multiple Dwellings, Dormitory Rooms, Rooming Houses and Rooming Units are hereby repealed.

SECTION 5. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

April L. Beggerow, Clerk of Council

Filed with Mayor: _____

Published: _____

Planning Commission

Eric Snowden

7232 E. Main Street

Reynoldsburg OH 43068

Phone

ORDINANCE REQUEST

DATE: **January 19, 2016**

TO: **Service Department**

RE: ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations; Enacting Chapter 975 Refuse Collection; and Repealing Chapter 731 Garbage and Refuse Collection; and Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste. (First Reading 1/11/2016).

See the attached materials for details.

-Staff Reports

- Proposed Amendments



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Various – Administrative Code, Director/Staff Titles

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Over the years various sections of the Codified Ordinances have been enacted and modified with inconsistent references to the titles of City officials or with other extraneous information. In order to simplify the Code and provide as much clarity as possible, Staff is proposing to standardize these references based on the titles used in the Administrative Code. Standardized titles and references reduce the complexity of future Code amendments and allow the Code to be written in a more natural style and readable of English. This will allow all who utilize the Codified Ordinances to the understand them more easily. The departments of Public Service and Development have teamed up in order to make the proposed corrections and both departments feel they will benefit anyone who utilizes the Code of Ordinances.

METHOD: For simplification purposes, Staff has standardized on the following references: City Engineer (instead of Director of Engineering), Service Director or Director of Public Service and Safety Director or Director of Public Safety. This is consistent with titles used in the Administrative Code and in the majority of the current Code.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 174 - Procedure for Selection of Design Professionals

This chapter codifies the procedures for the City to select firms for professional services. Since the Service Director is involved in project management, Staff has standardized on that title. No procedure or detail of the selection process will be effected by this change.

CHAPTER 509 - Disorderly Conduct and Peace Disturbance

This chapter provides for the regulation of noise in the City. Since the Police Division enforces this ordinance and the Safety Director oversees that division, Staff has standardized on that title. No regulation or enforcement policies of this chapter will be affected by the proposed change.

CHAPTER 741 - Solicitors

This chapter provides for the regulation of solicitors within the City. Since the Service Department issues these permits and enforces this ordinance, Staff has

standardized on that title. Staff has also removed several extraneous references to the “City of Reynoldsburg” as any use of the term “City” is understood to refer to the City of Reynoldsburg per the Administrative Code. The process for securing the permit from the Service Department will not change.

CHAPTER 793 – Cable Television Systems

The current title of this chapter: “CHAPTER 793: Granting of Permits for Construction, Operation and Maintenance of Cable Television Systems” is not consistent with the titles of the remainder of the Business Regulation Code. Staff proposes to shorten it for clarity and easier use of the American Legal Publishing website. No regulation contained in Chapter 793 will be affected by the title change.

CHAPTER 913 - Private Roadways & CHAPTER 960 - Stormwater Regulations

These chapters provides for the regulation of stormwater and private roadways within the City. Since the Service Department enforces Part 9 of the Code, Staff has standardized on that title. No regulation or process will be effected by this standardization.

CHAPTER 174 - Procedure for Selection of Design Professionals

174.01 EVALUATION OF QUALIFICATIONS.

(a) The evaluation of qualifications of design professional(s) shall be by a committee of five consisting of the Mayor, Director of Public ~~Service/Safety~~Service or Director of Parks and Recreation, ~~Director of Engineering~~City Engineer and two members of Council as designated by Council.

(b) The qualification evaluation criteria shall be in accordance with a Consultant Evaluation Form, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(c) The evaluation of proposals for specific projects submitted by the City's qualified design professional(s) shall be by a committee of five consisting of the Mayor, ~~Service/Safety~~ Director or Parks and Recreation Director, the ~~Director of Engineering~~City Engineer, sponsoring Councilperson (chair), and Division Superintendent.

(d) Proposals shall be evaluated in accordance with a proposal evaluation form, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(Ord. 65-08. Passed 10-13-08.)

174.02 BIENNIAL CONTRACTS.

(a) The City will enter into biennial contracts with design professionals as described by a Quality Based Selection Manual, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(b) The necessary biennial contracts with design professionals are to be for a consulting engineer, architect/structural engineer. Council, by motion, may identify and increase the number of necessary design professional contracts.

(c) The types of future projects may include capacity studies, environmental services, roadway design and rehabilitation, water, sanitary sewer, and storm sewer design, building design and layout, planning, and other related services, as needed.

(Ord. 65-08. Passed 10-13-08.)

174.03 PUBLIC ANNOUNCEMENT OF CONTRACTS.

The form of public announcement of contracts for design professionals will be in accordance with a public announcement, as prepared by the ~~Director of Engineering~~City Engineer, and as approved by the Mayor and City Attorney.

(Ord. 65-08. Passed 10-13-08.)

CHAPTER 509 - Disorderly Conduct and Peace Disturbance

509.11 NOISE

(a) Definitions. The following words and phrases when used in this chapter shall have the meanings herein described:

(1) "Amplified Sound" means any sound augmented by any electronic means that increases the sound level or volume.

(2) "Ballroom License" means the license required pursuant to Chapter 771 of the Reynoldsburg City Code for establishments selling alcoholic beverages and that provide live and/or recorded amplified sound for entertainment purposes.

(3) "Business Establishment" means any commercial establishment, including establishments that are required to obtain an entertainment or ballroom license.

(4) "Dwelling Unit," also known as a "residence," means one (1) or more rooms connected together and containing sleeping facilities, which facilities are occupied, whether or not for temporary or overnight rental by one (1) or more persons, and as defined in Ohio R.C. 2909.01(c) as an "occupied structure".

(5) "Live Music" means any sound comprised of instrumental music, song, or a combination of instrumental music and song, produced in whole or in part by a singer vocalizing or by a musician playing a musical instrument on the same premises as the sound source.

(6) "Nighttime" means the period of time from 2300 hours (11:00 p.m.) until 0600 hours (6:00 a.m.).

(7) "Person(s)" means any individual, association of individuals, business or legal entity.

(8) "Plainly audible sound" means any amplified sound for which the information content of the sound is unambiguously communicated to the listener, including (without limitation) understandable words, comprehensible musical rhythms, beat or cadence.

(9) "Receiving property" means any lot, parcel of land, public space, institution or dwelling unit onto which sound, not originating therefrom, travels.

(10) "Recorded music" means any sound comprised of instrumental music or song, or combination hereof, produced and generated by a speaker, loudspeaker, radio, television, tape deck, record player, compact disc player, jukebox, or other sound producing device.

(11) "Sound source" means the place from which amplified sound emanates without limitation to a speaker, loudspeaker, or any other sound producing instrument or person.

