

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 07-41

INTRODUCED BY: Stefanik

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1060 GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, SECTION 1060.07 HOURS OF COLLECTION AND TRANSPORTATION, AND DECLARING AN EMERGENCY

- WHEREAS: The collection, transportation and transfer of waste as early as 6:00 a.m. at non-residential facilities within close proximity to residences has proven to be a nuisance to those who reside in these homes; and
- WHEREAS: The current zoning code requires a buffer between existing residential uses and non-residential uses, the purpose of which is to alleviate the noise and other nuisance type factors of having business type facilities immediately adjacent to residential uses; and
- WHEREAS: Council finds that it is essential to residents living next to or in close proximity to non-residential uses to have a buffer zone that effectively reduces the amount of noise at early morning hours when most residents are sleeping; and
- WHEREAS: Council finds that the noise of collection, transportation or transfer of waste qualifies as a nuisance at early morning hours when such activity is conducted in close proximity to residential uses; and
- WHEREAS: Council finds that establishing a buffer zone of 500 feet between residential uses and non-residential uses and prohibiting the collection, transportation or transfer of waste at any non-residential facility within the above described buffer zone of 500 feet from property being utilized for residential purposes, as measured from property line to property line, until 7:00 a.m. or thereafter will alleviate this nuisance; and
- WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 10 Streets, Utilities and Public Services Code, Chapter 1060 Garbage and Rubbish Collection and Disposal, Section 1060.07 Hours of Collection and Transportation to prohibit the collection, transportation or transfer of waste at any non-residential facility within 500 feet of property being utilized for residential purposes, as measured from property line to property line before 7:00 a.m.; and
- WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The statements set forth in the preamble above are incorporated herein by reference. The Codified Ordinances of the City of North Royalton, Part 10 Streets, Utilities and Public Services Code, Chapter 1060 Garbage and Rubbish Collection and Disposal, Section 1060.07 Hours of Collection and Transportation is hereby amended to hereinafter read as follows:

1060.07 HOURS OF COLLECTION AND TRANSPORTATION.

No person owning or driving a vehicle hauling solid waste shall cause the collection, transportation or transfer of such waste ~~other than between the hours of 6:00 a.m. and 7:00 p.m. No collection, transportation or transfer shall occur on Saturdays after 4:00 p.m. or on Sundays.~~ ***at any time Monday through Friday between the hours of 7:00 p.m. and 6:00 a.m. except as follows: collection, transportation or transfer of waste at any non-residential facility within 500 feet of property being utilized for residential purposes, as measured from property line to property line, shall be prohibited from 7:00 p.m. to 7:00 a.m. Collection, transportation or transfer shall be prohibited after 4:00 p.m. on Saturdays. Collection, transportation and/or transfer is prohibited from 4:00 p.m. on Saturday to 6:00 a.m. Monday morning except as specified in relation to residentially utilized properties.***

Application for exceptions to this provision may be made to the Director of Public Service on a form provided by the Director. Such exceptions shall be granted only where the applicant is able to demonstrate circumstances of great practical difficulty in the collection and transportation of solid waste in areas where there is heavy daytime vehicular and pedestrian traffic and a concentration of commercial activity.

Section 2. The Codified Ordinances of the City of North Royalton, Part 10 Streets, Utilities and Public Services Code, Chapter 1060 Garbage and Rubbish Collection and Disposal, Section 1060.07 Hours of Collection and Transportation is hereby amended as provided for herein and all other provisions of Chapter 1060 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to alleviate the amount of noise and other nuisance type factors at early morning hours between business type facilities immediately adjacent to residential uses.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: April 3, 2007

DATE APPROVED: April 5, 2007

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading April 3, 2007

YEAS: Stefanik, Bobulsky, Gentile, Willey,
McKee, Antoskiewicz, Uffman-Kirsch
NAYS: none