

ORDINANCE NO. 28-14

**AN ORDINANCE AMENDING SECTION 1040.04(b)(1) OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON RELATING TO WATER TAP FEES
AND DECLARING AN EMERGENCY**

WHEREAS, City's Utility Department has not adjusted its water tap-in fees for several years; and

WHEREAS, before considering any adjustments, the City commissioned a study by Jones & Henry Engineering to evaluate and make recommendations regarding, among other things, these tap-in fees; and

WHEREAS, this study recommended increases to the City's water tap-in fees and due to recent and forthcoming capital improvements, it is necessary to amend Section 1040.04(b)(1) of the Codified Ordinances of the City of Avon to increase the cost of these connections; and

WHEREAS, Council finds that this amendment of Section 1040.04(b)(1) of the Codified Ordinances is necessary to continue to provide, maintain and preserve the high levels of potable water service to the public all of which is necessary to protect the public peace, health, safety and welfare of the citizens of the City of Avon.

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

Section 1 - It is necessary to amend Section 1040.04(b)(1) of the Codified Ordinances of the City of Avon to increase water tap connections fees which presently reads as follows:

1040.04 CONNECTIONS; FEES; METERS.

- (b) (1) The owner of real property upon which there is made a water tap connection with the Municipal waterworks system shall pay a fee according to the following schedule:

<u>Size (in.)</u>	<u>Taps To Municipal System</u>	<u>Non-Refundable Fee</u>
3/4		\$2,150.00
1		\$2,240.00
2		\$2,800.00 plus time and materials

- (2) Sewer deduct and/or second meters. The owner of real property upon which there is made a connection for a sewer deduct and/or second and/or subsequent water shall pay a connection fee as follows:

Connection/Tap fee	\$250.00
Plus current cost of correct meter size	

(3) Temporary hydrant taps (exclusively by the city)

Size (in.)	<u>Nonrefundable fee per hydrant connection</u>
2	\$500.00 plus water use charged
1	100.00 plus water use charged
1 or 2	50.00 plus water use charged if the meter is used less than eight hours in any one twenty-four hour period

The above tap charges shall be supplemented by additional charges to cover the costs to the City incurred in connection with the installation of the tap. Further, the Director of Public Service may authorize variations regarding temporary hydrant taps under extreme circumstances.

The additional increase for tap-in fees shall be deposited into a Water Department Capital Improvement Fund. These funds shall be reserved for permanent improvement of the water system only.

(Ord. 47-88. Passed 7-11-88; Ord. 108-02. Passed 8-12-02.)

Shall be amended as follows: (New language in Bold Print)

1040.04 CONNECTIONS; FEES; METERS.

(b) (1) The owner of real property upon which there is made a water tap connection with the Municipal waterworks system shall pay a fee according to the following schedule:

Tap Size (Inches)	Non-Refundable Fee
3/4	\$3,042.00
1	\$3,042.00
2	\$8,662.00 plus time and materials

(2) Annual Adjustment of Fees. The water tap-in fees referred to in this section shall be adjusted by the Finance Director yearly beginning in 2015 by multiplying them by the first Cleveland Construction Cost Index figure published in July and every year thereafter and divided by \$11,203.59 which is the current Engineering News Record construction cost of Cleveland.

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- (23) Sewer deduct and/or second meters. The owner of real property upon which there is made a connection for a sewer deduct and/or second and/or subsequent water shall pay a connection fee as follows:

Connection/Tap fee	\$250.00
Plus current cost of correct meter size	

- (34) Temporary hydrant taps (exclusively by the city)

Size (in.)	<u>Nonrefundable fee per hydrant connection</u>
2	\$500.00 plus water use charged
1	100.00 plus water use charged
1 or 2	50.00 plus water use charged if the meter is used less than eight hours in any one twenty-four hour period

The above tap charges shall be supplemented by additional charges to cover the costs to the City incurred in connection with the installation of the tap. Further, the Director of Public Service may authorize variations regarding temporary hydrant taps under extreme circumstances.

The additional increase for tap-in fees shall be deposited into a Water Department Capital Improvement Fund. These funds shall be reserved for permanent improvement of the water system only. (Ord. 47-88. Passed 7-11-88; Ord. 108-02. Passed 8-12-02.)

Section 2 - The moratorium on prepayment of water tap-in fees passed by City Council in Ordinance No. 23-14 is hereby repealed to the extent of the ¾ inch, 1 inch and 2 inch tap-in fees.

Section 3 - That it is 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 of any of its committees that resulted in such 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 increase water tap-in fees; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

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DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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