

CITY OF NORTH OLMSTED

ORDINANCE NO. 2011-74

BY: Mayor Kennedy

AN ORDINANCE AMENDING SECTION 915.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH OLMSTED TO ESTABLISH REVISED CHARGES FOR THE USE OF THE MUNICIPAL SANITARY SEWER SYSTEM; REPEALING EXISTING SECTION 915.04 OF THE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY

WHEREAS, the City of North Olmsted owns and operates a sanitary sewer system (the System) providing wastewater collection and treatment services to residential, commercial and industrial users in the City and certain users outside of the City; and

WHEREAS, this Council is authorized and required to establish and maintain rates and charges for the users of the System in order to fairly and equitably allocate the costs of, and to provide funds to this City for the purpose of, operating, maintaining and repairing that System, as well as paying costs of capital improvements and replacements (including debt service costs) associated therewith, and may change those rates and charges as it deems advisable; and

WHEREAS, at the request of this Council and the City administration, Hazen and Sawyer, P.C., consulting engineer to the City, has prepared a rate study with respect to the current and anticipated future operating, maintenance, capital and other costs of the System; and

WHEREAS, this Council finds and determines that it is appropriate to establish revised rates for the use of the System based on the recommendations set forth in that rate study, which, in its judgment, are reasonable and proper having due regard to all relevant facts and circumstances; subject, however, to the power of this Council, from time to time, to revise those rates and other applicable charges and surcharges, as may be necessary and appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH OLMSTED, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

SECTION 1: Section 915.04 of the Codified Ordinances of the City, which currently reads as follows:

“915.04 USER CHARGES.

(a) All premises within the corporation limits of the City shall pay a sewer user charge based upon the quantity of water used on the premises as shown by the records of the Division of Water of the City of Cleveland, unless specified otherwise in this chapter.

Those user charges shall be broken down as follows:

- (1) A portion will be established to cover the costs incurred for the operation, maintenance and replacement of the system.

- (2) A second portion will be established to cover costs of debt service and capital improvements.

All revenues from those charges shall be deposited in the Sewer Revenue Fund.

(b) The sewer user charge upon each lot, parcel of land, building or premises inside the corporate limits of the City having any sewer connection with the sanitary sewer system of the City, or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system, or which is accessible thereto, shall be payable as hereinafter provided and in an amount determinable as follows, effective with all bills rendered during the respective periods set forth:

Sewer Use Unit Charges for Quarterly Water Consumption for 1,000 cubic feet (mcf) or greater

<u>Period</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
June 1, 2002 through December 31, 2007	\$26.84	\$9.42	\$36.26
January 1, 2008 through December 31, 2008	\$29.46	\$10.35	\$39.81
January 1, 2009 through December 31, 2009	\$30.52	\$13.08	\$43.60
January 1, 2010 through December 31, 2010	\$31.98	\$15.75	\$47.74
January 1, 2011 and after	\$32.93	\$19.34	\$52.27

Quarterly Minimum Bill

<u>Period</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
June 1, 2002 through December 31, 2007	\$26.84	\$9.42	\$36.26
January 1, 2008 through December 31, 2008	\$29.46	\$10.35	\$39.81
January 1, 2009 through December 31, 2009	\$30.52	\$13.08	\$43.60
January 1, 2010 through December 31, 2010	\$31.98	\$15.75	\$47.74
January 1, 2011 and after	\$32.93	\$19.34	\$52.27

Sewer Use Charges for Certain Qualified Users with Quarterly Water Consumption less than 1,000 cubic feet (mcf)

<u>Period</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
June 1, 2002 through December 31, 2007			
<u>Quarterly Water Consumption</u>			
0.0 mcf	\$0.00	\$9.42	\$9.42
0.1 mcf	\$2.68	\$9.42	\$12.10
0.2 mcf	\$5.37	\$9.42	\$14.79
0.3 mcf	\$8.05	\$9.42	\$17.47

