

**ORDINANCE NO. 65-15**  
**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**, the City contracted with Jones & Henry Engineering to conduct a water rate study in December of 2013 to evaluate all of the City's rates and fees for this utility; and

**WHEREAS**, pursuant to that study it is necessary to increase tap fees for all taps 3 inches and greater; and

**WHEREAS**, it is also necessary to add a 1½ inch tap to meet an increase in demand for that size; and

**WHEREAS**, 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 include the 1½ inch tap; and

**WHEREAS**, Council finds that these amendments to 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:

| Tap Size (Inches) | Non-Refundable Fee |
|-------------------|--------------------|
| 3/4               | \$3,042.00         |
| 1                 | \$3,042.00         |
| 2                 | \$8,662.00         |
| 3                 | \$9,624.00         |
| 4                 | \$9,624.00         |

|      |             |
|------|-------------|
| 6    | \$10,586.00 |
| 8    | \$11,550.00 |
| 10   | \$14,440.00 |
| 12 + | \$17,330.00 |

- (2) Annual Adjustment of Fees. The water tap-in fees referred to in this section for  $\frac{3}{4}$ , 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) 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 |          |

- (4) 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; Ord. 28-14. Passed 3-10-14; Ord. 42-14. Passed 4-14-14.)

**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         |
| <b>1 ½</b>        | <b>\$8,662.00</b>  |
| 2                 | \$8,662.00         |
| 3                 | <b>\$10,586.40</b> |
| 4                 | <b>\$10,586.40</b> |
| 6                 | <b>\$12,703.20</b> |
| 8                 | <b>\$15,015.00</b> |
| 10                | <b>\$20,216.00</b> |
| 12 +              | <b>\$30,327.50</b> |

- (2) Annual Adjustment of Fees. The water tap-in fees referred to in this section for ¾, 1, **1 ½**, 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) 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 |          |

## (4) 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; Ord. 28-14. Passed 3-10-14; Ord. 42-14. Passed 4-14-14.)

Section 2 - 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 3 - 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 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 L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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