(12) "Vehicle noise" means any exhaust, muffler, engine, transmission or external mechanical noise which emanates from a motorized vehicle.

(b) Unreasonably loud noise.

(1) No person shall knowingly or recklessly cause any amplified sound, live music, recorded music, vehicle noise or other noise to cross real property boundaries at such a volume as to:

A. disrupt the normal daily activities, including but not limited to sleeping, studying, and dining of persons within a residence or disrupt the normal daily activities, including but not limited to working of persons within a place of business;

B. Noise shall be presumed "unreasonably loud" if uninvited noise is plainly audible at a residential receiving property, or part thereof, greater than fifty (50) feet away from the property line of the sound source or is plainly audible at a place of business, or part thereof, greater than one hundred (100) feet away from the property line of the sound source.

(2) No person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within posted areas during restricted nighttime hours.

(3) No person shall knowingly or recklessly cause an uninvited or disruptive level of amplified sounds live music, recorded music, vehicle noise or other noise at a volume that causes actual interference with a person's peaceful enjoyment of a residence or the peace and good order of the community.

A. A disruptive or uninvited level of amplified sound, live or recorded music, vehicle noise or other noise is any unreasonably loud or disturbing noise of a character, intensity, raucousness or direction as to be detrimental to the life, health or welfare of any person or

as to annoy, disturb, injure or endanger the comfort, repose, peace or safety of any person, whether on a steady or intermittent basis. At all times, amplified sound, live music, recorded music, or other noise that is plainly audible and that meets either of the following criteria is prohibited:

1. Noise that is unreasonably loud or disturbing; or
2. Noise that crosses real property boundaries and interferes with the peace, comfort, or enjoyment of persons residing in a dwelling unit or a residence or persons located at a receiving property.

B. In addition to the criteria set forth in division (a) hereof, additional restrictions shall be placed on business establishments which serve alcoholic beverages for consumption on premises. Because it is reasonable that quieter standards are expected during nighttime hours, between the hours of 10:00 p.m. and 7:00 a.m. from Sundays through Thursdays, inclusive, and between the hours of 11:30 p.m. and 7:00 a.m. on Fridays and Saturdays, owners and operators of such business establishments are required to ensure that amplified sound live music, recorded music, or other noise be contained entirely within the real property boundaries of the establishment or within the soundproof area located on the premises of the establishment.

(c) Special events.

(1) No person, business, or organization shall knowingly or recklessly hold a special event without first obtaining a special event permit.

(2) Special Event Permit is a permit to depart from the requirements of Section 2 of this chapter. An application for a Special Event Permit may be made to the Safety/Service Director at least thirty (30) days before the scheduled event. The application shall be accompanied by a fee in the amount of fifty dollars (\$50) and a list of all property owners and addresses of same

within three hundred feet (300 ft.) of the special event. Any permit granted by the ~~Service~~/Safety Director shall contain all conditions upon which the permit has been granted, and shall specify a reasonable time period in which the permit shall be effective. No one business, organization or person shall receive more than five (5) special event permits per year. The following criteria shall apply:

A. The ~~Safety~~/Service Director shall grant the special event permit with conditions limiting the duration of the amplified sound, live music, recorded music, or other noise and specifying times for the special event. An application may be denied if the ~~Safety~~/Service Director finds that the special event will result in a private or public nuisance on any adjoining or receiving property. A permit may not be denied on the basis of the content of the proposed sound.

B. In establishing permit conditions for a particular time and location under division (1), the ~~Safety~~/Service Director shall consider the location of the special event, the compatibility of the amplified sound, live music, recorded music, or other noise levels generated, and the compatibility of the hours of operation with surrounding residential areas.

C. Notice of the ~~Safety~~/Service Director's proposed action on an application for a special event permit shall be mailed by the ~~Safety~~/Service Director at least fourteen (14) days prior to the date of the event to all residential/commercial property owners located within a 300 foot radius of the proposed special event. This notice shall state a date, time and location for a public hearing to be conducted by the ~~Safety~~/Service Director regarding the matter.

(d) Responsibility for compliance; complaint procedures.

(1) For purposes of this chapter, any person(s) owning or having responsibility for management of a business or who is in control of a residential premise, and/or however temporarily; any owner or individual having responsibility for the operation of a motor vehicle or is in control of a motor vehicle producing vehicle noise; any paid performer or disc jockey producing amplified sound, live music, recorded music, or other noise upon any business or residential premises or any person having control of volume knobs or levels; and the business as named on the ballroom license or special event permit and/or the person controlling the residential premise, shall be jointly and severally liable for compliance with this ordinance and shall be responsible for any violations of this chapter.

(2) Any person(s) owning or having responsibility for management of a business which shares a common property line with residential premises shall post notice of this section along the property line. Posted sign shall state the following notice:

“Per Reynoldsburg City Code Section 509.11(b)(2) - No person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within the posted areas between the hours of 11:00 p.m. to 6:00 a.m. Violation of this section is punishable by a fine and/or jail sentence.”

(3) Posting of notice shall be enforced by the City of Reynoldsburg Building Department. A citation shall be issued only after business violating said provision receives a warning of said violation and refuses to comply within fifteen (15) days after receiving said warning.

(4) Whoever violates this section is guilty of:

- A. A minor misdemeanor for the first offense; fine not to exceed \$100.00.
- B. A misdemeanor of the fourth degree for the second offense within twelve (12) months; the fine not to exceed \$250.00 and/or thirty (30) days in jail.
- C. A misdemeanor of the third degree for each additional offense within twelve (12) months of the second offense; fine not to exceed \$500.00 and/or sixty (60) days in jail.

(5) Complaints under this chapter may be made by telephone contact with the Reynoldsburg Division of Police. The complainant shall identify himself or herself by name, address and telephone number and shall identify the general direction or vicinity of the apparent sound source, but shall not be required to meet personally with the investigating officer, to sign a written complaint, or otherwise participate in the investigation of the complaint. The investigating officer is authorized to verify information provided by the complainant. This provision provides no right of entry except as is available to the public generally, or except as is provided by law.

(6) Under this chapter, measurements of distance from a sound source to a receiving property shall be measured in a straight line from the property line of the property on which the sound source is located to the property line of the receiving property, or if the sound source is within a walled and roofed structure, the measurement shall be taken from the exterior of that structure, and if one or more open doors or windows exist, from any of such open doors or windows, at the point closest to the receiving property in a straight line to the property line of the receiving property.

(e) Sound limitations - motor vehicles and public property. No person shall, on any public sidewalk, street, highway, park, beach, or other public property, or in any motor vehicle located on any public street or property, use, operate, or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio device which produces or reproduces amplified sound, recorded music, vehicle noise or other noise, at a level which is plainly audible at a distance of more than twenty-five (25) feet or more from the sound source. This provision shall not apply to live music. This section does not apply to any of the following circumstances:

(1) The sound amplification system of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road condition.

