

ORDINANCE 94-105 AC CMS

AN ORDINANCE CREATING A STORM WATER UTILITY
FOR PROPERTY WITHIN THE CITY OF OBERLIN, OHIO.

DEFEATED

WHEREAS, storm water drainage is a serious concern to the City and its residents; and,

WHEREAS, existing revenue sources are not sufficient to fund the required storm water operations; and,

WHEREAS, it is necessary to provide storm water drainage with sufficient funds to provide for stormwater improvement projects, to improve and maintain the system, and to assure funding is available on an annual basis.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. ESTABLISHMENT

A Stormwater Utility is hereby established. All fees collected pursuant to this ordinance shall be used exclusively for the planning, construction, maintenance, and regulation of the stormwater system.

SECTION 2. DEFINITIONS

Open Areas shall include undeveloped\unimproved parcels comprising an area of one acre or more and parks, playgrounds, cemeteries, nurseries and similar areas greater than one acre. In order to be considered an open area, buildings shall be limited to less than one percent (1%) of the total area.

Residential Properties shall include Single family dwellings, Two Family Dwellings, Town Houses, Multiple-family dwellings consisting of three or less units, Boarding Houses, and Undeveloped parcels less than one acre.

Institutional Properties shall include Public Schools, Churches, Multiple family dwellings consisting of four or more units, and Oberlin College.

Commercial Properties shall include all other commercial and industrial uses not specifically included as being an Open Area, Institutional, or Residential property.

Standard Unit Rate shall be as established by ordinance or resolution of Council.

SECTION 3. RATES

- (a) Residential properties shall be charged a storm water utility rate equal to the Standard Unit Rate. For undeveloped parcels of one acre or less, one Standard Unit Rate shall be charged.
- b) Commercial rates shall be determined for each individual parcel on the basis of area and imperviousness as follows:

$$\frac{AP}{AR} \times \frac{AI}{RI} \times SUR = \text{ANNUAL STORMWATER UTILITY CHARGE}$$

Where:

- AP = the area of the parcel;
- AI = area imperviousness. For purposes of this section the standard area imperviousness for commercial property shall be 0.90, except as adjusted pursuant to Section 5.
- AR = the average area of residential lots. For purposes of this section the average area of residential lots shall be 0.30 acres
- RI = standard residential imperviousness. For purposes of this section the standard residential imperviousness shall be 0.30.
- SUR = Standard Unit Rate

- c) Open Area rates shall be determined for each individual parcel on the basis of area and imperviousness as follows:

$$\frac{AP}{AR} \times \frac{AI}{RI} \times SUR = \text{ANNUAL STORMWATER UTILITY CHARGE}$$

Where:

- AP = the area of the parcel;
- AI = area imperviousness. For purposes of this section the standard area imperviousness for Open Areas shall be 0.02, except as adjusted pursuant to Section 5.

AR = the average area of residential lots. For purposes of this section the average area of residential lots shall be 0.30 acres

RI = standard residential imperviousness. For purposes of this section the standard residential imperviousness shall be 0.30.

SUR = Standard Unit Rate

- d) Institutional Area rates shall be determined for each individual parcel on the basis of area and imperviousness as follows:

$$\frac{AP}{AR} \times \frac{AI}{RI} \times SUR = \text{ANNUAL STORMWATER UTILITY CHARGE}$$

Where:

AP = the area of the parcel;

AI = area imperviousness. For purposes of this section the standard area imperviousness for Institutional Properties shall be 0.70, except as adjusted pursuant to Section 5.

AR = the average area of residential lots. For purposes of this section the average area of residential lots shall be 0.30 acres

RI = standard residential imperviousness. For purposes of this section the standard residential imperviousness shall be 0.30.

SUR = Standard Unit Rate

SECTION 4. PARTITION OF PARTIALLY DEVELOPED COMMERCIAL PARCELS

A partially developed Commercial Property, for purposes of determination of the stormwater rate, may be partitioned into two sections, one Commercial and one Open Space if the following conditions are met:

the area of the total parcel is greater than two acres; and

each of the sections taken individually consist of one or more acres; and

the undeveloped section, when considered separately from the developed section meets all characteristics of an Open Space.

Applications for partition shall be made to the City on such forms as may be prescribed by the City. The City shall review any information submitted and approve or reject the application for partition.

SECTION 5. RETENTION ADJUSTMENT FOR COMMERCIAL PROPERTY

Where a commercial property has installed a private stormwater retention system the design of which has been approved by the City, the commercial rate may be adjusted by decreasing the value of AI in the commercial formula to take into account the effects of the retainage; provided, however, that the value of AI shall not be reduced to less than .30.

Applications for adjustment, including calculations of retainage, shall be made to the City on such forms as may be prescribed by the City. The City shall review the calculations and approve or reject the application for adjustment.

SECTION 6. COLLECTION OF CHARGES

For properties served by the municipal water, sewer, and/or electric system, the annual charge shall be payable in monthly installments which shall be included on the utility bill.

For properties not served by the municipal water, sewer, and/or electric system, bills shall be sent annually to the owner of the property as listed on the county tax records. Where a single property owner owns more than one such property, a single statement reflecting the charges of all such parcels may be sent by the City. In the event the property owner makes a partial payment on such multiple property statement, the payment shall be pro-rated against all properties listed on the statement.

No building permit shall be issued for any property where there is an outstanding stormwater utility bill. The withholding of building permits shall not, however, constitute the City's sole recourse and the City may initiate legal action to force payment.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning or related to the adoption 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 action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. That this ordinance shall take effect at the earliest date allowed by law.

PASSED:	1st Reading:	1/2/95
	2nd Reading:	1/17/95 Tabled to 2/6/95
	3rd Reading:	2/6/95 Tabled to 3/6/95
		3/6/95 DEFEATED

ATTEST:

CLERK OF COUNCIL

CHAIR OF COUNCIL

POSTED:

EFFECTIVE: