

ORDINANCE NO. 59-21

**AN ORDINANCE TO AMEND '1042.02(i) OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO INCREASE SANITARY SEWER RATES
AND DECLARING AN EMERGENCY**

WHEREAS, sanitary sewer service in the City of Avon is provided by either Avon Lake Wastewater Treatment Plant or the City of North Ridgeville (French Creek Wastewater Treatment Plant), depending upon where one's property is located within the City of Avon; and

WHEREAS, North Ridgeville increased their rate four percent (4%) on January 1, 2021; and

WHEREAS, the City of Avon must budget for increases in the rates charged by these governmental entities and consider their own budgetary requirements for operation and maintenance. As such, the Administration is recommending an increase in the sanitary sewer rates; and

WHEREAS, Council's Finance Committee met on July 12, 2021 and by a vote of Three (3) in favor and Zero (0) opposed voted to recommend to Council adoption of legislation to increase the rates as set forth herein; and

WHEREAS, Council, having considered the recommendation of the Administration and Finance Committee, finds it to be in the best interest of the health, safety and welfare of the citizens of the City of Avon that §1042.02(i) be amended to increase sanitary sewer rates to keep pace with increases by our sanitary sewer service providers and to insure funding for current and future costs of operation and maintenance of the Avon system.

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

Section 1 - That Section 1042.02(i), which currently reads:

1042.02 SANITARY SEWER CHARGES

(i) Schedule of Base Charge and Sewer Use Rate. The base charge and sewer use rate shall be fixed and established as follows, subject to adjustment pursuant to paragraph (h)(5) hereof:

- (1) Base charge for all users: \$1.99/month
- (2) Sewer use rate for all users: \$7.60/1,000 gallons

The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the base charge and/or the sewer use rate fixed and established in this subsection to reflect any increase or decrease in such amount charged by the City of Avon, the City of North Ridgeville or the City of Avon Lake but no such adjustment shall take effect until the billing date

following the Finance Director filing with the Clerk of Council a notice of the base charge adjustment or sewer use rate adjustment, as the case may be.

(Ord. 202-98. Passed 12-28-98; Ord. 190-01. Passed 12-17-01; Ord. 56-07. Passed 5-14-07; Ord. 17-11. Passed 2-28-11; Ord. 43-12. Passed 5-14-12; Ord. 15-14. Passed 1-27-14; Ord. 94-15. Passed 7-13-15; Ord. 68-16. Passed 6-13-16; Ord. 56-17. Passed 7-3-17; Ord. 59-18. Passed 7-9-18; Ord. 68-19; Passed 7-8-19 and 64-20. Passed 7-13-20.)

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

1042.02 SANITARY SEWER CHARGES

(i) Schedule of Base Charge and Sewer Use Rate. The base charge and sewer use rate shall be fixed and established as follows, subject to adjustment pursuant to paragraph (h)(5) hereof:

- (1) Base charge for all users: \$1.99/month
- (2) Sewer use rate for all users: ~~\$7.60~~ **\$7.90**/1,000 gallons

The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the base charge and/or the sewer use rate fixed and established in this subsection to reflect any increase or decrease in such amount charged by the City of Avon, the City of North Ridgeville or the City of Avon Lake but no such adjustment shall take effect until the billing date following the Finance Director filing with the Clerk of Council a notice of the base charge adjustment or sewer use rate adjustment, as the case may be.

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Section 2 - That these rates shall take effect with the September 1, 2021 billing date.

Section 3 - 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, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity for the City to amend '1042.02(i) to increase sanitary sewer rates by September 1, 2021 to keep pace with increased costs of providing sanitary sewer service; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 59-21 (Con't.)

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director