(2) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.

(3) The motor vehicle is owned and operated by the State, a political subdivision, or a public utility.

(4) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits from all political subdivisions with which the parade is held.

(f) Exceptions. The following shall not constitute a violation under this chapter:

- (1) Air raid sirens and related apparatus used solely for public purposes;

(2) Domestic power tools. Sound levels produced from any hand- or mechanically-powered saw, sander, drill, grinder, lawn/garden tool or reasonably similar tool, provided, however, that the use:

A. Must be only between 7:00 a.m. and 10:00 p.m. Sunday through Thursday or 7:00 a.m. and 11:30 p.m. Friday and Saturday;

B. Must be in a non-business enterprise; and

C. Must produce a sound level that is not deemed unreasonably loud under the circumstances.

(g) Enforcement and penalties.

(1) Investigation of and enforcement of this chapter, except for division (e) of this section, shall commence upon the complaint of any affected property owner, tenant, or other person, as provided in division (d)(2) of this section, and the Lessee and Lessor may pursue civil remedies pursuant to the lease and the Ohio Revised Code.

A. A citation shall be issued only after a person or business violating said provision receives a warning of said violation and refuses to comply within thirty minutes after receiving said warning. For purposes of this section, there shall be only one (1) warning allowed during a thirty (30) day period before a citation can be issued. A warning is not required for a violation of division (e) of this section.

(2) Whoever violates this section is guilty of:

A. A minor misdemeanor for the first offense; fine not to exceed \$100.00.

B. A misdemeanor of the fourth degree for the second offense within twelve (12) months; the fine not to exceed \$250.00 and/or 30 days in jail.

C. A misdemeanor of the third degree for the third offense within twelve (12) months (or second or multiple offense within 30 days); fine not to exceed \$500.00 and/or 60 days in jail.

(3) Any business establishment found guilty or that pleads no contest under this section for a third violation within twelve (12) months where all such violations relate to amplified sound, live music, recorded music or other noise, the business establishment shall be subject to the revocation of their ballroom license as issued under Reynoldsburg City Code Chapter 771, and/or a special exception use permit.

(Ord. 75-96. Passed 6-10-96; Ord. 10-97. Passed 1-27-97; Ord. 05-01. Passed 1-22-01; Ord. 20-03. Passed 3-24-03.)

CHAPTER 741 - Solicitors

741.01 SALES.

No person or organization shall sell, offer for sale, or solicit orders for any goods, property, merchandise, periodicals or services by going from door to door within the City unless such person or organization has first registered with the ~~City of Reynoldsburg~~ Safety Director in accordance with Section 741.03 and obtained ~~from the Safety/Service Director~~ the permit described in Section 741.04.

741.02 CONTRIBUTIONS.

No person or organization shall solicit contributions for any cause by going from door to door within the City unless such person or organization has first registered ~~with the City of Reynoldsburg~~ and obtained the license described in Section 741.04.

741.03 REGISTRATION.

Persons or organizations who wish to conduct activity described in Section 741.01 and 741.02 shall personally appear at the ~~Safety/Service Director's Office~~ at a location designated by the Service Director during ~~the hours of 8:00 a.m. to 4:00 p.m. regular business hours of the City~~ and obtain a license by applying in the following manner.

(a) Sign their full legal name, write out their present permanent address, and write out the date of registration in a registration book which the ~~Safety/Service Director~~ shall have available at all times.

(b) Write out in a registration book which the ~~Safety/Service Director~~ shall have available at all times, the name of the entity for which the person or organization intends to sell, offer for sale, or solicit orders, or the name of the cause for which he intends to solicit contributions.

(c) Provide to the ~~Safety/Service Director~~ evidence of personal identification in the form of any of the following:

- (1) A valid drivers' license;
- (2) A certified copy of a birth certificate;
- (3) A valid United States passport;

(4) An official organization photo identification containing the following information: name, address and telephone of the organization and the individual's name, address and social security number.

- (5) A current State of Ohio Bureau of Motor Vehicles identification card.

(d) Provide to the ~~Safety/Service Director~~ evidence of organizational identification in the form of any of the following:

- (1) A vendor's license;
- (2) An I.R.S. identification number;
- (3) A corporation identification number;

- (4) A date Charter number:
- (5) Any other identification acceptable to the ~~Safety~~/Service Director.
- (e) Said application shall be made on a form promulgated jointly by the Chief of Police, the City Attorney, and the ~~Safety~~/Service Director (see Appendix A).
- (f) Pay the administrative fee of \$15 to the City Auditor's Office. This fee is to be paid per applicant. This fee is intended to cover and defray the cost of registration and issuance of the permit, and may not be waived unless by authority of the ~~Safety~~/Service Director, as directed in Section 741.05.

741.04 PERMIT.

(a) All license applications shall be made to the ~~Safety~~/Service Director who shall refer the application to the Chief of Police for purposes of a background check. Within five (5) days after receipt of the completed application, the ~~Safety~~/Service Director shall issue licenses to the solicitors, unless he finds that:

(1) The applicant has provided false, misleading or deceptive information in his application; and/or

(2) The applicant, or any solicitor named on the application, has been convicted of a felony violation within his/her lifetime, or misdemeanor violation involving fraud or moral turpitude within the past five years.

(b) Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; it may not be assigned or transferred; it must be carried by the licensee at all times; and it may be revoked or suspended by the ~~Safety~~/Service Director or his/her designee for any of the following causes:

(1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.

(2) The licensee charged or convicted of a felony or of misdemeanor involving fraud or moral turpitude.

(3) The licensee violates any provision of this Chapter or solicits in an unlawful manner.

(c) In the event a license application is not approved or in the event any license issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the applicant or licensee by regular U.S. mail service at the address provided on the application.

(d) The applicant may appeal the denial/revocation of a permit to City Council by submitting a notice of appeal to the Clerk of City Council within thirty (30) days of the denial or revocation and City Council will set a hearing on the appeal within thirty (30) days of receipt of the notice of appeal.

741.05 WAIVER.

(a) The permit fee may be waived by the ~~Safety~~/Service Director.

(b) If the applicant is a charitable organization. As used in this section, “charitable organization” means an organization that has received from the internal revenue service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Internal Revenue Code 501(c)(3).

(c) If the application for a waiver is denied, the applicant may appeal the Safety/Service Director’s denial to Council. Reversal of the Safety/Service Director’s denial and granting a waiver requires a two-thirds vote of the entire Council.

