

ORDINANCE NO. 85-16

**AN ORDINANCE TO AMEND SECTION 1040.01 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO INCREASE THE RATES CHARGED FOR
WATER SERVICE FOR THE CITY OF AVON
AND DECLARING AN EMERGENCY**

WHEREAS, the Council recently passed Ordinance No. 67-16 to amend §1040.01(a) of the Codified Ordinances to increase water usage rates effective 8/1/16; and

WHEREAS, the Administration is now proposing additional amendments to eliminate the monthly minimum charge for consumption, to increase the monthly service charge and to establish a fireline/fire suppression line charge; and

WHEREAS, Council, having considered the recommendation of the Administration and Finance Director, finds that an amendment to Section 1040.01 of the Codified Ordinances of the City of Avon to increase the monthly service charge and eliminate the monthly minimum usage charge and establish a charge for fireline/fire suppression to be in the best interest of the health, safety and welfare of the community in maintaining a fiscally responsible approach to management of capital improvements for the future benefit of the City and its inhabitants.

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

Section 1 - That Section 1040.01 of the Codified Ordinances of the City of Avon which currently reads as follows:

1040.01 RATES

(a) Commencing with the billing date of August 1st, 2016, the following monthly rates for all water users in the City are hereby established:

<u>Gallons Used</u>	<u>Charge Per 1,000 Gallons</u>
First 25,000	\$4.26
All over 25,000	\$3.60

The minimum charge per month shall be Nine Dollars and Nineteen Cents (\$9.19). A service charge of Sixty-Seven Cents (\$0.67) will be charged per monthly billing cycle.

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(b) Commencing with the billing cycle beginning August 1, 1992, the following quarterly rates for all water/sewer users in the City are hereby established:

<u>Gallons Used</u>	<u>Charge Per 1,000 Gallons</u>
First 6,000	\$2.33
Next 24,000	1.98
All over 30,000	1.89

A monthly estimated charge for the first two months of each quarter of a billing cycle will be billed. The third bill of the billing cycle will be the actual quarterly charges less the previously billed monthly estimated charges.

A service charge of fifty-eight cents (\$.58) will be charged per monthly billing cycle.

Effective September 1, 2009, there will be a service charge of twenty dollars (\$20.00) for connection of water and twenty dollars (\$20.00) for disconnection of water.

The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the water usage rate fixed and established in this division to reflect any increase or decrease in such amount charged to the City of Avon by the City of Avon Lake or any other supplier of water at wholesale for distribution to users in the City of Avon, provided, however, that no such adjustment shall take effect until the Director has filed with the Clerk of Council a notice of the water rate adjustment.

(c) The rate for fire hydrant rental shall be two thousand five hundred dollars (\$2,500.00) per year.

(d) The charges set forth in divisions (a) and (b) hereof are minimum charges, not maximum charges, and the City reserves the right and is obligated to increase the same at any time should the revenues of the Municipal waterworks system prove insufficient to pay the operating and maintenance expenses and the debt service charges of the bonds issued to construct such waterworks system.

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

1040.01 RATES

(a) Commencing with the billing date of August 1st, 2016, the following monthly rates for all water users in the City are hereby established:

<u>Gallons Used</u>	<u>Charge Per 1,000 Gallons</u>
First 25,000	\$4.26
All over 25,000	\$3.60

There shall be no minimum consumption charge. ~~per month shall be Nine Dollars and Nineteen Cents (\$9.19).~~ A service charge of **One Dollar (\$1.00)** ~~Sixty Seven Cents (\$0.67)~~ will be charged per **account per** month. ~~by billing cycle~~

(b) Commencing with the billing cycle beginning August 1, 1992, the following quarterly rates for all water/sewer users in the City are hereby established:

<u>Gallons Used</u>	<u>Charge Per 1,000 Gallons</u>
First 6,000	\$2.33
Next 24,000	1.98
All over 30,000	1.89

A monthly estimated charge for the first two months of each quarter of a billing cycle will be billed. The third bill of the billing cycle will be the actual quarterly charges less the previously billed monthly estimated charges.

~~A service charge of fifty eight cents (\$.58) will be charged per monthly billing cycle.~~

Effective September 1, 2009, there will be a service charge of twenty dollars (\$20.00) for connection of water and twenty dollars (\$20.00) for disconnection of water.

The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the water usage rate fixed and established in this division to reflect any increase or decrease in such amount charged to the City of Avon by the City of Avon Lake or any other supplier of water at wholesale for distribution to users in the City of Avon, provided, however, that no such adjustment shall take effect until the Director has filed with the Clerk of Council a notice of the water rate adjustment.

(c) The rate for fire hydrant rental shall be two thousand five hundred dollars (\$2,500.00) per year.

(d) The charges set forth in divisions (a) and (b) hereof are minimum charges, not maximum charges, and the City reserves the right and is obligated to increase the same at any time should the revenues of the Municipal waterworks system prove insufficient to pay the operating and maintenance expenses and the debt service charges of the bonds issued to construct such waterworks system.

(e) Fireline Rate. The City shall charge the following rate for all fireline and fire suppression systems. In addition to said rate, each account will be charged the monthly service charge set forth in Section (a).

Diameter of the Pipe Supplying the System	Rate/Charge
2"	\$2.00 + Current Service Charge
3"	\$3.00 + Current Service Charge
4"	\$4.00 + Current Service Charge
6"	\$6.00 + Current Service Charge
8"	\$8.00 + Current Service Charge
10"	\$10.00 + Current Service Charge
12"	\$12.00 + Current Service Charge

(Ord. 63-92. Passed 6-22-92; Ord. 57-14. Passed 5-27-14; Ord. No. 93-15. Passed 7-13-15; Ord. 67-16. Passed 6-13-16.)

Section 2 - That all language contained in Section 1040.01 not specifically amended herein shall remain in full force and effect.

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 amend Section 1040.01 to increase the water usage rates; 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:

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

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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