

ORDINANCE NO. 2018-12 (As Amended)

INTRODUCED BY: Ms. Sturgis

AN ORDINANCE AMENDING SECTION 931.06, "CONNECTION CHARGES," OF CHAPTER 931, "SEWERS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

WHEREAS, in 2009, the Northeast Ohio Regional Sewer District (NEORS) agreed to accept and treat waste water flow from the users of the Creekside Waste Water Treatment Plant located between SOM Center Road and Creekside Drive in Pepper Pike if the plant was replaced with a waste water pump station and force main; and

WHEREAS, pursuant to Ordinance No. 2009-71, passed August 12, 2009, this Council authorized the Village to enter into the Creekside Pump Station and Force Main Joint Municipal Improvement Project Agreement (hereinafter the "Agreement") with the City of Pepper Pike to contribute to the costs of the construction of the Creekside Pump Station and the Force Main; and

WHEREAS, pursuant to the Agreement, any tie-ins to the Creekside Pump Station in addition to the current users were to be charged a tap-in fee to be determined based on the actual construction costs; and

WHEREAS, the Village Engineer, in conjunction with the engineer of the City of Pepper Pike, have analyzed the cost split for the operation and maintenance of the Creekside Pump Station, the costs for new tap-ins going forward, and the amount of reserve capacity available for future connections; and

WHEREAS, the tap-in fee for the Creekside Pump Station has been determined to be \$2,851.58 as of start up in late 2012, and per the Agreement, a 5% annual increase to the tap-in fee is to be applied starting January 1, 2014, after the first full year of operation; and

WHEREAS, based on the annual increase set forth in the Agreement, the current tap-in fee for the Creekside Pump Station is \$3,639.42 starting January 1, 2018 and, such fee is to be deposited into the Creekside Capital Improvement Fund; and

WHEREAS, Section 931.06, "Connection Charges," of the Codified Ordinances must be amended to reflect the tap-in fee for the Creekside Pump Station; and

WHEREAS, this Council desires to amend Section 931.06, "Connection Charges," to reflect the tap-in fee for the Creekside Pump Station and believes that this amendment promotes the public health, safety and general welfare and is in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. Existing Chapter 931, "Sewers," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby amended to read as follows:

**"CHAPTER 931
SEWERS**

931.06 CONNECTION CHARGES.

The connection charges for each initial connection to the municipal sewer system, whether direct or indirect, shall be as follows comprised of the following:

- (a) For all initial connections tributary to the Creekside Pump Station, the connection charge shall consist of a base tap-in fee of \$3,639.42 starting on January 1, 2018 and increasing 5% each year thereafter, plus the following connection charge based on the type of user.
- (ab) (1) Residential Users - \$5,500 per home or residential unit.
- (~~b~~-2) Commercial Users – Connection fees for commercial tap-ins are not subject to clear definition, in that the nature of a given commercial use can vary considerably. Therefore, the Municipality shall review each application for a permit for commercial tie-in and the connection charge shall be established by Council on a case-by-case basis upon recommendation of the Mayor and the Municipal Engineer.
- (~~e~~-3) Non-Resident Residential Users - \$15,500.00 per home or residential unit.
- (~~d~~-4) Applications for connection to the municipal sewer system by non-resident residential users shall be made to the Planning Commission and will be approved on a case-by-case basis upon recommendation of the Mayor and the Village Engineer after evaluating what impact the non-resident residential connection will have on the municipal sewer system.

The base tap-in fee set forth in Section 931.06(a) shall be placed in the Creekside Pump Station Capital Improvement Fund maintained by the City of Pepper Pike to be used per the terms of the Creekside Pump Station and Force Main Joint Municipal Project Agreement entered into between the Village of Moreland Hills and the City of Pepper Pike."

Section 2. Existing Section 931.06, "Connection Charges," of Chapter 931, "Sewers," of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

Section 3. It is found and determined that all formal actions and deliberations of this Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public as required by the Codified Ordinances of the Village

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the residents of the Village and for the further reason that the amended connection charges must be adopted at the earliest possible time for the continued efficient operation of the Village's sewer system.


WHEREFORE, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor



MAYOR

PASSED: March 14, 2018

ATTEST:



CLERK