

Public Service Committee
Andrew Roberts, Chair

ORDINANCE NO. 18 - 131
INTRODUCED BY COUNCIL

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 925.02 OF THE CITY'S TITLE NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE AND ENACTING A NEW CHAPTER 925.02, TITLED "STORMWATER UTILITY PROGRAM RATE STRUCTURE AND FEES".

WHEREAS, the City has, in the City's TITLE NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE, existing Chapter 925.02, which establishes Stormwater Elimination Surcharge Fees for all properties within the municipal boundaries; and

WHEREAS, City Council finds that the repair, replacement, improvement and regulation of the stormwater system is necessary to prevent further deterioration of the existing system, prevent or reduce flooding and to prevent water pollution; and

WHEREAS, it is the intent of the City of Zanesville that the costs of the operation, maintenance, and improvements of the stormwater system be borne by the users of the system in relation to their individual contributions of stormwater to the system; and

WHEREAS, it is necessary and desirable and in the best interests of the City, its citizens, and the users of the stormwater system and watershed (a watershed describes an area of land that contains a common set of streams, rivers and creeks that all drain into a single larger body of water, such as a larger river, a lake) to establish a mechanism for the financing of facilities, systems, and services provided by the City of Zanesville and the stormwater utility program charge, which shall be designated the stormwater service charge, and shall be imposed and collected as provided in this ordinance; and

WHEREAS, the stormwater service charge shall be fair, equitable, revenue sufficient, and reflect the relative contribution of stormwater runoff from a property or parcel of land, direct or indirect measurable and immeasurable benefits enjoyed, and services received by each property or parcel as a result of the collection of surface and subsurface water, and shall consider the impervious area of the various properties or parcels located within the City limits, because the extent of stormwater, surface water and subsurface water runoff from a particular lot or parcel is largely a function of its impervious area; and

WHEREAS, this Council finds it to be in the best interests of the health, safety, and welfare of the City and its inhabitants to repeal existing Chapter 925.02 in its entirety and replace it with an updated Chapter.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ZANESVILLE, OHIO:

SECTION ONE. Existing Chapter 925.02, titled "Storm Water Elimination Surcharge," of the Codified Ordinances, contained in Title Three - Public Utilities of Part Nine - Streets, Utilities and Public Services Code, as shown in the attached Exhibit A, is hereby repealed in its entirety.

SECTION TWO. A new Chapter 925.02, titled "925.02 Stormwater Utility Program Rate Structure and Fees," as shown in the attached Exhibit B, is hereby enacted, to be included in the City's Title Three - Public Utilities under Part Nine - Streets, Utilities and Public Services Code in the Codified Ordinances.

SECTION THREE. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

SECTION FOUR: If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION FIVE: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: January 14, 2018

ATTEST: Susan Culbertson
SUSAN CULBERTSON,
Clerk of Council

Daniel M. Vincent
DANIEL M. VINCENT,
President of Council

APPROVED: JANUARY 15, 2018

Jeff Tilton
JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM

Flora
LAW DIRECTOR'S OFFICE

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ZANESVILLE, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO, 18- 131 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE CITY HALL, FIRE STATION AND THE POLICE STATION.

Attest: _____

City Clerk

EXHIBIT A

925.02 STORM WATER ELIMINATION SURCHARGE.

(a) The Director of Public Service is hereby authorized to establish a storm water elimination surcharge to become effective January 1, 1987.

(b) This surcharge shall be established at one dollar and thirty-six cents (\$1.36) per month for each residential household within the City and served by the Publicly Owned Treatment Works. Each dwelling unit in a multi-family structure shall be considered as a household whether occupied or unoccupied.

(c) Each commercial/industrial parcel within the City and served by the Publicly Owned Treatment Works shall pay one dollar and eighty-three cents (\$1.83) per month plus \$0.000145 per square foot of land per month whether occupied or unoccupied.

(d) Such surcharge shall be billed on the periodic sewer billings and shall commence June 1, 1990.

(e) All proceeds from the stormwater elimination surcharge shall be placed in a separate fund and used for the retirement of indebtedness unless otherwise approved by Council.

EXHIBIT B

925.02 STORMWATER UTILITY PROGRAM RATE STRUCTURE AND FEES.

For the services rendered as determined in the cost of service analysis and use of the stormwater system, rates and service charges shall be collected from the owner of each and every lot, parcel of real estate or building that is situated within the corporate limits of the City of Zanesville, that is tributary, directly or indirectly, measurable or immeasurable to the stormwater system of the City as defined in the cost of service analysis. Such rates and charges include user service charges, debt service costs and other service charges in which rates shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) The stormwater rates and charges shall be based upon the quantity of impervious area situated thereon.
- (2) All properties having impervious area within the City of Zanesville will be assigned an Equivalent Residential Unit (ERU) or a whole multiple thereof, with all properties having impervious area receiving at least one (1) ERU.
- (3) Single-Family parcels. All single-family parcels will be assigned one (1) ERU. A flat rate will apply to all single-family properties.
- (4) Duplex parcels. All duplex (two units) parcels shall be assigned one (1) ERU. A flat rate will apply to all duplex parcels.
- (5) Condominium Single Story parcels. All condominium single-story parcels shall be assigned one (1) ERU. A flat rate will apply to all Condominium Single Story parcels.
- (6) Agricultural parcels. All agricultural parcels shall be assigned one (1) ERU. A flat rate will apply to all agricultural parcels
- (7) Non-Residential Parcels. Non-Residential parcels will be assigned an ERU whole multiple based upon the individual properties measured impervious area (in square feet) divided by 2,300 square feet (1 ERU). This division will be calculated to the first decimal place and rounded to the nearest whole ERU according to mathematical convention.
- (8) Base Rate. City Council shall, by this ordinance shall establish the base rate for the municipal stormwater utility program service charge. The base rate shall be calculated to insure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits.
 - a) Effective March 1, 2019 the Base Rate for the stormwater service charge shall hereby be set at \$3.00/Equivalent Residential Unit/month, abbreviated \$3.00/ERU/mo.
 - b) Effective March 1, 2020 the Base Rate for the stormwater service charge shall hereby be set at \$3.50/Equivalent Residential Unit/month, abbreviated \$3.50/ERU/mo.
 - c) Effective March 1, 2021 the Base Rate for the stormwater service charge shall hereby be set at \$4.00/Equivalent Residential Unit/month, abbreviated \$4.00/ERU/mo.
 - d) Effective March 1, 2022 the Base Rate for the stormwater service charge shall hereby be set at \$4.50/Equivalent Residential Unit/month, abbreviated \$4.50/ERU/mo.
 - e) Effective March 1, 2023 the Base Rate for the stormwater service charge shall hereby be set at \$5.00/Equivalent Residential Unit/month, abbreviated \$5.00/ERU/mo.
- (9) Beginning March 1, 2024 the previous year's rate shall be adjusted for inflation by 2.5% annually until the rate is reassessed and Zanesville City Council establishes a new or revised rate to permit the utility to continue to provide for operation, maintenance, and capital improvements of the stormwater system and further, to meet NPDES Phase II, Municipal Stormwater Utility Division Program, requirements.