

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 19-12  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

September 4, 2012

AN ORDINANCE

PROVIDING FOR THE SUBMISSION TO THE ELECTORATE NEW ARTICLE IX-B, "TRASH COLLECTION" FOR THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO AT THE GENERAL ELECTION, NOVEMBER 6, 2012.

WHEREAS, Council has received a petition signed by more than ten percent of the registered electors of the City setting forth a proposed amendment to the existing Charter by enacting a new Article IX-B, "TRASH COLLECTION", and Council, pursuant to Article XI is required to submit such proposed amendment to the City Charter for approval by a majority of the electors voting thereon; and

WHEREAS, Council now desires to comply with Article XI so that it may be submitted to the electors at the next general election; and

WHEREAS, the next general election is to be held on Tuesday, November 6, 2012, and such issue must, therefore, be submitted to the Cuyahoga County Board of Elections at least sixty (60) days prior thereto on September 7, 2012.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of South Euclid, County of Cuyahoga, and State of Ohio:

Section 1: That a new proposed Article IX-B of the Charter of the City of South Euclid, Ohio, be and the same is hereby submitted to the electors of the City of South Euclid at the general election on November 6, 2012, in the following form so as to read as follows:

"ARTICLE IX-B - TRASH COLLECTION

The City, including its various Boards, agencies and departments, shall not assess, levy or collect any tax or general assessment on real properties, or against the owners or occupants thereof, for the collection, transportation or disposal of trash, garbage, waste, rubbish or refuse.

Nothing in this Part shall prevent the City, including its various Boards, agencies, departments and commissions, from doing any of the following: (i) collecting other taxes and otherwise permissible funds in the general fund and using those revenues, in part, for providing a service of the collection of trash, garbage, waste, rubbish and refuse; (ii) imposing assessments on specific properties that have properly been determined to be a nuisance for the removal of trash, garbage, waste, rubbish or refuse; (iii) imposing criminal or civil sanctions for littering; or (iv) renting dumpsters and other trash collection devices to commercial property owners and charging fees for such rental.

Any ordinance enacted prior to the passage of this Amendment that contravenes the foregoing is void. After the enactment of this Amendment, the City shall not enact or enforce any ordinance that contravenes the foregoing. In the event that any provision of this Part is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of the Part will remain in full force and effect."

Section 2: That the ballot for said election shall, at the top thereof, be entitled, "Proposed Amendment to City Charter Ballot." Thereunder shall be printed, "A Majority Vote is Necessary for Adoption." The question to be submitted on the ballot shall be in the following words: "Shall the proposed new Article IX-B of the Charter of the City of South Euclid TRASH COLLECTION be adopted?" To the left of said wording, in boxes with appropriate places for marking, shall appear the words, "Yes" and "No" and each voter shall indicate their choice by making a cross mark in the space so provided.

Section 3: That notice of the time and place of holding such election shall be given as required by law.

Section 4: That the Clerk is hereby directed to either publish the full text of the proposed Charter amendment in a newspaper of general circulation within the municipal corporation once a week for two consecutive weeks at least fifteen days prior to the election, or mail a copy of the proposed Charter amendment to each elector whose name appears upon the registration books of the last regular election held in said City, at least 30 days before the date of such election, pursuant to Article XVIII, Section 8 of the Ohio Constitution, and Section 731.211 of the Revised Code of Ohio.

Section 5: That the Clerk of this Council be and he is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 6: That there be and is hereby appropriated from the General Fund of the City an amount sufficient to pay the cost of carrying out the directions of this ordinance, including the cost of printing and mailing said copies of said proposed Charter amendments and of publishing such election notices.

Section 7: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City, and for the further reason that this Ordinance must be passed within the time period prescribed in Sections 8 and 9 of Article XVIII of the Ohio Constitution and must be immediately effective in order that required mailing of copies or publishing thereof be accomplished; wherefore, this ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
David B. Miller, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 20-12  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

September 4, 2012

AN ORDINANCE

PROVIDING FOR THE SUBMISSION TO THE ELECTORATE AMENDED ARTICLE V “ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS” OF SECTION 1 “GENERAL PROVISIONS” OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO AT THE GENERAL ELECTION, NOVEMBER 6, 2012.

