

ORDINANCE NO. 89-19

**AN ORDINANCE AMENDING SECTION 1042.02(e) OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO INCLUDE A SECTION
RELATING TO THE WAIVER OF SANITARY SEWER
TAP FEES IN CERTAIN INSTANCES
AND DECLARING AN EMERGENCY**

WHEREAS, in recent months the Administration has recognized that the owners of several older homes in the City are being required to pay a portion of the cost of an expanding sanitary sewer system through real property special assessments; and

WHEREAS, these assessments can be extremely costly to individuals and families living in these older homes which, in some cases have fixed incomes; and

WHEREAS, in an effort to help defray the cost of tying-in to newly-constructed sanitary sewers and abandoning existing private septic systems, the Mayor, together with City Council (the "Council"), deems it desirable to consider waiving the cost of tying-in to the sanitary sewer (once installed) in certain instances; and

WHEREAS, Council's Finance and Service Committees met on October 7, 2019, considered an amendment to §1042.02(e) of the Avon Codified Ordinances ("ACO") entitled "Tap-In Charges" and by a unanimous vote, recommended to Council passage of said amendment; and

WHEREAS, said amendment would eliminate the City of Avon's tap-in fee for connections made to existing residential dwelling units (single family or two-family) which abut a sanitary sewer line when that sanitary sewer line was installed by way of an involuntary special assessment on the abutting and/or specially benefitted residential property owners; and

WHEREAS, Council, having considered the statements made by members of the community, representatives of the Administration and the action taken by the Finance and Service Committees, hereby finds that the amendment to ACO §1042.02(e) is reasonable and in the best interests of the public's health, safety and welfare of all residents of the City of Avon; and

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

Section 1 - It is necessary to amend Section 1042.02(e) of the Codified Ordinances of the City of Avon to add language to permit tap-in fees to be waived for owners of any single family or two-family residential dwelling units required to abandon their private septic system and tap into the City's sanitary sewer system when the assessment is an involuntary special assessment imposed upon the property owner by the City or any other Federal, State or Local governmental entity. Said amendment shall read as follows:

1042.02 TAP-IN CHARGES.

1042.02(e) Tap-in Charges.

(4) Notwithstanding all of the above in this subsection(e), owners of any single family or two-family residential dwelling units required to abandon their private septic systems and tap into the City's sanitary sewer system as a result of an involuntary special assessment imposed upon them by the City of Avon or any other Federal, State or Local governmental entity shall have their tap-in fees to the City of Avon waived and shall not be required to pay the tap-in charge set forth in subsection (e)(1).

Section 2 – That all language contained in Section 1042.02 not specifically amended herein shall remain in full force and effect.

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 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 waive tap-in fees per ACO §1042.02(e)(1) for owners of single family or duplex dwelling units required to abandon their private septic system and tap into the City's sanitary sewer system when the cost of said system is recovered through an involuntary special assessment imposed on all abutting property owners on a front footage basis or when imposed on all property owners who are specially benefited, and not create undue financial hardship on such owners; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Robert J Butkowski, Council President Pro Tem

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

Ordinance No. 89-19 (Con't)

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

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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