0.4 mcf	\$10.74	\$9.42	\$20.16
0.5 mcf	\$13.42	\$9.42	\$22.84
0.6 mcf	\$16.10	\$9.42	\$25.52
0.7 mcf	\$18.79	\$9.42	\$28.21
0.8 mcf	\$21.47	\$9.42	\$30.89
0.9 mcf	\$24.16	\$9.42	\$33.58

Period

January 1, 2008 through December 31, 2008

<u>Quarterly Water Consumption</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
0.0 mcf	\$0.00	\$10.35	\$10.35
0.1 mcf	\$2.95	\$10.35	\$13.30
0.2 mcf	\$5.89	\$10.35	\$16.24
0.3 mcf	\$8.84	\$10.35	\$19.19
0.4 mcf	\$11.78	\$10.35	\$22.13
0.5 mcf	\$14.73	\$10.35	\$25.08
0.6 mcf	\$17.68	\$10.35	\$28.03
0.7 mcf	\$20.62	\$10.35	\$30.97
0.8 mcf	\$23.57	\$10.35	\$33.92
0.9 mcf	\$26.51	\$10.35	\$36.86

Period

January 1, 2009 through December 31, 2009

<u>Quarterly Water Consumption</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
0.0 mcf	\$0.00	\$13.08	\$13.08
0.1 mcf	\$3.05	\$13.08	\$16.13
0.2 mcf	\$6.10	\$13.08	\$19.18
0.3 mcf	\$9.16	\$13.08	\$22.24
0.4 mcf	\$12.21	\$13.08	\$25.29
0.5 mcf	\$15.26	\$13.08	\$28.34
0.6 mcf	\$18.31	\$13.08	\$31.39
0.7 mcf	\$21.36	\$13.08	\$34.44
0.8 mcf	\$24.42	\$13.08	\$37.50
0.9 mcf	\$27.47	\$13.08	\$40.55

Period

January 1, 2010 through December 31, 2010

<u>Quarterly Water Consumption</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
0.0 mcf	\$0.00	\$15.75	\$15.75
0.1 mcf	\$3.20	\$15.75	\$18.95
0.2 mcf	\$6.40	\$15.75	\$22.15

0.3 mcf	\$9.59	\$15.75	\$25.34
0.4 mcf	\$12.79	\$15.75	\$28.54
0.5 mcf	\$15.99	\$15.75	\$31.74
0.6 mcf	\$19.19	\$15.75	\$34.94
0.7 mcf	\$22.39	\$15.75	\$38.14
0.8 mcf	\$25.58	\$15.75	\$41.33
0.9 mcf	\$28.78	\$15.75	\$44.53

Period
January 1, 2011 and after

<u>Quarterly Water Consumption</u>	<u>Operation, Maintenance and Replacement</u>	<u>Debt Service and Capital Improvements</u>	<u>Total</u>
0.0 mcf	\$0.00	\$19.34	\$19.34
0.1 mcf	\$3.29	\$19.34	\$22.63
0.2 mcf	\$6.59	\$19.34	\$25.93
0.3 mcf	\$9.88	\$19.34	\$29.22
0.4 mcf	\$13.17	\$19.34	\$32.51
0.5 mcf	\$16.47	\$19.34	\$35.81
0.6 mcf	\$19.76	\$19.34	\$39.10
0.7 mcf	\$23.05	\$19.34	\$42.39
0.8 mcf	\$26.34	\$19.34	\$45.68
0.9 mcf	\$29.64	\$19.34	\$48.98

The City of North Olmsted Department of Finance will issue a refund (or credit to the user's account maintained by the City's sewer use billing agent) annually by November 1st of every calendar year to any user of the System who pays sewer user charges for the System based on metered water consumption and who consumes less than 1.0 mcf of water for any of the four immediately preceding billing quarters between September 1st and August 31st after June 1, 2002 based on a metered water consumption report generated by the City's sewer use billing agent, the City of Cleveland Division of Water.

In order to qualify for said refund or credit, such users must, by September 30 of each year following completion of said annual billing cycle, submit an application for refund or credit to the Department of Finance on a form prepared by the Director of Finance.

