

ORDINANCE NO. 94-15

**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 Municipal Utilities 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, the City of Avon must budget for anticipated increases in the rates charged by these municipalities and consider their own budgetary requirements for operation and maintenance; and

WHEREAS, Council, recognizing the need for an increase in sewer rates, 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 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: | \$5.79/1,000 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 amounts 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 Finance Director has filed 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.)

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: | \$6.08 /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 amounts 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 Finance Director has filed 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.)

Section 2 - That these rates shall take effect February 1, 2015 for bills issued in March, 2015.

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.

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 §1042.02(i) to increase sanitary sewer rates so that there is one, consistent sanitary sewer rate throughout the City for all users of any sanitary sewer system in the City, effective February 1, 2014 for bills issued in March, 2014; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

Ordinance No. 94-15 (Con't.)

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director