

1 ORDINANCE NO. 2015-381

2
3 SPONSOR Mr. Pry

4
5 DATE SEPTEMBER 21, 2015 COMMITTEE Rules

6
7 **An Ordinance amending Sections 923.05 and 920.02 of the Codified Ordinances of the**
8 **County of Summit, for the Executive's Department of Environmental Services, and**
9 **declaring an emergency.**

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11 WHEREAS, the County Executive's Department of Community and Economic
12 Development has implemented a program in which certain qualifying homeowners receive
13 Community Development Block Grants ("CDBG") to abandon septic systems and tie in to the
14 County's sanitary sewer system; and

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16 WHEREAS, the County Executive's Department of Environmental Services has, in
17 tandem with the Department of Community and Economic Development's program above,
18 initiated a program in which the costs of extending the public sanitary sewer to CDBG
19 recipients' homes are assessed over 20 years; and

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21 WHEREAS, that tap-in fee charged by the County for connection to its sanitary sewer
22 system will be burdensome to the CDBG recipients, who by definition have low income; and

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24 WHEREAS, in order to make the CDBG program successful and the switch from septic
25 to the County's sanitary sewer affordable to the CDBG recipients, it is necessary to amend
26 Section 923.05 to allow CDBG grant recipients to pay the County's tap-in fees over 20 years,
27 like the assessment for public sewer extensions; and

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29 WHEREAS, some commercial and industrial customers of the County's sanitary sewer
30 system pay a tap-in fee based on estimated flow guidelines, and then subsequently change the
31 nature of their business or operations and increase their sanitary sewer flow to well beyond what
32 was considered when they paid the tap-in fee to the County; and

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34 WHEREAS, this Council finds it fair and equitable that customers pay an additional tap-
35 in fee based on substantial increased use to account for the additional flow, which is equal to or
36 greater than one benefit; and

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38 WHEREAS, this Council finds and determines, after reviewing all pertinent information
39 that it is necessary to amend Sections 923.05, and 920.02 of the Codified Ordinances of the
40 County of Summit to implement the CDBG program and to collect tap in fees from customers
41 substantially increasing their use of the County's sanitary sewer system; and

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43 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
44 of Ohio, that:

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46 SECTION 1

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48 Sections 923.05 and 920.02 of the Codified Ordinances of the County of Summit are
49 hereby amended as shown on Exhibit A, attached hereto and incorporated herein as if fully
50 restated.

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1 ORDINANCE NO. 2015-381

2 PAGE TWO

3
4 SECTION 2

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6 This Ordinance is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit, and for the further reason of immediately
8 amending Sections 923.05 and 920.02, of the Codified Ordinances of the County of Summit, in
9 order to immediately implement the County's Community Development Block Grant program
10 for abandonment of septic systems and to collect an additional tap-in fee from those users that
11 substantially increase their use of the County's sanitary sewer system.

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13 SECTION 3

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15 Provided this Ordinance receives the affirmative vote of eight members, it shall take
16 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
17 effect and be in force at the earliest time provided by law.

18
19 SECTION 4

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21 It is found and determined that all formal actions of this Council concerning and relating
22 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
23 deliberations of this Council and any of its committees that resulted in such formal action, were
24 in meetings open to the public, in compliance with all legal requirements, including Section
25 121.22 of the Ohio Revised Code.

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28 INTRODUCED August 31, 2015

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30 ADOPTED SEPTEMBER 21, 2015

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED SEPTEMBER 22, 2015

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EXECUTIVE

ENACTED EFFECTIVE SEPTEMBER 22, 2015

VOICE VOTE: 10-0 YES: COMUNALE, CRAWFORD, DONOFRIO, FEEMAN, KOSTANDARAS,
KURT, PRENTICE, RODGERS, SCHMIDT, SHAPIRO
ABSENT: LEE