Effective for billing quarters commencing on June 1, 2005, such users shall further only qualify for entitlement to a refund or credit for such quarters if they demonstrate with evidence satisfactory to the Director of Finance that they qualify for homestead exemption in accordance with the program for reduction in real property taxes to qualifying homeowners in the State of Ohio.

The Director of Finance shall be authorized to promulgate such additional rules and regulations as necessary to effectuate the refund program established by this Section.

(c) As provided in Section 915.06, there shall be added to the charge determined in subsection (b) hereto any and all service charges imposed by the Division of Water of the City of Cleveland for billing and collection of such charges on behalf of the City of North Olmsted.

The user charges for users outside the City limits shall be determined (i) as to the City of Fairview Park, in accordance with the terms of the Sewer Service Agreement between the City and the City of Fairview Park (as successor to the Village of Parkview), dated as of January 1, 1990, as amended and supplemented from time to time, and the Agreement Regarding Capital Charges for Sewer Improvements between the City and the City of Fairview Park dated as of January 1, 1991, as amended and supplemented from time to time, and (ii) as to Olmsted Township, in accordance with the terms of an Agreement between the County of Cuyahoga (the "County") and the City, dated as of September 1, 1988, as supplemented from time to time."

BE AMENDED, AND, AS AMENDED, SHALL READ AS FOLLOWS:

"915.04 USER CHARGES.

(a) All premises within the corporation limits of the City shall pay a charge for the use of the City's sanitary sewer system. That charge shall be based upon the quantity of water used on the premises as shown by the records of the Division of Water of the City of Cleveland, unless specified otherwise in this chapter.

That sewer user charge shall be broken down as follows:

- (1) A portion will be established to cover the costs incurred for the operation, maintenance and repairs.
- (2) A second portion will be established to cover costs of debt service and capital improvements and replacements.

The portion of the sewer user charge for each such purpose shall be determined by the Council from time to time.

All revenues from that sewer user charge shall be deposited in the Sewer Revenue Fund.

(b) For all bills rendered during the periods specified below, the sewer user charge upon each lot, parcel of land, building or premises inside the corporate limits of the City having any sewer connection with the sanitary sewer system of the City, or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system, or which is accessible thereto, shall be determined on the basis of the following rates for amounts of water used on the premises during the applicable billing period, as shown by the records of the Division of Water of the City of Cleveland or, in the case of premises where water is supplied by means of wells or water tankers, for amounts of water estimated to be used on the premises during the applicable billing period based on an average daily consumption of 0.033 thousand cubic feet (approximately 3,000 cubic feet per quarter):

**Sewer Use Unit Charges for Users with Quarterly Water Consumption
of 1,000 cubic feet (mcf) or greater**

<u>Period</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total Per 1,000 Cubic Feet</u>
January 1, 2012 through December 31, 2012	\$37.64	\$20.54	\$58.18
January 1, 2013 through December 31, 2013	\$41.89	\$22.86	\$64.75
January 1, 2014 through December 31, 2014	\$46.63	\$25.44	\$72.07
January 1, 2015 through December 31, 2015	\$49.47	\$26.99	\$76.46
January 1, 2016 through December 31, 2016	\$50.96	\$27.80	\$78.76
January 1, 2017 through December 31, 2017	\$52.48	\$28.64	\$81.12
January 1, 2018 through December 31, 2018	\$54.06	\$29.50	\$83.56
January 1, 2019 and thereafter	\$55.68	\$30.38	\$86.06

Those sewer user charges per 1,000 cubic feet shall be billed quarterly and, for amounts in excess of each 1,000 cubic feet, shall be prorated for each 100 cubic feet (0.1 mcf) or portion thereof used.