**741.06 REGULATION OF PAINTING HOUSE NUMBERS ON STREET CURBS
~~WITHIN CORPORATE LIMITS OF THE CITY OF REYNOLDSBURG.~~**

(a) All persons and/or companies which desire to conduct the business of painting street numbers within the corporate limits of the City of Reynoldsburg shall apply for a solicitor’s license, and apply for a permit to paint house numbers on street curbs from the Safety/Service Director (See Attachment A to Ordinance. No. 70-98, passed June 22, 1998).

(b) All companies which apply for a permit to paint house numbers on street curbs shall pay an annual fee of \$50.00.

(c) All companies which intend to conduct the business of painting house numbers on street curbs shall comply with all regulations related to the painting of house numbers (See Attachment B to Ordinance No. 70- 98, passed June 22, 1998).

**CHAPTER 793 - ~~Granting of Permits for Construction, Operation and Maintenance of~~
Cable Television Systems**

Attachment: Service Director - Proposed Changes (1262 : Amendments to the Zoning Code)

CHAPTER 905 - Streets Generally

905.01 CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL STREETS.

The minimum requirements for residential streets in the City shall be those shown on Standard Drawing File Number ~~R-23-B~~ on file with the City Engineer, except that required service roads may be constructed to specifications approved by the City Engineer as topography and other factors so require and when an application for a variance to the requirements is applied for and granted by Council.

905.03 DUTY TO MAINTAIN SIDEWALK AND TREE LAWN.

An owner or person having charge of a lot shall maintain the portions of the right-of-way abutting his or her premise(s), including the sidewalk and tree lawn in a manner free of weeds, high grass, trash and consistent with the provisions of the Property Maintenance Code and with Chapter 915.

CHAPTER 909 - Sidewalks

909.01 SIDEWALK CONSTRUCTION PERMIT AND FEE.

(a) No person, firm or corporation shall install or construct public sidewalks on any premises within the City until a permit has been secured from the Building ~~Inspector~~Official. No permit shall be issued until the fee required by this section has been paid.

(b) ~~The City of Reynoldsburg, the Counties of Franklin, Fairfield and Licking, the State of Ohio, the U. S.A., the Township Trustees and Board of Education shall be exempt from paying any sidewalk engineering, inspection or permit fees~~All public or government agencies shall be exempt from the fees for sidewalk engineering, inspections or permits..

(c) The fee for a new sidewalk and/or driveway approach construction engineering and inspection shall be two dollars (\$2.00) per running foot.

(d) The fee for a permit for replacement of a section of existing sidewalk and/or driveway approach shall be a flat fee of twenty dollars (\$20.00) per lot or parcel of land.

(e) Notwithstanding any other provision of this section, the sidewalk fee for any tract of land to be subdivided into two or more lots where the subdivider thereof will be required to install or construct public sidewalks under Chapter 1123 of the Planning and Zoning Code shall be a flat fee of thirty dollars (\$30.00) per lot or parcel of land.

(f) Fees received under this chapter shall be credited to Sidewalk Construction Fund.

CHAPTER 913 - Private Roadways

913.04 SPECIFICATIONS; PERMIT FEE.

The Director of Public Service shall issue a permit for the construction of private roadways upon receipt of five dollars (\$5.00) from each applicant and upon the following conditions:

(a) All private roadways shall be improved, with a hard surface of concrete, asphalt or other similar product or combination of products. The construction and specification for materials for private roadways shall conform with standards provided by the City.

(b) The minimum pavement width for private roadways shall be twenty-six feet and the maximum grade shall be six percent, provided that the minimum grade for private roadways shall be one-half of one percent at the gutter, unless otherwise approved by the Director of Engineering.

(c) Every private roadway ending in a dead end or at a cul-de-sac circle shall have minimum pavement width as approved by the ~~Safety/Service~~ Director to assure access to the area for fire equipment and to facilitate the turning of vehicular traffic. In approving such minimum pavement widths, the Director shall consider whether such cul-de-sac circle, or turn-around will be used for parking vehicles.

913.05 BOND FOR IMPROVEMENT.

(a) Before the approval of the final plat, the owner or developer shall agree in writing that prior to construction of any private roadway, he shall provide a bond acceptable to the City or a certified check guaranteeing the completion of the private roadway within one year from the date of agreement or such time as may be agreed to by Council. The bond or check shall be in an amount equal to the estimated cost of constructing the private roadway improvements and as approved by the ~~Director of Engineering~~ City Engineer.

(b) The owner or developer shall, prior to construction, deposit with the ~~Safety/Service~~ Director a sum of money as prescribed by Council to defray the cost of inspection and the engineering services provided and any expense incurred by the City due to the installation of the improvements and review of the plat and plans. Should the amount of such deposit be insufficient to pay the cost thereof, the owner or developer shall immediately, upon demand, deposit such additional sums as are estimated by the ~~Safety/Service~~ Director to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposits shall be refunded to the owner or developer.

(c) The owner or developer shall hold the City harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his own cost and expense, each suit or action brought against the City by reason thereof, until the improvement has been accepted by the City and the developer notified in writing within thirty days.

(d) If any violation of, or noncompliance with, any of the provisions and stipulations of this chapter occur, the City has the right to stop the work and hold the bonding company responsible for the completion of the improvement, or use the certified check, or proceeds thereof, for such

CHAPTER 960 - Stormwater Regulations

960.03 ILLICIT DISCHARGE AND OBSTRUCTION OF THE SEPARATE STORM SEWER SYSTEM.

(a) A person (as defined in Section 101.02(k)) commits an offense if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of storm water.

(b) It is an affirmative defense to any enforcement action for a violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:

(1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);

(2) A discharge or flow resulting from fire fighting by the Fire Department;

(3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the Fire Code requires to be contained and treated prior to discharge, in which case treatment adequate to remove harmful quantities of pollutants must have occurred prior to discharge;

(4) Agricultural storm water runoff;

(5) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;

(6) A discharge or flow from lawn watering, or landscape irrigation;

(7) A discharge or flow from a diverted stream flow or natural spring;

(8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;

(9) Uncontaminated groundwater infiltration (as defined at 40 C.F.R. 35.2005(20) to the MS4;

(10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;

(11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

(12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;

(13) A discharge or flow from individual residential car washing;

(14) A discharge or flow from a riparian habitat or wetland;

(15) A discharge or flow from cold water (or hot water with prior permission of the Director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

(16) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited; or

(17) A discharge or flow of uncontaminated storm water pumped from an excavation.

(c) No affirmative defense shall be available under subsection (b) if:

(1) The discharge or flow in question has been determined by the ~~Safety~~/Service Director to be a source of a pollutant or pollutants to the waters of the United States or to the MS4; and

(2) Written notice of such determination has been provided to the discharger; and

(3) The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(d) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

(e) Flow Obstruction Prohibited:

(1) No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained written approval from the ~~Safety~~/Service Director and the City Engineer.

