

ORDINANCE NO. 23-14

**AN ORDINANCE IMPOSING A NINETY (90) DAY MORATORIUM
ON PREPAYMENT OF ANY SANITARY SEWER OR WATER
TAP-IN FEES PENDING COMPLETION OF A STUDY AND
POSSIBLE FUTURE ADJUSTMENT OF SAID FEES
AND DECLARING AN EMERGENCY**

WHEREAS, City's Utility Department has not adjusted its fees for sanitary sewer and water taps since 2002; and

WHEREAS, before considering any adjustments, the City has commissioned a study from Jones & Henry Engineering to evaluate and make recommendations regarding, among other things, these tap-in fees; and

WHEREAS, this study is close to completion and will likely recommend increases to these tap-in fees; and

WHEREAS, to prevent a future developers from circumventing these potential increases, the Administration has recommended the passage of a Moratorium on the prepayment of tap-in fees that would not be considered in the ordinary course of development; and

WHEREAS, Council finds that the recommendation to institute the aforementioned ninety (90) day moratorium to be reasonable and in furtherance of preserving the health, safety and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That Council hereby imposes a Moratorium on the prepayment of any sanitary sewer or water tap-in fee(s). Prepayment, for purposes of this ordinance, is defined as payment prior to submitting the initial application for a Building Permit with the required fees and complete set of plans to the City's Building Department.

Section 2 - That this Moratorium shall become effective on the date that this Ordinance is passed by Council and approved by the Mayor, and shall remain in effect for Ninety (90) days following the date upon which it became effective and, thereafter, upon a passage by Council and approval by the Mayor, may be continued in effect, for a period of no more than Ninety (90) additional days if it is determined that such continuance is required to allow sufficient time to complete the engineering study recommending what action, if any, the City of Avon should take to safeguard the public health, safety and welfare relating to the establishment of new sanitary sewer and water tap-in fees.

Section 3 - If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be

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deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to proceed with a Moratorium on prepayment of sanitary sewer and/or water tap-in fees for a period of ninety (90) days in order to adequately study and establish new fees associated with sanitary sewer and water tap-in fees ; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director