**Sewer Use Charges for Users with Quarterly Water Consumption
less than 1,000 cubic feet (mcf)**

<u>Period</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total</u>
January 1, 2012 through December 31, 2012			
<u>Quarterly Water Consumption</u>			
0.0 mcf	\$ 0.00	\$20.54	\$20.54
0.1 mcf	\$ 3.76	\$20.54	\$24.30
0.2 mcf	\$ 7.53	\$20.54	\$28.07
0.3 mcf	\$11.29	\$20.54	\$31.83
0.4 mcf	\$15.06	\$20.54	\$35.59
0.5 mcf	\$18.82	\$20.54	\$39.36
0.6 mcf	\$22.58	\$20.54	\$43.12
0.7 mcf	\$26.35	\$20.54	\$46.89
0.8 mcf	\$30.11	\$20.54	\$50.65
0.9 mcf	\$33.88	\$20.54	\$54.42

Period
January 1, 2013 through December
31, 2013

<u>Quarterly Water Consumption</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$22.86	\$22.86
0.1 mcf	\$ 4.19	\$22.86	\$27.05
0.2 mcf	\$ 8.38	\$22.86	\$31.24
0.3 mcf	\$12.57	\$22.86	\$35.42
0.4 mcf	\$16.75	\$22.86	\$39.61
0.5 mcf	\$20.94	\$22.86	\$43.80
0.6 mcf	\$25.13	\$22.86	\$47.99
0.7 mcf	\$29.32	\$22.86	\$52.18
0.8 mcf	\$33.51	\$22.86	\$56.37
0.9 mcf	\$37.70	\$22.86	\$60.56

Period
January 1, 2014 through December
31, 2014

<u>Quarterly Water Consumption</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$25.44	\$25.44
0.1 mcf	\$ 4.66	\$25.44	\$30.10
0.2 mcf	\$ 9.33	\$25.44	\$34.77
0.3 mcf	\$13.99	\$25.44	\$39.43
0.4 mcf	\$18.65	\$25.44	\$44.09
0.5 mcf	\$23.32	\$25.44	\$48.76
0.6 mcf	\$27.98	\$25.44	\$53.42
0.7 mcf	\$32.64	\$25.44	\$58.08
0.8 mcf	\$37.30	\$25.44	\$62.74
0.9 mcf	\$41.97	\$25.44	\$67.41

Period
January 1, 2015 through December
31, 2015

<u>Quarterly Water Consumption</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$26.99	\$26.99
0.1 mcf	\$ 4.95	\$26.99	\$31.94
0.2 mcf	\$ 9.89	\$26.99	\$36.88
0.3 mcf	\$14.84	\$26.99	\$41.83
0.4 mcf	\$19.79	\$26.99	\$46.78
0.5 mcf	\$24.74	\$26.99	\$51.73
0.6 mcf	\$29.68	\$26.99	\$56.67
0.7 mcf	\$34.63	\$26.99	\$61.62
0.8 mcf	\$39.58	\$26.99	\$66.57
0.9 mcf	\$44.52	\$26.99	\$71.51

Period
January 1, 2016 through December
31, 2016

<u>Quarterly Water Consumption</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$27.80	\$27.80
0.1 mcf	\$ 5.10	\$27.80	\$32.90
0.2 mcf	\$10.19	\$27.80	\$37.99
0.3 mcf	\$15.29	\$27.80	\$43.09
0.4 mcf	\$20.39	\$27.80	\$48.19
0.5 mcf	\$25.48	\$27.80	\$53.28
0.6 mcf	\$30.58	\$27.80	\$58.38
0.7 mcf	\$35.67	\$27.80	\$63.47
0.8 mcf	\$40.77	\$27.80	\$68.57
0.9 mcf	\$45.86	\$27.80	\$73.66

Period
January 1, 2017 through December
31, 2017

<u>Quarterly Water Consumption</u>	For Operation, Maintenance and <u>Repairs</u>	For Debt Service and Capital Improvements <u>and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$28.64	\$28.64
0.1 mcf	\$ 5.24	\$28.64	\$33.88
0.2 mcf	\$10.49	\$28.64	\$39.13
0.3 mcf	\$15.74	\$28.64	\$44.38
0.4 mcf	\$20.99	\$28.64	\$49.63
0.5 mcf	\$26.24	\$28.64	\$54.88
0.6 mcf	\$31.49	\$28.64	\$60.13
0.7 mcf	\$36.74	\$28.64	\$65.38
0.8 mcf	\$41.99	\$28.64	\$70.63
0.9 mcf	\$47.23	\$28.64	\$75.87

