

ORDINANCE NO.: 2019-16

INTRODUCED BY: Mr. Emerman

AN ORDINANCE AMENDING SECTION 931.06, "CONNECTION CHARGES" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING THE MANNER IN WHICH CONNECTION CHARGES MAY BE PAID TO THE VILLAGE, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Section 4, Article XVIII of the Ohio Constitution, Village Council has the authority to establish connection charges to be paid by property owners for connecting to the Village's sewer system; and

WHEREAS, based on the recommendations of the Village Engineer regarding the Village's costs to operate and maintain its sewer system, Village Council has established sewer connection charges in Section 931.06, "Connection Charges," of the Codified Ordinances of the Village of Moreland Hills; and

WHEREAS, periodically, the Cuyahoga County Board of Health directs residents to abandon existing septic systems and to connect to the Village's sewer system available at the street; and

WHEREAS, residents have recently expressed concerns to Council about the cost to install a lateral sewer line to connect to the Village's sewer system, in addition to the lump sum payment of the Village's connection charges; and

WHEREAS, Council is sensitive to the financial obligations imposed on residents who must connect to the Village's sewer system, especially in cases where the cost to install the lateral sewer line is greater due to topography or other conditions; and

WHEREAS, Council has considered options to ease the financial burden of residents required to connect to the Village's sewer system and desires to amend Section 931.06, "Connection Charges," of the Codified Ordinances of the Village of Moreland Hills, to provide for the lump sum payment of connection charges or payment over a 3-year term, with interest at a rate of 3% per annum.

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

Section 1: Existing Section 931.06, "Connection Charges," of Chapter 931, "Sewers," of the Codified Ordinances of the Village of Moreland Hills is hereby amended as follows:

"931.06 CONNECTION CHARGES.

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

- (a1) 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 (the “Current Creekside Fee”), plus the following connection charge based on the type of user.
- (b2)
 - (i) Residential Users - \$5,500 per home or residential unit.
 - (2ii) 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.
 - (3iii) Non-Resident Residential Users - \$15,500.00 per home or residential unit.
 - (4iv) 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~~ Current Creekside Ffee set forth in Section 931.06(a)(1) 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.

(b) A property owner who connects any building, structure or other facility to the Municipality’s sewer system shall pay the connection charges set forth above by electing one of the following payment options:

- (1) Pay the full amount of the connection charge to the Village in one lump sum; or
- (2) Enter into a payment plan with the Village for a period not to exceed three (3) years, plus 3% interest per annum. The Village shall invoice the property owner semi-annually. The payment plan shall provide that in the case of default, the Municipality may declare the entire remaining balance immediately due and the Municipality may certify the amount to the Cuyahoga County Fiscal Officer for collection in the same manner as other taxes and assessments. The payment plan may also provide for other means to secure the payment obligation as approved by the Law Director. The payment plan shall be an agreement recorded with the Cuyahoga County Fiscal Officer and shall be binding on all current and subsequent owners of record of the property. The cost of recording shall be the responsibility of the property owner. The Mayor is authorized to negotiate and execute payment plans pursuant to this section.”

Section 2: Existing Section 931.06, "Connection Charges," of Chapter 931, "Sewers," of the Codified Ordinances of the Village of Moreland Hills as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 3: The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

Section 4: This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village and for the further reason that this Ordinance shall be immediately effective so that residents may take advantage of the connection charge payment plan at the earliest possible time.

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

PASSED: April 10, 2019

Susan Cander
MAYOR

ATTEST:

Shirley DeWitt
CLERK