

ORDINANCE NO. 60-21

AN ORDINANCE TO AMEND SECTION 1056.08(a) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE THE STORMWATER UTILITY BASE RATE PER ERU (EQUIVALENT RESIDENTIAL UNIT) PER MONTH, AND TO ESTABLISH AN ANNUAL BASE RATE ADJUSTMENT AND DECLARING AN EMERGENCY

WHEREAS, Council passed Ordinance No. 105-17 establishing Chapter 1056 in the Avon Codified Ordinances which created a Stormwater Utility; and

WHEREAS, Section 1056.08(a) established the base rate per ERU per month at \$2.00, and further indicated that the rate shall be evaluated on an annual basis and shall be adjusted as deemed appropriate but the City; and

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

WHEREAS, Council finds the recommendation of the Finance Committee to be reasonable and deems it to be in the best interests of the health, safety and welfare of the citizens of Avon that the Stormwater Utility Base Rate per ERU per month be increased.

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

Section 1 – That Section 1056.08(a) of the Codified Ordinances of the City of Avon which currently reads as follow:

1056.08 SCHEDULE OF FEES AND CHARGES.

(a) Base Rate. The base rate has been calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the City. The base rate for the stormwater utility is two dollars (\$2.00) per ERU per month for the year 2018. The fee shall be evaluated on an annual basis and shall be adjusted as is deemed appropriate by the City.
(Ord. 105-17. Passed 1-8-18.)

Shall be amended to read as follow: (New language in bold print; deleted language stricken)

1056.08 SCHEDULE OF FEES AND CHARGES.

(a) Base Rate. The base rate has been calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the City. The base rate for the stormwater utility ~~is~~

shall be increased from two dollars (\$2.00) per ERU per month to Two Dollars and 25/100 cents dollars (\$2.25) per ERU per month beginning September 1st, 2021. ~~for the year 2018. The fee shall be evaluated on an annual basis and shall be adjusted as is deemed appropriate by the City.~~ Beginning with year 2022 and each year thereafter, the rate per ERU shall be increased by the Finance Director every August 1st by multiplying the existing rate by the first Cleveland Construction Cost Index figure published every July and divided by the base year figure, which is the July, 2021 index as per Engineering News Record construction cost index for Cleveland, Ohio.
(Ord. 105-17. Passed 1-8-18.)

Section 2 – 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 3 - 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 '1056.08(a) to increase the stormwater utility base rate per ERU by September 1, 2021 and to establish an annual base rate adjustment to keep pace with increased costs of stormwater management; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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