(2) No person shall place or deposit into any outfall, drainage facility, storm sewer or watercourse within the City any garbage, trash, yard waste, soil rock or similar material, or any other substance which obstructs flow in the system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public.



REYNOLDSBURG PLANNING & ZONING DIVISION

STAFF REPORT: CODIFIED ORDINANCE AMENDMENT

CODE SECTION: Various – Refuse Collection Services

BACKGROUND: Staff becomes periodically aware of provisions in the Codified Ordinances that need revision or the addition of text to make the intent of the Code more clear. Over the years, the manner in which the City has provided for refuse collection for its residents has changed. The departments of Public Service and Development and have teamed up to revise the codified ordinances related to refuse collection in order to simply the procurement of the service and enforcement of resident responsibilities.

SUMMARY OF MAJOR REVISIONS:

CHAPTER 731 – Garbage and Refuse Collection

This chapter contains the original garbage and refuse collection regulations of the City and is codified in the Business Regulation Code. The process described in the ordinance dates from a time where the City hired small individual waste haulers to remove residential. The chapter should be repealed because the City now accepts bids and contracts with one service provider to service all residential properties. That process is already regulated by the general contract bid regulations of the City so separate regulation is not required.

CHAPTER 732 - Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste

This chapter provides for the rates and process for residential refuse collection. Since this information is not regulation of a business or commercial enterprise, but rather the manner in which the City provides a public service, Staff feels this information would be more logically location in Part 9 of the Codified Ordinances.

CHAPTER 975 – Refuse Collection

This proposed chapter will serve to relocate the refuse collection regulations current located in Chapter 732. Since both Chapter 731 & 732 contained requirements for waste containers to be provided by each property owner, Staff has merged this information is new Section 975.08. The manner and details of the materials to be used for the containers will not change. Staff has removed sections addressing the dumping or littering of materials in the street because Sections 311 and 909 prohibit the dumping or leaving of waste on public rights-of-way, streets, sidewalks, etc. The International Property Maintenance Code prohibits leaving waste in these areas and on exterior areas of private property. Staff does not feel an additional prohibition is required.

CHAPTER 731—Garbage and Refuse Collection

731.01 DEFINITIONS.

~~—As used in this chapter the following terms have the meanings indicated:~~

~~—(a) "Commercial hauler" means any person, firm or corporation holding a license from the City to collect, transport and dispose of garbage and refuse of commercial users.~~

~~—(b) "Commercial user" means a firm or corporation operating a commercial or industrial establishment or institution, public or private. It excludes a house holder as defined in subsection (d) here of.~~

~~—(c) "Garbage" means all putrescible waste except sewage.~~

~~—(d) "Householder" means one who maintains separate living quarters whether owner or tenant, and distinguishable from a commercial user as defined in subsection (b) hereof.~~

~~—(e) "Private hauler" means any person, firm or corporation holding a contract from the Public Service Director of the City to collect, transport and dispose of garbage and refuse of householders of the City.~~

~~—(f) "Refuse" means glass, crockery, tin cans, metal, rags, paper or other solid discards, but excludes tree removals or earth, sand, plaster, brick and similar substances accumulating as a result of construction or demolition.~~

731.02 CONTAINER REGULATIONS.

~~—(a) Each householder and commercial user shall provide a sufficient number of metal or other leakproof containers with tight fitting lids, with a maximum capacity of not more than thirty gallons, or in a wheeled container such as supplied by the City contract refuse collector not to exceed ninety gallon capacity, for storage of garbage. Refuse shall be placed in the thirty gallon containers which shall not exceed fifty pounds in weight when filled or shall be placed in the ninety gallon container which shall not exceed the weight specified by the City contract refuse collector when filled. Newspapers, magazines and other loose material shall be placed in closed containers or securely bundled. All such containers shall not be taken to the curb before 12:00 noon on the day before the day of collection by the householder or other commercial user, unless because of sanitary, safety or other factors, the Director of Public Service by rule or regulation, designates that such containers shall be placed at the rear or elsewhere on the lot. After collection of garbage and refuse, the householder or commercial user shall, within twelve hours, return such containers to the interior of the garage of the residence or interior of the commercial building, or to a location at the side or rear of the residence or commercial building that is shielded from the view of the adjoining property's occupants by natural landscape barriers or by the residence or by the commercial building or by a constructed enclosure.~~

~~—(b) Plastic disposal bags may be used in place of metal or leakproof containers at the option of the householder. These plastic disposal bags must have a minimum thickness of one and one half millimeters (.015 inches); have no holes or openings except for the filling of the bag; must be securely tied and shall not exceed fifty pounds in weight when filled.~~

~~—(c) Commercial users who have contracted with a commercial hauler having automatic equipment are not subject to the maximum capacity of thirty gallons for garbage containers, nor are such commercial users subject to the maximum weight of fifty pounds for refuse containers.~~

~~731.03 FRANCHISES FOR PRIVATE HAULERS.~~

~~—(a) The Director of Public Service is hereby authorized and directed to prepare specifications and to authorize the issuance of franchises to persons, firms or corporations after advertising and receiving bids as required by law, for the collection, transportation and disposal of garbage and refuse of householders of the City, for a period not to exceed three years, subject to the provisions of this chapter.~~

~~—(b) Franchises may provide for the successful bidder to provide service to the entire City or any part thereof, as set forth in the specifications prepared by the Director of Public Service.~~

~~—(c) Franchises shall provide for their termination by the Director of Public Service if any private hauler fails to comply with the provisions of this chapter or any rule or regulation promulgated by the Director of Public Service.~~

~~731.04 REGULATIONS FOR HAULERS.~~

~~—(a) The Director of Public Service is authorized to promulgate such rules and regulations as are consistent with provisions of this chapter and as may be reasonably necessary to the public safety and health regarding the manner and method of collection of garbage and refuse within this City by private haulers, the hours of collection and the route and schedules of collections. The Director of Public Service shall determine the weight or load capacity of the streets of the City and shall provide by rule or regulation that no greater load or weight shall be transported by any private hauler than is compatible with the condition of the City's streets. Private haulers shall comply with such rules and regulations of the Director. Rules and regulations promulgated by the Director shall become effective after their approval by resolution of Council or upon the failure of Council to act thereon within thirty days after they are filed with the Clerk of Council.~~

~~—(b) The Director of Public Service is authorized to promulgate such rules and regulations as are consistent with the provisions of this chapter and as may be reasonably necessary to the public safety and health regarding the manner and method of collection of garbage and refuse within this City by commercial haulers, and the hours of collection. The Director shall determine the load or weight capacity of streets of the City and shall provide by rule or regulation that no greater weight shall be transported by any commercial hauler than is compatible with the condition of the City's streets.~~

