

RECORD OF ORDINANCES

ORDINANCE NO. 2024-03

PASSED: June 18, 2024

Sponsored by: Administration

Referred to: General Gov't Services

Date: May 21, 2024

AN ORDINANCE ESTABLISHING CHAPTER 922 STORMWATER MANAGEMENT UTILITY OF THE CODIFIED ORDINANCES OF THE CITY OF MUNROE FALLS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Munroe Falls has authority pursuant to the Ohio Constitution Article XVIII section 3 and Ohio Revised Code 729.49 and 720.52 to establish a utility, and

WHEREAS, the City of Munroe Falls has an existing storm sewer utility, and

WHEREAS, the City of Munroe Falls has executed the power provided by law to establish a Stormwater Management Utility and collect a fee to support the maintenance, repair, cleaning, and preventative maintenance of the stormwater system including acquisition of equipment and services in connection with said activities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MUNROE FALLS, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

Section 1. The City of Munroe Falls already has an existing stormwater system.

Section 2. With the passage of this Ordinance, the City of Munroe Falls is hereby establishing a Stormwater Management Utility, as attached hereto as Exhibit A: Chapter 922 of the Codified Ordinances of the City of Munroe Falls.

Section 3. The purpose of the Stormwater Management Utility is to provide for the repair, maintenance, cleaning, and preventative maintenance of the stormwater system including acquisition of equipment and services in connection with said activities.

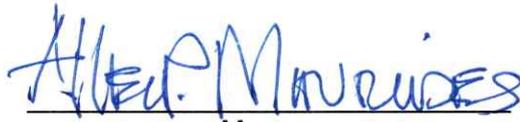
Section 4. In accordance with the power to create and support a utility fund, the City will collect a monthly fee to support the Stormwater Management Utility. The monthly fee will be included in the monthly water bill for those receiving water service. For those properties not receiving water service, a separate bill will be mailed monthly. Current fees are set forth in Section 163.24 of the Codified Ordinances of the City of Munroe Falls.

Section 5. It is found and determined 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, 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 6. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and welfare of the residents of the City of Munroe Falls and for the further reason that the immediate revision of said fees will provide continuous monitoring of City expenses, and provided that it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowable by law.



President of Council

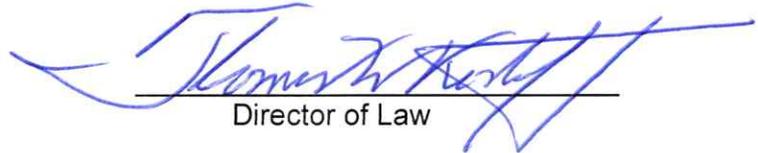


Mayor



Director of Finance

Reviewed as to form:



Director of Law

I, the duly appointed and qualified Clerk of Council of the City of Munroe Falls, County of Summit, and State of Ohio do hereby certify that this is a true copy of the original Ordinance adopted at a meeting of City Council duly held on the _____ day of _____, 2024. Dated this _____ day of _____, 2024.

Clerk of Council

First Reading: May 21, 2024
Second Reading: June 4, 2024
Third Reading: June 18, 2024

CHAPTER 922

Stormwater Management Utility

- 922.01 Findings.
- 922.02 Purpose.
- 922.03 Definitions.
- 922.04 Establishment of a Stormwater Management Utility and Stormwater Management Enterprise Fund.
- 922.05 Jurisdiction.
- 922.06 Impervious surface area and Equivalent Rate Unit.
- 922.07 Schedule of fees and charges.
- 922.08 Billing and collection.
- 922.09 Disposition of service charges and fees.
- 922.10 Credits.
- 922.11 Exemptions.

922.01 FINDINGS.

The City of Munroe Falls does hereby find that:

(a) Ohio Revised Code authorizes the City of Munroe Falls to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of a public enterprise (Stormwater Management Utility), including stormwater management programs and structural and natural stormwater and drainage systems of all types, to furnish service to the City and its citizens.

(b) The establishment, by City ordinance, of a Stormwater Management Utility that shall be accounted for as a separate enterprise fund, will facilitate the provision of stormwater management programs and structural and natural stormwater and drainage system services.

