

ORDINANCE NO. 23-24

AN ORDINANCE AMENDING SECTION 1042.02(e) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROVIDE FOR PAYMENT OF SANITARY SEWER TAP FEES THROUGH A VOLUNTARY ASSESSMENT COLLECTED ALONG WITH THE PROPERTY OWNER'S REAL ESTATE TAXES AND DECLARING AN EMERGENCY

WHEREAS, the Administration has recognized that the owners of older homes in the City are being required to pay a portion of the cost of an expanding sanitary sewer system through real property special assessments; and

WHEREAS, these assessments can be extremely costly to individuals and families living in these older homes which, in some cases have fixed incomes; and

WHEREAS, in an effort to help defray the cost of tying-in to newly-constructed sanitary sewers and abandoning existing private septic systems, the Mayor, together with City Council (the "Council"), deems it desirable to authorize a voluntary property tax assessment option in certain instances; and

WHEREAS, said amendment would offer an alternative to payment of the Avon sanitary sewer tap-in fee up front for connections made to existing residential dwelling units (owner occupied, single family dwellings) which abut a sanitary sewer line when that sanitary sewer line was installed by way of an involuntary special assessment on the abutting and/or specially benefitted residential property owners; and

WHEREAS, Council, having considered the statements made by members of the community and representatives of the Administration, hereby finds that the amendment to ACO §1042.02(e) is reasonable and in the best interests of the public's health, safety and welfare of all residents of the City of Avon; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That Section 1042.02(e) of the Codified Ordinances of the City of Avon which currently reads as follows:

1042.02 TAP-IN CHARGES.

1042.02(e) Tap-in Charges.

(4) Notwithstanding all of the above in this subsection(e), owners of any single family or two-family residential dwelling units required to abandon their private septic systems and tap into the City's sanitary sewer system as a result of an involuntary special assessment imposed upon them by the City of Avon or any other Federal, State or Local governmental entity shall have their tap-in fees to the City of Avon waived and shall not be required to pay the tap-in charge set forth in subsection (e)(1).

Shall be amended as follows: (New language in bold print; deleted language stricken)

1042.02 TAP-IN CHARGES.

1042.02(e) Tap-in Charges.

(4) Notwithstanding all of the above in this subsection (e), the owner of any owner-occupied single family residential dwelling unit required to abandon their private septic system and tap into the City's sanitary sewer system may elect to have the sewer tap-in charge, plus (A) any fee charged by the County and (B) interest on the sewer tap-in charge amount at a rate of three percent (3%), said rate having been determined by the Director of Finance to be substantially equivalent to the fair market rate of interest had the City issued securities in anticipation of the collection of the sewer tap-in charge, certified to the County Auditor, who shall place the same upon the property tax list and duplicate against the property served by sewer tap-in charge, and such charge, shall be a lien on such property from the date the same is placed upon the property tax list and duplicate by the County Auditor and shall be collected in the manner of taxes in five equal annual (ten semi-annual) installments. Any property owner may elect to pre-pay such amounts at any time during the five year collection period. All such sewer tap-in charges and interest received shall be placed in the Sanitary Sewer Replacement and Depreciation Fund.

(5) Notwithstanding all of the above in this subsection(e), owners of any single family or two-family residential dwelling units required to abandon their private septic systems and tap into the City's sanitary sewer system as a result of an involuntary special assessment imposed upon them by the City of Avon or any other Federal, State or Local governmental entity shall have their tap-in fees to the City of Avon waived and shall not be required to pay the tap-in charge set forth in subsection (e)(1).

Section 2 – That all language contained in Section 1042.02 not specifically amended herein shall remain in full force and effect.

Section 3 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the option of a voluntary property tax assessment for owner-occupied, single-family dwelling units required to abandon their private septic system and tap into the City's sanitary sewer system and not create undue financial hardship on such owners; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 11, 2024

DATE SIGNED: March 11, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: March 12, 2024

BKJ
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: March 14, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 23-24, passed by the Council of said City on March 11th, 2024.

IN WITNESS WHEREOF, I have on this 12th day of March 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio