

ORDINANCE NO. 29-14

AN ORDINANCE AMENDING SECTION 1042.02(e) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON RELATING TO SEWER TAP FEES AND DECLARING AN EMERGENCY

WHEREAS, City's Utility Department has not adjusted its sanitary sewer 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 sanitary sewer tap-in fees and due to recent and forthcoming capital improvements, it is necessary to amend Section 1042.11(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 1042.02(e) of the Codified Ordinances is necessary to continue to provide, maintain and preserve the high levels of sanitary sewer 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, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - It is necessary to amend Section 1042.02(e) of the Codified Ordinances of the City of Avon to increase sewer tap connections fees which presently reads as follows:

1042.02 TAP-IN CHARGES.

(e) Tap-in Charges.

- (1) There is hereby levied a sewer tap-in charge for each tap-in made to the sanitary sewerage system, to be paid to the City and deposited into Sanitary Sewer Fund No. 2, the funds from which shall be used for sewer debt reduction and/or for sewer operation and maintenance, and/or capital outlay, prior to the issuance of a building permit, if sanitary sewer service is available, or at the time that sanitary sewer service becomes available to a property owner, as follows:
 - A. For residential class taps: nine hundred dollars (\$900.00) per living unit;
 - B. For commercial class taps: one thousand five hundred dollars (\$1,500) plus one hundred dollars (\$100.00) per fixture-unit flow rate; and

Ordinance No. 29-14 (Con't.)

- C. For institutional, governmental and industrial class taps; two thousand five hundred dollars (\$2,500), plus one hundred dollars (\$100.00) per fixture-unit flow rate. (Ord. 189-96. Passed 12-23-96.)
- (2) The tap-in charge established by this subsection shall not apply to a tap-in to the sanitary sewerage system with respect to any property within the Avon Lake Wastewater Service Area.

Shall be amended to read as follows: (New language in bold)

- (1) There is hereby levied a sewer tap-in charge for each tap-in made to the sanitary sewerage system, to be paid to the City and deposited into Sanitary Sewer Fund No. 2, the funds from which shall be used for sewer debt reduction and/or for sewer operation and maintenance, and/or capital outlay, prior to the issuance of a building permit, if sanitary sewer service is available, or at the time that sanitary sewer service becomes available to a property owner, as follows:

Meter Size (Inches)	Non-Refundable Fee
3/4	\$2,130.00
1	\$2,130.00
2	\$3,408.00

- A. ~~For residential class taps: nine hundred dollars (\$900.00) per living unit;~~
- B. ~~For commercial class taps: one thousand five hundred dollars (\$1,500) plus one hundred dollars (\$100.00) per fixture-unit flow rate; and~~
- C. ~~For institutional, governmental and industrial class taps; two thousand five hundred dollars (\$2,500), plus one hundred dollars (\$100.00) per fixture-unit flow rate. (Ord. 189-96. Passed 12-23-96.)~~
- (2) **Annual Adjustment of Fees. The sanitary sewer 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.**
- (23) ~~The tap-in charge established by this subsection shall not apply to a tap-in~~

~~to the sanitary sewerage system with respect to any property within the Avon Lake Wastewater Service Area. For any change in use in a commercial, institutional, governmental and industrial classification of tap, a fixture unit fee of \$200 will be assessed per fixture unit rating.~~

Section 2 - It is necessary to amend Section 1042.11(b) of the Codified Ordinances of the City of Avon which presently reads as follows:

1042.11 TAP-IN CHARGES.

(b) Schedule of Charges. Tap-in charges within the Avon Lake Wastewater Service Area shall be determined in accordance with the following:

- (1) Residential class taps: five hundred dollars (\$500.00) per living unit;
- (2) Commercial class taps: one thousand dollars (\$1,000) plus one hundred dollars (\$100.00) per fixture-unit flow rate; and
- (3) Institutional, governmental and industrial class taps: two thousand dollars (\$2,000) plus one hundred dollars (\$100.00) per fixture-unit flow rate.

As used in this subsection, the terms "residential class," "commercial class" and "institutional, governmental and industrial class" shall have the same meanings given those terms in Section 1042.02(b)(18).

Shall be amended to read as follows: (New language in bold)

(b) Schedule of Charges. ~~Tap-in charges within the Avon Lake Wastewater Service Area shall be determined in accordance with the following:-~~

- ~~(1) Residential class taps: five hundred dollars (\$500.00) per living unit;~~
- ~~(2) Commercial class taps: one thousand dollars (\$1,000) plus one hundred dollars (\$100.00) per fixture-unit flow rate; and~~
- ~~(3) Institutional, governmental and industrial class taps: two thousand dollars (\$2,000) plus one hundred dollars (\$100.00) per fixture-unit flow rate.~~

~~As used in this subsection, the terms "residential class," "commercial class" and "institutional, governmental and industrial class" shall have the same meanings given those terms in Section 1042.02(b)(18).~~ **For tap-in charges for the City of Avon, refer to Section 1042.02(e).**

Section 3 - The moratorium on prepayment of sanitary sewer 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 4 - Nothing herein shall be construed to eliminate the separate tap-in fees due directly to the City of North Ridgeville (French Creek Wastewater System) or the City of Avon Lake (Avon Lake Municipal Utilities) as set forth in this Chapter.

Ordinance No. 29-14 (Con't.)

Section 5 - 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.

Section 5 - 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 sewer 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 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