

ORDINANCE NO. 110-2008

**TITLE: AMEND ORDINANCE NO. 9-2008 -
“BARBERTON RESIDENTIAL SERVICES RELIEF PROGRAM”**

AN ORDINANCE AMENDING ORD. NO. 9-2008, “REPEAL OF SPECIAL ASSESSMENTS – HOMESTEAD EXEMPTION AND ESTABLISH THE BARBERTON RESIDENTIAL SERVICES RELIEF PROGRAM,” BY ADDING TO SECTION 2 (C) REQUIREMENTS DEFINING DISABLED HOMEOWNERS WHO MAY QUALIFY AND BY ADDING SECTION 5 REGARDING ELIGIBILITY, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio, that:

SECTION 1. Council hereby amends Ordinance No. 9-2008, “Repeal of Special Assessments – Homestead Exemption and Establish the Barberton Residential Services Relief Program,” by adding to Section 2(c) requirements defining disabled homeowners who may qualify and by adding a new Section 5 regarding eligibility, with amendments noted in **bold**.

SECTION 2. A resident of the City of Barberton shall qualify for the “Barberton Residential Services Relief Program” if such resident:

- (a) owns and resides in primary residence in the City of Barberton; and
- (b) is 65 years of age with an income level (or combined income level, if applicable) of \$27,000 or below; and/or
- (c) homeowner is disabled, **owns and resides in primary residence in the City of Barberton, and has an income level (or combined income level, if applicable) of \$27,000 or below.**

SECTION 3. Council hereby authorizes that residents who qualify for the Barberton Residential Services Relief Program at the time of assessment:

(a) will be *exempt* from payment for the Residential Street Resurfacing Program and the Permissive Street Resurfacing Program. Such residents may qualify for exemption in the Sidewalk Replacement and Fill-In Program *only* when the City deems that sidewalk is a hazard.

(b) may *defer* payment of his/her portion as described in “Deferred Assessments – Method of Payment” in Section 4 if a resident desires to participate in the Sidewalk Replacement and Fill-In Program, but there is no hazard based on the City’s inspection.

(c) may *defer* payment for Permanent Street Improvement Projects, as described in “Deferred Assessments – Method of Payment” in Section 4.

(d) are eligible for a *reduced* fee for the Refuse Collection and Disposal Program and the Storm Water Management Utility.

SECTION 4. Council hereby authorizes that homeowners who qualify for the Barberton Residential Services Relief Program may *defer* payments as described in the following “Deferred Assessments – Method of Payment” for Permanent Street Improvement Projects and for *certain* participants in the Sidewalk Replacement and Fill-In Program (3c):

DEFERRED ASSESSMENTS – METHOD OF PAYMENT:

(A) An application to use this method of *deferred* payment provided herein shall be filed by the owner of affected property with the Director of Finance within 20 days after the mailing of the notice, together with the following:

- (1) Evidence satisfactory to the Director of Finance that the applicant has and will continue to have for the benefit of, and to the extent necessary to protect the interests of the city until the note hereinafter provided for is paid, a policy or policies of insurance insuring the buildings and improvements then existing or thereafter erected on the property against loss or damage by fire, lightning, wind storm, hail, and such other risks as are ordinarily insured against by persons owning buildings and improvements similar to that of the applicant.
- (2) The Director of Finance shall approve or disapprove the application

within 30 days after receipt.

(B) The applicant shall sign a note promising to pay the city the amount of the special assessments levied, together with interest and an amount, as determined by the Director of Finance, sufficient to pay all costs in connection with the processing of the application including filing fees for the mortgage. The note shall contain such provisions as the Director of Law deems appropriate to protect the interests of the city, including the following:

(1) The note shall bear interest at a rate estimated by the Director of Finance to be payable on the special assessments for the improvement for which they were levied and not paid in cash, and shall be charged only on the unpaid principal balance of the note and not on unpaid interest.

(2) The note shall become due and payable when:

(a) The applicant transfers by sale or gift the property or any part thereof or interest therein, except if such transfer is to a surviving spouse, or

(b) The property or any part thereof or interest therein is transferred by inheritance upon the death of the applicant, except if such transfer is to a surviving spouse, or

(c) The applicant fails at any time to qualify for the Barberton Residential Services Relief Program, except in the case of a surviving spouse.

(C) The note shall be secured by a mortgage on the property of even date with the note, containing such provisions as the Director of Law finds appropriate to protect the interest of the city. After the signed mortgage is filed for record, the Director of Finance shall pay the special assessments in accordance with law from funds appropriated for that purpose.

(D) The forms of application, note, mortgage, and any other documents to be used in implementing this chapter shall be prepared and approved by the Director of Law.

(E) The Director of Finance shall prepare and submit to the Clerk of Council annually, on or before December 15 of each year, a report that shall set forth the number of applications submitted hereunder, the number and principal amount of the notes entered into for the year and preceding years, and any other information as may be required by Council.

SECTION 5. Residents previously determined to be qualified for the prior County of Summit Homestead Exemption are deemed qualified for the Barberton Residential Services Relief Program. Further, once a resident is determined to be eligible for the Barberton Residential Services Relief Program, such resident need not re-apply annually.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary to proceed with this program as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2008

Clerk of Council

President of Council

Approved _____ 2008

Mayor