WHEREAS, Council has received a petition signed by more than ten percent of the registered electors of the City, who voted in the last Mayoral election setting forth a proposed amendment to the existing Charter by enacting an amendment to Article V “Administrative Departments and Commissions” of Section 1 “General Provisions”, and Council pursuant to Article XI is required to submit such proposed amendment to the City Charter for approval by a majority of the electors voting thereon; and

WHEREAS, Council now desires to comply with Article XI so that it may be submitted to the electors at the next general election; and

WHEREAS, the next general election is to be held on Tuesday, November 6, 2012, and such issue must, therefore, be submitted to the Cuyahoga County Board of Elections at least sixty (60) days prior thereto on September 7, 2012.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of South Euclid, County of Cuyahoga, and State of Ohio:

Section 1: That a amended proposed Article V of the Charter of the City of South Euclid, Ohio, be and the same is hereby submitted to the electors of the City of South Euclid at the general election on November 6, 2012, in the following form so as to read as follows:

“ARTICLE V – ADMINISTRATIVE PROVISIONS”

SECTION 1. GENERAL PROVISIONS

A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Service are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof. The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. **However, council shall confirm or reject the Mayor’s appointment of the Director of Law within 30 days of the Council meeting following the notification of appointment. In addition, Council shall confirm or reject the incumbent Director of Law within the January 2, 2013 through January 31, 2013 time period and every two years thereafter. Council’s failure to act in either of these situations shall result in automatic confirmation.**

Each director shall have such powers and duties as shall be prescribed by this Charter and by Council. The City shall have a Civil Service Commission and a City Planning Commission. The Council may by ordinance establish additional departments and commissions, or divisions thereof, and provide for such boards, officers and employees as it may deem necessary. With the exception of the Department of Law, the Department of Finance and the boards and commissions created by this Charter, the Council may combine or abolish any division, department, board, commission, non-elective office or job classification. The Council may authorize one person to serve in any capacity in two or more departments, divisions, boards, commissions or any combination thereof if otherwise permitted by this charter.”

Section 2: That the ballot for said election shall, at the top thereof, be entitled "Proposed Amendment to City Charter Ballot." Thereunder shall be printed, "A Majority Vote is Necessary for Adoption." The question to be submitted on the ballot shall be in the following words: "Shall the Charter of the City of South Euclid be amended to provide that members of Council shall confirm or reject, the Mayor's appointment of the Director of Law within 30 days of the Council meeting following the notification of appointment, and every two years be adopted?" To the left of said wording, in boxes with appropriate places for marking, shall appear the words, "Yes" and "No" and each voter shall indicate their choice by making a cross mark in the space so provided.

Section 3: That notice of the time and place of holding such election shall be given as required by law.

Section 4: That the Clerk is hereby directed to either publish the full text of the proposed Charter Amendment in a newspaper of general circulation within the municipal corporation once a week for two consecutive weeks at least fifteen days prior to the election, or mail a copy of the proposed Charter Amendment to each elector whose name appears upon the registration books of the last regular election held in the City, at least 30 days before the date of such election, pursuant to Article XVIII, Section 8 of the Ohio Constitution, and Section 731.211 of the Revised Code of Ohio.

Section 5: That the Clerk of this council be and he is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 6: That there be and is hereby appropriated from the General Fund of the City an amount sufficient to pay the cost of carrying out the directions of this ordinance, including the cost of printing and mailing said copies of said proposed Charter Amendment and of publishing such election notices.

Section 7: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City, and for the further reason that this Ordinance must be passed within the time period prescribed in Sections 8 and 9 of Article XVIII of the Ohio Constitution and must be immediately effective in order that required mailing of copies or publishing thereof be accomplished; wherefore, this ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
David B. Miller, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law