

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 002

BY: Mayor Perciak and All Members of Council

AN ORDINANCE TO ENACT SECTION 1046.245 OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH CHARGES FOR ANY CONNECTIONS DIRECTLY OR INDIRECTLY TO THE WEBSTER ROAD/WEST 130TH STREET SANITARY SEWER EXTENSION PROJECT FOR THOSE LOTS AND LANDS FOR WHICH AN ADDITIONAL CONNECTION OR CONNECTIONS IS REQUIRED OR WHICH WERE NOT ASSESSED FOR SUCH PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Council has heretofore established certain regulations and charges for connections to the City's sanitary sewerage system as set forth in Chapter 1046 of the Codified Ordinances of the City; and

WHEREAS, the Council of the City of Strongsville, Ohio (the Council) has adopted Resolution No. 2012-119 (the Resolution) and declared the necessity of constructing the improvement identified in Section 1 of the Resolution (such improvement, together with any extensions and improvements thereto being hereinafter referred to as the Project) and determined that a portion of the costs of the Project would be financed from funds of the City, and has also determined that such funds shall be repaid and recouped, in part, by charges to be paid by the owners of lots and lands, being hereafter connected directly or indirectly to the Project which either (i) because of a split, a subdivision, or construction of additional improvements thereon, an additional connection or connections is required (beyond the single sanitary sewer service connection allowed for each lot specially assessed for the Project), or (ii) have not been specially assessed for the Project as identified in Section 4 of the Resolution; and

WHEREAS, as an essential part of the program for the construction of the Project and to provide for the repayment and recoupage of a portion of such funds to be expended therefor, this Council has determined that it is necessary to include in Chapter 1046 of the Codified Ordinances additional connection charges for the aforementioned lots and lands, with such connection charges to be determined, as set forth in this ordinance, so as to distribute as equitably as possible among the users of the Project the cost of providing the Project, all as determined by the City Engineer; and

WHEREAS, the additional connection charges to be established herein, in the judgment of this Council, are reasonable and proper, having due regard to all relevant circumstances and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO, that:

Section 1. Section 1046.245 of the Codified Ordinances of the City of Strongsville, Ohio be enacted to read as follows:

“1046.245. CONNECTION CHARGES FOR WEBSTER ROAD/WEST 130TH STREET SANITARY SEWER PROJECT IN ADDITION TO THOSE SET FORTH IN SECTION 1046.24.

(a) No person, corporation, public agency, partnership or association whatsoever shall connect, or cause to be connected, any building or other structure either directly or indirectly to those sanitary sewer improvements identified in Section 1 of Resolution No. 2012-119 adopted by the Council of the City and commonly known as the Webster Road/West 130th Street Sanitary Sewer Extension Project (the "Project") without first paying the charges established in Section 1046.24 and any applicable additional charges determined in accordance with the provisions of this Section.

(b) Where a connection is to be made to the Project, either directly or indirectly, and if the lots or lands to be served directly or indirectly by the Project, either (i) because of a split, a subdivision, or construction of additional improvements thereon, an additional connection or connections is required (beyond the single sanitary sewer service connection allowed for each lot specially assessed for costs of the Project), or (ii) have not been specially assessed for costs of the Project, then the potential user thereof shall pay, prior to making such connection, in addition to the charges established in Section 1046.24 and any other applicable section, a one-time, up-front connection charge equal to \$5,801.84 per Benefit Unit. For purposes hereof a single Benefit Unit shall be equal to an estimated sewage flow of 400 gallons per day and the number of Benefit Units to be used in calculating the additional connection charge hereunder shall be determined by the City Engineer based on the Suggested Sewage Flow Guide attached as Exhibit A to this Chapter passed by Council or, if such Suggested Sewage Flow Guide in the sole judgment of the City Engineer does not cover the particular situation, then the City Engineer shall calculate the number of Benefit Units based on customary engineering principals and practices with respect to estimated sewage flows from particular uses.

(c) The charge per Benefit Unit set forth in this section shall be increased by an amount equal to 3.03% thereof on January 1, 2016 and on the first day of January each year thereafter, in order to offset interest charges on any debt incurred to pay, and interest earnings foregone on any funds utilized by the City to pay, a portion of the cost of the Project.

(d) All moneys collected by the City as charges pursuant to the provisions of this Section shall be collected at the same time and in the same manner as charges due under Section 1046.24 of the Codified Ordinances and shall be deposited into the Sanitary Sewer Fund of the City.

(e) The imposition of charges provided for in this section shall not preclude the subsequent levy of special assessments against benefited properties to provide funds for the construction, replacement, rehabilitation or other improvement of sanitary sewers required to provide sanitary sewer

service to such properties, and the charges provided for in this section are in addition to any other permits and charges required by law.

(f) In the event that any lot or land or building or other structure thereon is connected directly or indirectly to the Project in violation of any of the provisions of this section, and the owner, agent, lessee, tenant or occupant of such lot or land fails or refuses to disconnect the same upon being directed to do so by the City Engineer, the City Engineer is hereby authorized to cause such lot or land to be disconnected from the Project, and the violator shall be liable to the City for the cost of making such disconnection.”

Section 2. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 20 days after its passage.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the additional connection charges may be immediately effective in order to repay moneys advanced by this City for the Project and thereby preserve the finances and credit of this City; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least five members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Michael J. Daymut
 President of Council

Approved: Thomas B. Surian
 Mayor

Date Passed: January 5, 2015
 Yea Nay

Date Approved: January 6, 2015

Carbone	<u>Absent</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Maloney	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Lirna Pientka
 Clerk of Council

ORD. No. 2015-002 Amended: _____
 1st Rdg. 01-05-15 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 01-05-15 Defeated: _____