

ORDINANCE NO. 105-17**AN ORDINANCE ADOPTING CHAPTER 1056 OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO CREATE A STORMWATER UTILITY
AND DECLARING AN EMERGENCY**

WHEREAS, regulations promulgated by the United States Environmental Protection Agency to address non-point source stormwater pollution, continued land development within the City of Avon, and longstanding drainage issues detrimental to the community have demonstrated the need for a sustained stormwater management program to operate, maintain and upgrade the public stormwater systems within the City of Avon; and

WHEREAS, Council, by a series of Ordinances, adopted between July of 2015 and December of 2016 has heretofore established storm water management standards applicable to new development and redevelopment in the City to achieve a level of stormwater quality and quantity control intended to reduce damage to property and degradation of water resources and promote and maintain the health, safety, and welfare of the citizens of the City; and

WHEREAS, this Council has determined that it is necessary, appropriate and in the public interest to create a stormwater management utility to operate, maintain, repair, improve and extend the City's existing public stormwater drainage systems serving the City of Avon's public interests pursuant to the powers and authority provided under the Constitution and the laws of the State of Ohio and the Charter and ordinances of the City; and

WHEREAS, Council has further determined that in order to pay the costs of that stormwater management utility (the "Utility"), the City should establish and impose just and equitable charges on all users of the Utility for the services provided by the Utility and that those charges should be established by this Council based upon the study prepared by the consulting engineering firm of Chagrin Valley Engineering, Ltd. (the "Consulting Engineer") dated December 11, 2017 (the "Stormwater Study") which is now on file in the office of the Clerk of Council; and

WHEREAS, it is necessary and desirable and in the best interest of the City, its citizens, and the users of the Utility to establish a system of stormwater management service charges for financing the Utility, which charges shall be designated as "Service Charges", and shall be imposed and collected as provided in this Ordinance in order to provide amounts required to make the Utility a "self-supporting" enterprise that generates revenues sufficient to pay all costs of providing the Utility's stormwater management programs and of the operation, maintenance, repair, replacement, construction, improvement and extension of the capital facilities of the Utility, including debt service on obligations incurred and anticipated to be incurred for replacement, construction, improvement and extension of such capital facilities, and to provide appropriate reserves; and

WHEREAS, those Service Charges should be just and equitable and reflect the relative contribution of stormwater from a property, benefits enjoyed, and services received by each property as a result of the collection and disposal of stormwater, and may consider the impervious area of the various properties within the City, this Council finding that the extent of stormwater runoff from a particular property is largely a function of its impervious area; and

WHEREAS, this Council finds and determines that the rate structure for Service Charges provided for in this Ordinance gives appropriate consideration to the various factors required to establish just and equitable Service Charges and should be and is hereby established as the basis for the Service Charges to be imposed by this Council; and

WHEREAS, Council has considered the funding requirements recommended by the City Administration and hereby determines, based upon a consideration of the Stormwater Study and other relevant facts and circumstances, that the Utility Service Charge provided for in this Ordinance is necessary and appropriate to generate the initial funding required for the Utility and should be established.

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

Section 1 - That the proposed Chapter 1056 entitled "Stormwater Utility" be and the same is hereby adopted in its entirety as set forth in the attached Exhibit A which incorporated herein by this reference.

Section 2 - That the Codifier is hereby instructed to create and insert Chapter 1056 into the Avon Codified Ordinances in a manner similar to that as set forth in Exhibit A.

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 create a stormwater utility; 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

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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