

ORDINANCE NO. 43-14**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 on lines of 3 inches or greater 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 on tap sizes of 3 inches or greater 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 connection 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:

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

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1	\$2,130.00
2	\$3,408.00

- (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.
- (3) 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.

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

(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:

Meter Size (Inches)	Non-Refundable Fee
3/4	\$2,130.00
1	\$2,130.00
2	\$3,408.00
3	\$10,650.00
4	\$10,650.00
6	\$21,300.00
8	\$34,080.00
10	\$51,120.00
12 +	\$91,590.00

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- (2) Annual Adjustment of Fees. The sanitary sewer tap-in fees referred to in this section **for ¾, 1 and 2 inch taps** 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. **All other tap-in fees are subject to annual adjustment based on a yearly review conducted by the Finance Director and the Superintendent of Utilities.**
- (3) ~~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 - The moratorium on prepayment of sanitary sewer tap-in fees passed by City Council in Ordinance No. 23-14 is hereby repealed.

Section 3 - 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.

Section 4 - 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 on all taps of 3 inches or greater, 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

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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