(c) This Council deems it necessary that the City of Munroe Falls establish and revise from time to time a schedule of rates and charges to fund the stormwater management program activities and structural and natural stormwater and drainage system services provided by the Stormwater Management Utility.

(Ord. . Passed .)

922.02 PURPOSE.

This chapter establishes a Stormwater Management Utility as an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management needs of the City through programs designed to protect and manage water quality and quantity

by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types. It sets forth a schedule of charges and defines the control, collection, and disbursement of funds including penalties, appeals, exemptions, and credits.

(Ord. . Passed .)

922.03 DEFINITIONS.

For purposes of this chapter, the following words, terms, and phrases shall have the meanings given to them in this section, except where the context clearly indicates a different meaning:

(a) "Condominium" means a form of ownership in which individuals purchase and own individual units in a multi-unit complex and jointly own and share financial responsibility for certain common areas. Residential condominiums in multifamily buildings differ from apartments in that each unit is individually owned, and any land in the project is owned in common by all householders.

(b) "Credits" shall mean on-going reductions in the stormwater management service charge applicable to a given zoning lot or tract in recognition of on-site or off-site systems.

(d) "Developed land" shall mean a zoning lot or tract altered from its natural state to include impervious surface area equal to or greater than 200 square feet.

(e) "Drainage system" shall mean natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

(f) "Equivalent Rate Unit (ERU)" shall mean 3,000 square feet of impervious surface or fraction thereof.

(g) "Impervious surface area" shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surface areas include, but are not limited to: roofs, sidewalks, walkways, patios, swimming pools, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces containing materials that prevent or significantly impede the natural infiltration of stormwater into the soil.

(h) "Natural state" shall describe existing land, water, soil, and vegetation characteristics that have not been substantially modified or disturbed by development activities and the hydrologic function is in an unaltered or natural condition.

(i) "Non-Residential property" shall mean all properties including commercial, industrial, schools, churches, governmental, apartments, and condominiums having units on multiple stories.

(j) "Residential property" shall mean one-, two-, and three- family residential dwellings and condominiums, except condominiums having multiple stories.

(k) "Service area" shall mean all land within the corporate limits of the City, including all land areas legally annexed thereto.

(l) "Service charge" shall mean a stormwater management service charge, applicable to a zoning lot or tract, that generally reflects the impact on or demand for stormwater management services provided by the City to properly control and manage stormwater runoff quantity and/or quality associated with the zoning lot or tract. The service charge will vary from one zoning lot or tract to another, based on the impervious surface area.

(m) "Stormwater" shall mean the runoff from precipitation that travels over natural state or developed land surfaces and enters a drainage system.

(n) "Stormwater management program" shall mean an identified set of measures and activities designed to protect, restore, and/or manage stormwater quality by controlling and/or reducing pollutants; and to reduce and/or manage stormwater quantity by controlling velocity, volume, and rate.

(o) "Stormwater Management Utility" shall mean an organizational structure that is responsible for funding, administering, and operating the City's stormwater management program, and that is supported through a rate structure based on the impervious surface area found on zoning lots or tracts located within the service area.

(p) "Tract" shall mean a parcel of land not previously recorded as a zoning lot.

(q) "Undeveloped land" shall mean all land that is not altered from its natural state to an extent that results in 200 or more square feet of impervious surface area.

(r) "Zoning lot" shall mean a legally subdivided lot (not a tract) shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots.

(Ord. . Passed .)

922.04 ESTABLISHMENT OF A STORMWATER MANAGEMENT UTILITY AND STORMWATER MANAGEMENT ENTERPRISE FUND.

(a) There is hereby established a City Stormwater Management Utility that shall be responsible for implementing, operating, and administering the City's stormwater management program as defined herein.

(b) There is hereby established a City Stormwater Management Enterprise Fund for the purpose of dedicating and protecting funding applicable to the responsibilities of the Stormwater Management Utility, including but not limited to, rents, rates, fees, charges, and penalties as may be established, after due notice and a public hearing by the City Council. Funding may also include other funds transferred or allocated to the Stormwater Management Utility by the City Council. All revenues and receipts of the Stormwater Management Utility shall be placed in the Stormwater Management Enterprise Fund and all expenses of the utility shall be paid from the Stormwater Management Enterprise Fund, except that other revenues, receipts, and resources not accounted for in the Stormwater Management Enterprise Fund may be applied to stormwater management activities as deemed appropriate by the City Council.