Period
January 1, 2018 through December
31, 2018

<u>Quarterly Water Consumption</u>	For Operation, Maintenance and <u>Repairs</u>	For Debt Service and Capital Improvements <u>and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$29.50	\$29.50
0.1 mcf	\$ 5.40	\$29.50	\$34.90
0.2 mcf	\$10.81	\$29.50	\$40.31
0.3 mcf	\$16.21	\$29.50	\$45.71
0.4 mcf	\$21.62	\$29.50	\$51.12
0.5 mcf	\$27.03	\$29.50	\$56.53
0.6 mcf	\$32.43	\$29.50	\$61.93
0.7 mcf	\$37.84	\$29.50	\$67.34
0.8 mcf	\$43.24	\$29.50	\$72.74
0.9 mcf	\$48.65	\$29.50	\$78.15

Period
 January 1, 2019 through December
 31, 2019

<u>Quarterly Water Consumption</u>	<u>For Operation, Maintenance and Repairs</u>	<u>For Debt Service and Capital Improvements and Replacements</u>	<u>Total</u>
0.0 mcf	\$ 0.00	\$30.38	\$30.38
0.1 mcf	\$ 5.57	\$30.38	\$35.95
0.2 mcf	\$11.14	\$30.38	\$41.52
0.3 mcf	\$16.71	\$30.38	\$47.09
0.4 mcf	\$22.27	\$30.38	\$52.65
0.5 mcf	\$27.84	\$30.38	\$58.22
0.6 mcf	\$33.41	\$30.38	\$63.79
0.7 mcf	\$38.98	\$30.38	\$69.36
0.8 mcf	\$44.55	\$30.38	\$74.93
0.9 mcf	\$50.11	\$30.38	\$80.49

(c) As provided in Section 915.06, there shall be added to the charge determined in subsection (b) hereto any and all service charges imposed by the Division of Water of the City of Cleveland for billing and collection of such charges on behalf of the City of North Olmsted.

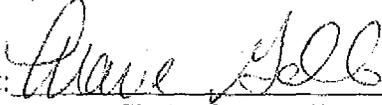
The user charges for users outside the City limits shall be determined (i) as to the City of Fairview Park, in accordance with the terms of the Sewer Service Agreement between the City and the City of Fairview Park (as successor to the Village of Parkview), dated as of January 1, 1990, as amended and supplemented from time to time, and the Agreement Regarding Capital Charges for Sewer Improvements between the City and the City of Fairview Park dated as of January 1, 1991, as amended and supplemented from time to time, and (ii) as to Olmsted Township, in accordance with the terms of an Agreement between the County of Cuyahoga (the "County") and the City, dated as of September 1, 1988, as supplemented from time to time."

SECTION 2: Existing Section 915.04 of the Codified Ordinances shall be and the same is hereby repealed on the effective date of this Ordinance. Provided, however, that no provision of this Ordinance, including the repeal of Section 915.04 of the Codified Ordinances as it has heretofore existed, shall in any way affect any rights or obligations of the City, any ratepayer, or any other person, official or entity, with respect to the rates charged by the City pursuant to Section 915.04 of the Codified Ordinances as it has heretofore existed and shall remain in effect until the effective date of this Ordinance.

SECTION 3: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, of the City and for the further reason that it is immediately necessary to establish revised charges for use of the municipal sanitary sewerage system in order to maintain its financial stability; wherefore, this ordinance shall be in full force and effect from and immediately after the first day of the first quarterly billing period commencing after its passage and approval by the Mayor.

Passed: October 18, 2011

Attest: 
Clerk of Council


President of Council

Approved: 10/19/, 2011


Mayor

First reading: 9/20/2011
Second reading: 10/4/2011
Third reading: 10/18/2011
Committee: Environmental Control