

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0011

Sponsored by: **County Executive FitzGerald/Department of Public Works/Division of County Engineer**

An Ordinance amending Chapter 705 of the Cuyahoga County Code to establish payment procedures for connection charges collected for connection to County's water and sewer facilities in County Sewer District No. 14 and Cook, McKenzie and Stearns Roads; amending Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005; and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, on June 2, 2005, Cuyahoga County passed Resolution Nos. 052208 and 052209 establishing certain water and sewer connection charges for County Sewer District No. 14; and,

WHEREAS, pursuant to Resolution Nos. 052208 and 052209, water and sewer connection charges are to be paid in cash or by certified check payable to the County, at the time the connection permit is applied for; and,

WHEREAS, the County finds that such payment of water and sewer connection charges constitutes an undue hardship for the property owners and desires to encourage property owners to connect to new and existing water and sewers mains; and,

WHEREAS, the County desires to establish payment procedures that allows all property owners in County Sewer District No. 14 and Cook, McKenzie and Stearns Roads to pay water and sewer connection charges in yearly installments; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order to ensure that property owners connect to the County's new and existing water and sewer facilities.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 705 of the Cuyahoga County Code is hereby amended and replaced to read as follows:

Chapter 705: Water and Sewer Connection Charges

Section 705.01 Payment Procedures for County Sewer District No. 14

- A. A property owner who connects any building, structure or other facility, either directly or indirectly, to the County's water and sewer facilities in County's Sewer District No. 14 shall pay the County a connection charge by electing one of the following payment options:
1. Pay the full amount of the connection charge; or
 2. Enter into a payment program for a period not to exceed ten (10) years.
- B. The ten (10) year payment plan shall be based on the applicable connection charge schedule, plus an applicable interest rate determined by the Director of Public Works. The ten year payment plan and collection of funds will be established in accordance with Section 6117.02 of the Ohio Revised Code, and the Department of Public Works may require any additional assurances for payment, including the procurement and recording of a mortgage loan document, if deemed appropriate, upon consultation with legal counsel.
- C. Section 705.01 is intended to establish a payment plan for water and sewer connection charges payable by all property owners located in County Sewer District No. 14 that connect to new or existing County water and sewer facilities.
- D. Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer facilities in County Sewer District No. 14, are hereby amended to reflect a repayment period not to exceed ten (10) years for all connection charges payable by property owners connecting to water and sewer facilities in County Sewer District No. 14.

Section 705.02: Payment Procedures for Cook, Mackenzie and Stearns Roads

- A. Notwithstanding the provisions of Section 705.01, a property owner who is converting from a septic system to a main line sanitary system on Cook, McKenzie and Stearns Roads shall pay the County a connection charge by electing one of the following payment options:
1. Pay the full amount of the connection charge; or
 2. Enter into a payment program for a period of twenty (20) years.
- B. The twenty year payment plan shall be based on the 2011 connection charge schedule plus applicable interest at the rate of 3.52%, and will apply to those affected property owners that elect not to pay the connection charge in full by December 29, 2011. The twenty year payment plan and collection of funds will be established in accordance with Ohio Revised

Code 6117.02, and the Department of Public Works may require any additional assurances of payment, including the procurement and recording of a mortgage loan document, if deemed appropriate upon consultation with legal counsel.

- C. Chapter 705.02 of the Cuyahoga County Code is intended to alleviate the hardships on individual homeowners and property owners on Cook, McKenzie and Stearns Roads as of the date of the adoption of Cuyahoga County Council Ordinance No. 02011-0007 and is therefore not applicable to future developers that may seek this same accommodation.
- D. Any affected property owners on Cook, McKenzie and Stearns Roads who have previously paid sewer and water connection charges under the 2009, 2010 or 2011 rates shall be refunded any amounts paid in excess of the 2008 rates as set forth in Ordinance No. O2011-0007.
- E. Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer facilities in County Sewer District No. 14, are hereby amended to reflect a repayment period of twenty (20) years for all connection charges payable by property owners connecting to water and sewer facilities on Cook, McKenzie and Stearns Roads.

SECTION 2. It is necessary that this Ordinance become immediately effective for the operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time which it may be disapproved by the County Executive under Section 3.10 (6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10 (7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by the law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted 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.

On a motion by Mr. Schron, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Germana, Gallagher, Schron, Conwell, Jones, Hairston, Simon, Greenspan, Miller and Brady

Nays: None

Daniel R. Busby
County Council Vice-President

4/22/2014
Date

Ed Fitzgerald
County Executive

4/23/14
Date

Janet M. Schmitz
Clerk of Council

4/22/2014
Date

First Reading/Referred to Committee: March 25, 2014

Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: April 8, 2014

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April 22, 2014