(Ord. . Passed .)

922.05 JURISDICTION.

The jurisdiction (service area) of the Stormwater Management Utility shall extend to the corporate limits of the City.

(Ord. . Passed .)

922.06 IMPERVIOUS SURFACE AREA AND EQUIVALENT RATE UNIT.

(a) Impervious surface area on a given zoning lot or tract directly relates to the volume, rate and pollutant loading of stormwater runoff discharged from that zoning lot or tract to the City's structural and natural drainage systems and facilities. Therefore, impervious surface area shall be the primary parameter for establishing a rate structure to distribute the cost of services associated with the operation, repair, improvement, and maintenance of public drainage systems and facilities through a schedule of rates, fees, charges, and penalties related to the operation of a Stormwater Management Utility and Stormwater Management Enterprise Fund as established in Section 922.04.

(b) Based on an analysis by the City of impervious surface area on properties throughout the City, an impervious surface area of 3,000 square feet, shall be designated as one (1) Equivalent Rate Unit (ERU.)

(Ord. . Passed .)

922.07 SCHEDULE OF FEES AND CHARGES.

See Section 163.24 Stormwater Preventative Maintenance and Operation fees.

(Ord. . Passed .)

922.09 DISPOSITION OF SERVICE CHARGES AND FEES.

Stormwater Management Utility service charge and fee revenues shall be assigned and dedicated solely to the Stormwater Management Enterprise Fund in the City budget and accounting system, which shall be and remain separate from other funds, and shall be used only to fund identified stormwater management program activities. The service charges and fees paid to and collected by virtue of the provision of this chapter shall not be used for general or other governmental or proprietary purposes of the City, except to pay for costs incurred by the City in rendering services associated with the Stormwater Management Utility.

(Ord. . Passed .)

922.10 CREDITS.

(a) The established rate may be reduced for a property (including condominiums), other than conventionally developed residential property, where approved runoff control measures have

been implemented and maintained. Review and analysis of these measures shall be calculated on an individual case basis by the City Engineer, according to established policies and standards, and the decision of the City Engineer shall be provided to the property owner in writing. The maximum rate reduction shall not exceed fifty percent (50%) of the established rate. Eligibility for credit may be revoked if, as determined by the Director of Public Service, any condition of granting the credit has changed.

(b) Any property owner aggrieved by a decision of the City Engineer as provided herein may file an appeal in writing to the Director of Public Service within thirty (30) days of the decision of the City Engineer.

(c) The Director of Public Service is authorized to hear appeals regarding disputes and complaints brought by property owners concerning the application of the Stormwater Management Utility fees, including the authority to make adjustments as appropriate which may include but shall not be limited to:

(1) Calculation of the total number of billing units assigned to a property that are claimed to be incurred due to alleged inaccuracies in data utilized.

(2) Adjustments arising from a break in billing units due to change in property ownership, account responsibility, or similar matters.

(d) Any appeal must be filed in writing, must describe the specific error alleged, and contain reasoning from the property owner that justifies the appealed issue. The Director of Public Service may request additional information from the appealing party and the decision of the Director of Public Service shall be final.

(Ord. . Passed .)

922.11 EXEMPTIONS.

Except as provided in Section 922.07, no public or private property shall be exempt from Stormwater Management Utility service charges, with the following exceptions:

(a) Public road rights-of-way that have been conveyed to and accepted for maintenance by the Ohio Department of Transportation, and that are available for use by the general public for transportation purposes, shall be exempt from City Stormwater Management Utility service charges.

(b) Public road rights-of-way that have been conveyed to and accepted for maintenance by the City of Munroe Falls, and that are available for use by the general public for transportation purposes, shall be exempt from City Stormwater Management Utility service charges.

(c) Railroad rights-of-way used for trackage and related appurtenances shall be exempt from City Stormwater Management Utility service charges.

(Ord. . Passed .)