~~—(c) Rules and regulations promulgated by the Director of Public Service shall become effective after their approval by resolution of Council or upon the failure of Council to act thereon within thirty days after they are filed with the Clerk of Council.~~

~~731.05 RATES FOR PRIVATE HAULERS.~~

~~—(EDITOR'S NOTE: Former Section 731.05 was repealed by Ordinance 65-79, passed May 14, 1979.)~~

~~731.06 WEEKLY COLLECTION MANDATORY FOR PRIVATE HAULERS.~~

~~—Each private hauler shall make at least one regular weekly collection of garbage and refuse at all residences within his prescribed territory.~~

~~731.07 ROUTES AND SCHEDULE OF COLLECTION BY PRIVATE HAULERS.~~

~~—Each private hauler shall submit his routes and schedules for the collection of garbage and refuse to the Director of Public Service for the Director's approval or modification.~~

~~731.08 INSURANCE REQUIRED FOR PRIVATE HAULERS.~~

~~—Each private hauler shall secure a comprehensive liability policy of insurance, to be approved as to form by the City Attorney, insuring against the liability of such private hauler in operating his motor equipment and in operations other than automotive exposure in the amount of two hundred fifty thousand dollars (\$250,000) for each person injured and five hundred thousand dollars (\$500,000) for all persons injured in each accident and one hundred thousand dollars (\$100,000) property damage for each accident. Copies of all insurance policies, endorsements thereto and receipts for payment of premiums shall be deposited by each private hauler with the Director of Public Service.~~

~~731.09 PERFORMANCE BOND REQUIRED FROM PRIVATE HAULER.~~

~~—Each private hauler shall furnish a performance bond in the amount of thirty thousand dollars (\$30,000) which shall be forfeited to the City for failure to comply with the provisions of this chapter. Such bond shall be approved by the City Attorney and deposited with the Director of Public Service.~~

~~731.10 EQUIPMENT SPECIFICATIONS FOR PRIVATE HAULERS.~~

~~—Each private hauler shall use covered, leakproof, sanitary, packer type trucks with distinctive lettering on each truck identifying the hauler and other equipment necessary for the performance of the service to be rendered. Each private hauler shall cause all employees to be equipped with a uniform shirt or jacket identifying the name of the employer. All trucks and other equipment shall be inspected, periodically by the Director of Public Service or his authorized representative to insure the safe and sanitary condition of such equipment. Private haulers shall maintain trucks and other equipment in a safe and sanitary condition.~~

~~731.11 LANDFILL PROVISIONS.~~

~~—(a) Any private hauler owning a landfill shall:~~

~~—(1) Make available at no charge to the City its landfill as a depository for debris collected by the City and hauled by the City to the landfill.~~

—(2) Make available at specified business times as approved by the Director of Public Service its landfill facilities to residents, persons and business firms of the City at the rates provided by contract.

—(3) Allow any other private hauler authorized by the City to collect, transport and dispose of garbage and refuse to use its landfill for a period of not longer than sixty days at a rate of seven dollars and fifty cents (\$7.50) per load.

—(4) In the event its authorization to collect, transport and dispose of garbage and refuse in the City is terminated for any reason, it shall allow its landfill to be used by the City for a period of twelve months after such termination at a rate of five dollars (\$5.00) per load.

—(b) It shall be the responsibility of each private hauler to dispose of garbage and refuse collected within the City. The lack of availability of landfill facilities shall not excuse any private hauler's performance under this chapter.

~~731.12 SPRING AND FALL CLEAN-UP WEEKS.~~

—The Director of Public Service shall proclaim one week during the spring as "Spring Clean-Up Week" and one during the fall as "Fall Clean-Up Week." During these weeks, each private hauler shall remove, without additional charge, all materials placed at the curb and in containers not exceeding fifty pounds in weight when filled. The Director may promulgate rules and regulations governing the construction and size of containers as well as the type of materials that are to be removed by private haulers during such clean-up weeks.

~~731.13 LICENSE REQUIRED FOR COMMERCIAL HAULER.~~

—No person, firm or corporation shall collect, transport or dispose of garbage and refuse of any commercial user unless such person, firm or corporation has been granted a license as a commercial hauler by the Director of Public Service.

~~731.14 LICENSE ISSUANCE; TERM.~~

—The Director of Public Service shall grant a commercial hauler license to any person, firm or corporation who applies for a license to collect, transport and dispose of garbage and refuse from commercial users within the City, provided such person, firm or corporation meets the requirements of this chapter. This license shall be in effect for a period of one year.

~~731.15 LICENSE FEE.~~

—A fee of one dollar (\$1.00) shall be paid to the Director of Public Service before any license is granted under this chapter.

~~731.16 INSURANCE REQUIRED FOR COMMERCIAL HAULER.~~

—Each commercial hauler shall secure a policy of insurance, to be approved as to form by the City Attorney, insuring against the liability of such commercial hauler in operating his motor equipment and in operations other than those involving automotive exposure in the amount of two hundred fifty thousand dollars (\$250,000) for each person injured and five hundred thousand dollars (\$500,000) for all persons injured in each accident, and for fifty thousand dollars (\$50,000) property damage for each accident. Copies of all insurance policies, endorsements

thereto, and receipts or other evidences of payments of premiums shall be deposited by each commercial hauler with the Director of Public Service.

~~731.17 REVOCATION AND SUSPENSION OF LICENSE.~~

~~—The Director of Public Service may revoke or suspend any license granted under this chapter for the failure of a commercial hauler to comply with the provisions of this chapter or for failure to comply with any rule or regulation promulgated by the Director under this chapter.~~

~~731.18 EQUIPMENT SPECIFICATIONS FOR COMMERCIAL HAULERS.~~

~~—Each commercial hauler shall use covered, leakproof, sanitary, packer type trucks and other equipment necessary for the performance of the service to be rendered. All trucks and other equipment shall be subject to inspection by the Director of Public Service or his representative, and such trucks and other equipment shall be maintained in a safe and sanitary condition. Persons, firms or corporations hauling only garbage and refuse owned by themselves shall be exempt from the requirement of packer type trucks.~~

~~731.19 FREQUENCY OF COMMERCIAL COLLECTIONS.~~

~~—Garbage and refuse of commercial users shall be collected at least once a week; however, the Director of Public Service may require by rule or regulation that garbage and refuse of specific commercial users or classes of commercial users be collected on a more frequent basis.~~

