

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-60

INTRODUCED BY: Kasaris, Marnecheck, Muller

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1045 BILLING, COLLECTION AND CUSTOMER SERVICE, SECTION 1045.08, SANITARY SEWER CHARGES GENERALLY, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton owns, operates and maintains sewage treatment facilities identified generally as the North Royalton Consolidated Sewer District; and

WHEREAS: The Director of Finance is required to conduct an annual audit thereof to assure the collection of sufficient user fees and revenue to operate, maintain and secure the Sewer District facilities and to provide for the retirement of the debt thereon; and

WHEREAS: The city has contracted for a rate study to be performed by Montgomery Watson Harza (MWH) and this study has concluded that an increase in user fees is required to meet the current and anticipated expenses of operation, maintenance and debt reduction beginning in 2012 through 2017; and

WHEREAS: It is the duty and obligation of the Mayor and Council to provide for the fiscal health and solvency of the Sewer District for the well-being of all the citizens of North Royalton.

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

Section 1. Part 10 Streets, Utilities and Public Services Code, Chapter 1045 Billing, Collection and Customer Service, Section 1045.08, Sanitary Sewer Charges Generally, of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1045.08 SANITARY SEWER CHARGES GENERALLY.

(a) For all premises and users that are connected to the sewers of the North Royalton Consolidated Sanitary Sewer District and that have water meters showing actual water consumption, whether privately owned or connected to the public water supply system, the sanitary sewer charge shall be as follows:

(1) A. Beginning with the *adoption of this Ordinance during the first second* billing period in ~~2009~~ *2012, and the first billing period of every year thereafter through 2017*, the sanitary sewer charge *from zero to 1,000 cubic feet of water consumed per quarter (minimum charge of 1 MCF per quarter), as registered by the water meters* shall be at the rate *as stated below*:

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
<i>Maintenance</i>	<i>\$12.11</i>	<i>\$14.86</i>	<i>\$14.99</i>	<i>\$15.46</i>	<i>\$15.77</i>	<i>\$18.07</i>
<i>Treatment</i>	<i>34.63</i>	<i>38.48</i>	<i>41.82</i>	<i>44.23</i>	<i>44.79</i>	<i>54.56</i>
<i>Debt Service</i>	<i>20.59</i>	<i>16.86</i>	<i>17.17</i>	<i>17.39</i>	<i>17.92</i>	<i>7.30</i>
<i>Repair/replacement</i>	<i>.34</i>	<i>2.21</i>	<i>1.32</i>	<i>1.24</i>	<i>2.97</i>	<i>4.78</i>
<i>Total</i>	<i>\$67.67</i>	<i>\$72.41</i>	<i>\$75.30</i>	<i>\$78.32</i>	<i>\$81.45</i>	<i>\$84.71</i>

~~of fifty dollars and fifty cents (\$50.50) for zero to 1,000 cubic feet of water consumed per quarter, as registered by the water meters.~~ For more than 1,000 cubic feet of water consumed per quarter, as registered by the water meters, the sanitary sewer charge shall be at the rate *indicated above* ~~of fifty dollars and fifty cents (\$50.50)~~ per 1,000 cubic feet or fraction thereof per quarter. Senior citizens receiving a water homestead exemption from the City of Cleveland Division of Water shall receive a ~~twenty~~ *thirty six* percent sanitary sewer discount on all rates provided for in this section. The Finance Director is hereby directed to apportion the revenues received from this sanitary sewer charge into the appropriate Waste Water Department funds, as *stated above.* ~~follows:~~

	<u>2009</u>	<u>2010</u>	<u>2011</u>
<del>Maintenance</del>	<del>\$ 5.00</del>	<del>\$ 5.00</del>	<del>\$ 6.00</del>
<del>Treatment</del>	<del>25.50</del>	<del>26.25</del>	<del>26.25</del>
<del>Debt service</del>	<del>18.00</del>	<del>17.25</del>	<del>16.25</del>
<del>Repair/replacement</del>	<del>2.00</del>	<del>2.00</del>	<del>2.00</del>
<del>Total</del>	<del>\$ 50.50</del>	<del>\$ 50.50</del>	<del>\$ 50.50</del>

B. Beginning with the first billing period in 2012, the sanitary sewer charge shall be at the rate of fifty two dollars and fifty cents (\$52.50) for zero to 1,000 cubic feet of water consumed per quarter, as registered by the water meters. For more than 1,000 cubic feet of water consumed per quarter, as registered

~~by the water meters, the sanitary sewer charge shall be at the rate of fifty two dollars and fifty cents (\$52.50) per 1,000 cubic feet or fraction thereof per quarter. Senior citizens receiving a water homestead exemption from the Cleveland Water Division shall receive a twenty percent (20%) sanitary sewer discount on all rates provided for in this section. The Finance Director is hereby directed to apportion the revenues received from this sanitary sewer charge into the appropriate Waste Water Department funds, as follows:~~

	<u>2012</u>	<u>2013</u>
Maintenance	\$ 7.00	\$ 8.00
Treatment	28.50	30.50
Debt service	14.50	10.00
Repair/replacement	<u>2.50</u>	<u>4.00</u>
Total	<u>\$52.50</u>	<u>\$ 52.50</u>

(2) With respect to those users and premises that are connected to sanitary sewers of the North Royalton Consolidated Sanitary Sewer District and that are serviced by wastewater treatment facilities operated by the Northeast Ohio Regional Sewer District, Council hereby authorizes the Finance Director to bill those users in accord with the terms of this section and to thereafter, upon collection, send to the Northeast Ohio Regional Sewer District such **amounts as due per the billing agreement**. ~~fractional share of the collected sums as represents its portion thereof.~~

(3) Beginning with the third billing cycle (summer period) of 1996, those users and premises that are connected to sanitary sewers of the North Royalton Consolidated Sanitary Sewer District and that are serviced by wastewater treatment facilities operated by the Northeast Ohio Regional Sewer District may participate in the summer usage program of the Northeast Ohio Regional Sewer District for only that portion of the charges retained by the Northeast Ohio Regional Sewer District. Beginning in 1997 and for each year thereafter, all users within the North Royalton Consolidated Sanitary Sewer District may participate in the summer usage program for the treatment charge only. The summer usage program will limit the amount of water usage used in determining the sewage charge from May 1 through September 30 of each year to an amount equal to the average of the user's prior water usage during October 1 through April 30. Usage in excess of this average shall not be used in computing the sewage treatment charges for the summer period.

(b) For all premises and users that are connected to the sewers of the North Royalton Consolidated Sanitary Sewer District and that do not have water meters showing actual water consumption, an estimate shall be established by an Ordinance of Council. The sanitary sewer charges shall be billed on such estimated consumption, with the rates as indicated in division (a) hereof.

(c) The City of North Royalton may charge an additional fee above and beyond the charges set forth in division (a) hereof.

(d) Division (a) hereof may be amended as needed so that the City can continue to operate the Waste Water Department under regulations set forth by the U.S. EPA and the Ohio EPA.

Section 2. Part 10 Streets, Utilities and Public Services Code, Chapter 1045 Billing, Collection and Customer Service, Section 1045.08, Sanitary Sewer Charges Generally, of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 1045 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to provide for the fiscal health and solvency of the Sewer District for the well-being of all the citizens of North Royalton.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: April 17, 2012

DATE APPROVED: April 18, 2012

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading April 3, 2012  
Second reading suspended  
Third reading April 17, 2012  
Amended April 17, 2012

YEAS: Antoskiewicz, Nickell, Willey  
Marnecheck

NAYS: Muller, Kasaris

ABSENT: Petrusky