

ORDINANCE NO. 15-14

**AN ORDINANCE TO AMEND §1042.02(i) OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO INCREASE SANITARY SEWER RATES
AND DECLARING AN EMERGENCY**

WHEREAS, sanitary sewer service in the City of Avon is provided by either Avon Lake Municipal Utilities or the City of North Ridgeville (French Creek Wastewater Treatment Plant), depending upon where one's property is located within the City of Avon; and

WHEREAS, the passage of Ordinance No. 48-13, May 13, 2013, removed an area of northeast Avon from the French Creek Facility Planning Area (North Ridgeville sanitary sewer system) to the Avon Lake Facility Planning Area (Avon Lake Municipal Utilities) thus increasing the amount of customers being serviced by Avon Lake; and

WHEREAS, the City of Avon Lake will be increasing the "sanitary sewer user rate" for the Avon Lake Municipal Utilities Plant by approximately seven (7%) percent effective July 1, 2014 and by approximately seven (7%) percent effective July 1, 2015 and the City of North Ridgeville contemplates rate adjustments later this fiscal year; and

WHEREAS, given these circumstances, the Administration has determined that it would be in the best interests of the all customers within the City to establish one sanitary sewer rate throughout for all consumption, regardless of which sanitary sewer system provides the service; and

WHEREAS, Council, recognizing the need for an increase in sewer rates due to the increase being levied by Avon Lake, finds that it is in the best interest of the health, safety and welfare of the citizens of the City of Avon that §1042.02(i) be amended to create uniformity in sanitary sewer rates and keep pace with the actual costs of future capital improvements and current costs of operation and maintenance of the system.

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 which currently reads:

1042.02 SANITARY SEWER CHARGES

(i) Schedule of Base Charge and Sewer Use Rate. The base charge and sewer use rate shall be fixed and established as follows, subject to adjustment pursuant to paragraph (h)(5) hereof:

(1) Base charge: \$1.99/month

(2) Sewer use rate: \$5.79/1,000 gallons

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The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the base charge fixed and established in this subsection to reflect any increase or decrease in such amount charged the City of Avon by either the City of North Ridgeville or the City of Avon Lake for billing services, and the sewer use rate fixed and established in this subsection to reflect any increase or decrease in the amount charged the City of Avon by the City of North Ridgeville (currently two dollars and twenty-two cents (\$2.22) per 1,000 gallons) and/or the City of Avon Lake for its sanitary sewage disposal services, provided, however, that no such adjustment shall take effect until the Director has filed with the Clerk of Council a notice of the base charge adjustment or sewer use rate adjustment, as the case may be.

(Ord. 202-98. Passed 12-28-98; Ord. 190-01. Passed 12-17-01; Ord. 56-07. Passed 5-14-07; Ord. 17-11. Passed 2-28-11; Ord. 43-12. Passed 5-14-12.)

Shall be amended as follows: (New language in **bold** print)

1042.02 SANITARY SEWER CHARGES

(i) Schedule of Base Charge and Sewer Use Rate. The base charge and sewer use rate shall be fixed and established as follows, subject to adjustment pursuant to paragraph (h)(5) hereof:

- (1) Base charge **for all users:** \$1.99/month
- (2) Sewer use rate **for all users:** \$5.79/1,000 gallons

The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the base charge **and/or the sewer use rate** fixed and established in this subsection to reflect any increase or decrease in such amounts charged **by** the City of Avon, ~~by the City of North Ridgeville or the City of Avon Lake for billing services, and the sewer use rate fixed and established in this subsection to reflect any increase or decrease in the amount charged the City of Avon by the City of North Ridgeville (currently two dollars and twenty-two cents (\$2.22) per 1,000 gallons) and/or the City of Avon Lake for its sanitary sewage disposal services,~~ **but** no such adjustment shall take effect until the **Finance** Director has filed with the Clerk of Council a notice of the base charge adjustment or sewer use rate adjustment, as the case may be.

(Ord. 202-98. Passed 12-28-98; Ord. 190-01. Passed 12-17-01; Ord. 56-07. Passed 5-14-07; Ord. 17-11. Passed 2-28-11; Ord. 43-12. Passed 5-14-12.)

Section 2 - That these rates shall take effect February 1, 2014 for bills issued in March, 2014.

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

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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.

Section 3 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity for the City to amend §1042.02(i) to increase sanitary sewer rates so that there is one, consistent sanitary sewer rate throughout the City for all users of any sanitary sewer system in the City, effective February 1, 2014 for bills issued in March, 2014; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director