~~731.99 PENALTY.~~

~~—Any person, firm or corporation violating any provision of this chapter is guilty of a minor misdemeanor. Each day's operation in violation of Section 731.13 or 731.19 shall be deemed a separate offense.~~

~~CHAPTER 732 – Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste~~

~~732.01 RATES FOR RESIDENTIAL COLLECTION AND DISPOSAL.~~

~~—The owner, occupant or tenant of all residential premises shall pay a collection fee to the City for the collection and disposal of solid waste, recyclables and yard waste. No person, except as authorized by the City, shall be permitted to collect residential solid waste, recyclables or yard waste within the City Corporation.~~

~~—The City or its designee shall collect solid waste, recyclables and yard waste fees in the manner determined by the Director of Public Service. Fair and reasonable charges for the residential service shall be the cost established by the city contract with the hauler and disposal facility.~~

~~—(a) There will be a one dollar and fifty cent (\$1.50) discount for Senior Citizens at the approval of the Director of Public Service.~~

~~—(b) In cases other than normal weekly pickup where household pickup is requested or pursuant to Section 732.12, the Director shall charge, and every household or the owner or tenant~~

of such household shall pay, fifty dollars (\$50.00) per one-half hour minimum and a charge of one hundred dollars (\$100.00) per hour.

~~732.02 PAYMENT SCHEDULE.~~

~~—Each occupant or the owner or tenant of such household shall pay in advance in installments as determined by the Director of Public Service to the City the fees imposed pursuant to Section 732.01. Billings shall be mailed on a schedule to be determined by the Director and will be included as part of the water and sewer billings.~~

~~732.03 PARTIAL PAYMENT.~~

~~—Partial payments may be accepted. In accepting such partial payments, the balance owed shall be considered delinquent and the moneys paid shall be applied in the following order:~~

- ~~—(a) Refuse;~~
- ~~—(b) Storm water;~~
- ~~—(c) Water/sewer; and~~
- ~~—(d) Penalty.~~

~~732.04 CHARGES BILLED QUARTERLY; LATE PAYMENT PENALTY.~~

~~—Charges for refuse shall be billed for one quarter of a year, however, the City reserves the right to bill on a pro-rata monthly basis when necessary. Charges are due and payable when rendered. If charges are paid after the twentieth day from the billing date, a penalty of ten percent (10%) shall be assessed.~~

~~732.05 FINAL BILLING.~~

~~—Any payment made on the unused portion of the trash bill will automatically be applied to any outstanding balance for storm water, water, sewer, water penalties, late fees or any other miscellaneous charges on a final bill before any refund is made.~~

~~732.06 NONPAYMENT.~~

~~—The City or its designee may refuse to collect solid waste, recyclables and yard waste from any premises where the owner, occupant or tenant is in arrears for a period of thirty-five days for charges assessed for the collection of solid waste, recyclables and yard waste.~~

~~732.07 UNCOLLECTED AND DUMPED WASTE.~~

~~—No person shall dump, allow to be dumped or permit construction waste, hazardous waste, infectious waste or solid waste, recyclables or yard waste to be dumped in the open nor permit or allow solid waste, recyclables or yard waste to remain in containers uncollected no longer than seven days.~~

~~732.08 GARBAGE, RUBBISH, RECEPTACLES REQUIRED.~~

~~—(a) It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the Municipality forthwith to provide or cause to be provided, and at all times thereafter to keep or cause to be kept and provided for the exclusive use of such building, premises or place of business, receptacles for receiving and holding without leakage, all garbage and rubbish, so long as such garbage and rubbish remains upon or in such building, premises or place of business, or the portion thereof of which such person may be owner, tenant, lessee or occupant in charge.~~

~~—(b) No person shall throw or deposit any garbage whatsoever in or upon any street or alley or place or maintain any receptacle for garbage in or upon any street, alley or other public place.~~

~~732.09 OWNERSHIP OF SOLID WASTE AND RECYCLING MATERIAL.~~

~~—All solid waste and recycling material placed at the collection location shall be the property of the City, and no person other than authorized personnel of the Service Department or its contractor shall collect or remove such material.~~

~~732.10 HAZARDOUS AND INFECTIOUS WASTE DISPOSAL.~~

~~—No person shall dispose of any hazardous or infectious waste except to refuse haulers licensed by the City who hold valid federal and county permits for the disposal of hazardous and/or infectious wastes.~~

~~732.11 SERVICE OF NOTICE.~~

~~—Property owners, lessees, agents or tenants must remove all refuse from their properties, or the Director of Public Service may cause written notice to be served upon the owners, lessees, agents or tenants having charge of such lots and lands, notifying them that garbage and rubbish gathered on such lots, lands and/or upon or in such buildings must be eliminated, removed and disposed of within one calendar week after the service of such notice. If such owner, or other person having charge of such lands or buildings is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner, whether a resident or a nonresident is unknown, it shall be sufficient to publish such notice once in a local newspaper. After completion of notice, the Director shall make due return thereon, setting forth the cost of service.~~

~~732.12 FAILURE TO COMPLY; REMEDY.~~

~~—Upon failure of any owner, lessee, agent or tenant having charge of the lots, land, and/or upon or in such buildings under the provisions of Section 732.11 to comply with the notice within the period of time stipulated under the provisions of Section 732.11, the Director of Public Service shall cause such garbage and rubbish to be eliminated, removed and disposed of by the direct employment of labor, or authorize some person to eliminate, remove or dispose of such garbage or rubbish on behalf of the Municipality.~~

~~732.13 REPORTS OF COSTS TO COUNCIL.~~

~~—Upon the performance of the labor under the provisions of Section 732.12, the Director of Public Service shall report to Council the cost thereof with respect to each lot or parcel of land~~

and/or building, including the cost of investigation, handling of garbage and rubbish complaints and costs of service and notification.

~~732.14 RETURN TO COUNTY AUDITOR.~~

~~—Upon receipt of the report under the provisions of Section 732.13, and approval thereof by Council, the Auditor shall make a return in writing to the Auditor of Franklin County of such charges which shall be entered upon the tax duplicate of the County, all in accordance with Ohio Revised Code.~~

~~732.15 RULES AND REGULATIONS.~~

~~—The Director of Public Service or his authorized representative shall have full and complete authority to make such other rules and regulations as may be reasonably necessary for the public safety and health, not inconsistent herewith, pertaining to the collection and disposal of solid waste, recyclables and yard waste, construction waste, hazardous waste and infectious waste, as well as to the administration thereof, as may be deemed advisable.~~

~~732.99 PENALTY.~~

~~—Whoever violates Sections 732.04 to 732.10 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense, and for each subsequent offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).~~

CHAPTER 975 - Refuse Collection

975.01 RATES FOR RESIDENTIAL COLLECTION AND DISPOSAL.

The owner, occupant or tenant of all residential premises shall pay a collection fee to the City for the collection and disposal of solid waste, recyclables and yard waste. No person, except as authorized by the City, shall be permitted to collect residential solid waste, recyclables or yard waste within the City Corporation.

The City shall establish fair and reasonable charges for the residential service based upon the city contract with the hauler and disposal facility. The City shall collect solid waste, recyclables and yard waste fees in the manner determined by the Director of Public Service.

(a) There will be a one dollar and fifty cent (\$1.50) discount for Senior Citizens at the approval of the Director of Public Service.

(b) In cases other than normal weekly pickup where household pickup is requested or pursuant to Section 975.12, the Director shall charge, and every household or the owner or tenant of such household shall pay, fifty dollars (\$50.00) per one-half hour minimum and a charge of one hundred dollars (\$100.00) per hour.

975.02 PAYMENT SCHEDULE.

Each occupant or the owner or tenant of such household shall pay in advance in installments as determined by the Director of Public Service to the City the fees imposed pursuant to Section 975.01. Billings shall be mailed on a schedule to be determined by the Director and will be included as part of the water and sewer billings.

975.03 PARTIAL PAYMENT.

Partial payments may be accepted. In accepting such partial payments, the balance owed shall be considered delinquent and the moneys paid shall be applied in the following order:

- (a) Refuse;
- (b) Storm water;
- (c) Water/sewer; and
- (d) Penalty.

975.04 CHARGES BILLED QUARTERLY; LATE PAYMENT PENALTY.

Charges for refuse shall be billed for one quarter of a year, however, the City reserves the right to bill on a pro-rata monthly basis when necessary. Charges are due and payable when rendered. If charges are paid after the twentieth day from the billing date, a penalty of ten percent (10%) shall be assessed.

975.05 FINAL BILLING.

Any payment made on the unused portion of the trash bill will automatically be applied to any outstanding balance for storm water, water, sewer, water penalties, late fees or any other miscellaneous charges on a final bill before any refund is made.

975.06 NONPAYMENT.

The City or its designee may refuse to collect solid waste, recyclables and yard waste from any premises where the owner, occupant or tenant is in arrears for a period of thirty-five days for charges assessed for the collection of solid waste, recyclables and yard waste.

975.07 UNCOLLECTED WASTE.

No person shall dump, allow to be dumped or permit construction waste, hazardous waste, infectious waste or solid waste, recyclables or yard waste to be dumped in the open nor permit or allow solid waste, recyclables or yard waste to remain in containers uncollected no longer than seven days.

975.08 GARBAGE, RUBBISH, RECEPTACLES REQUIRED.

(a) It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the City to provide or cause to be provided, and at all times thereafter to keep or cause to be kept and provided for the exclusive use of such building, premises or place of business, receptacles for receiving and holding all garbage and rubbish, so long as such garbage and rubbish remains upon or in such building, premises or place of business, or the portion thereof of which such person may be owner, tenant, lessee or occupant in charge.

(b) All containers shall be made from metal or other leakproof materials with tight-fitting lids, a maximum capacity of not more than thirty gallons, or in a wheeled container such as supplied by the City contract refuse collector not to exceed ninety-gallon capacity. Refuse shall be placed in the thirty-gallon containers which shall not exceed fifty pounds in weight when filled or shall be placed in the ninety-gallon container which shall not exceed the weight specified by the City contract refuse collector when filled. Newspapers, magazines and other loose material shall be placed in closed containers or securely bundled.

(c) Plastic disposal bags may be used in place of metal or leakproof containers at the option of the resident. These plastic disposal bags must have a minimum thickness of one and one-half millimeters (.015 inches); have no holes or openings except for the filling of the bag; must be securely tied and shall not exceed fifty pounds in weight when filled.

(d) All such bags and containers shall not be taken to the curb before 12:00 noon on the day before the day of collection by the householder or other commercial user, unless because of sanitary, safety or other factors, the Director of Public Service by rule or regulation, designates that such containers shall be placed at the rear or elsewhere on the lot. After collection of garbage and refuse, the property owner or tenant shall, within twelve hours, return such containers to the interior of the garage of the building, or to a location at the side or rear of the residence or commercial building that is shielded from the view of the adjoining property's occupants by natural landscape barriers or by the residence or by the commercial building or by a constructed enclosure.

(e) No person shall maintain any receptacle for garbage in or upon any street, alley or other public way.

975.09 REMOVAL OF MATERIAL AT COLLECTION POINT.

No person other than authorized personnel of the Service Department or its contractor shall collect or remove solid waste and recycling material placed at a designated collection location.

975.10 HAZARDOUS AND INFECTIOUS WASTE DISPOSAL.

No person shall dispose of any hazardous or infectious waste except to refuse haulers licensed by the City who hold valid federal and county permits for the disposal of hazardous and/or infectious wastes.

975.11 RULES AND REGULATIONS.

The Director of Public Service or his authorized representative shall have full and complete authority to make such other rules and regulations as may be reasonably necessary for the public safety and health, not inconsistent herewith, pertaining to the collection and disposal of solid waste, recyclables and yard waste, construction waste, hazardous waste and infectious waste, as well as to the administration thereof, as may be deemed advisable.

975.99 PENALTY.

Whoever violates this Chapter shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense, and for each subsequent offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

8

ORDINANCE NO. _____

PASSED: _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations; Enacting Chapter 975 Refuse Collection; and Repealing Chapter 731 Garbage and Refuse Collection; and Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 174 Procedure for Selection of Design Professionals; Chapter 509 Disorderly Conduct and Peace Disturbance; Chapter 741 Solicitors; Chapter 905 Streets Generally; Chapter 909 Sidewalks; Chapter 913 Private Roadways; Chapter 960 Stormwater Regulations of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Chapters 174; 509; 741; 905; 909; 913; and 960 be and are hereby repealed and replaced.

SECTION 3. That Chapter 975 Refuse Collection; be and is hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 4. That Chapter 731 Garbage and Refuse Collection; Chapter 732 Rates for Residential Collection and Disposal of Garbage, Refuse, Recyclables, and Yard Waste; are hereby repealed.

SECTION 5. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph, President of Council

ATTEST: _____
April L. Beggerow, Clerk of Council

APPROVED: _____ DATE _____
Bradley L. McCloud, Mayor

Attachment: Amend Zoning Codes part 8 (1262 : Amendments to the Zoning Code)

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. ____ as passed by Council of said City on the ____ day of ____ and as recorded in the Record of Proceedings of said Council.

Filed with Mayor: _____

April L. Beggerow, Clerk of Council

Published: _____

Attachment: Amend Zoning Codes part 8 (1262 : Amendments to the Zoning Code)