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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

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CHAPTER 943 Stormwater

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Stormwater

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943.01 PURPOSE.

It is hereby declared necessary for the protection of the public health, safety, welfare and convenience for the Municipality to establish a storm drainage utility and to establish just and equitable rates or charges to be paid to the Municipality for the use of such services which shall be used for the payment of the cost of the management, maintenance, operation, repair, construction, reconstruction, enlargement, replacement and related costs of the storm drainage system. (Ord.

01-99. Passed 1-26-99.)

943.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular. Words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use.

(a) “Billing Period” means the period identified from the first day of the month to the last day of the month. All bills rendered during a month are for the period beginning on the first day of the previous month and are valid for the entire month unless otherwise identified. When a property receives City water service and such service is discontinued during a month due the change in ownership of the property served, the Stormwater User Fee due for that account shall be the pro rata portion of the month for which such City water services were provided. When City water service is resumed to such property, the Stormwater User Fee due for that account shall be the pro rata portion of the month for which such City water services were provided. When a property that does not receive City water service changes ownership during a Billing Period, the account existing on the first day of the Billing Period shall be liable for the pro rata portion of the Stormwater User Fee for that Billing Period from the first day of the Billing Period until the day the property transaction is recorded with the Lorain County Recorder. The account for the subsequent owner of the property shall be liable for the balance due during that Billing Period and thereafter.

(b) “Calendar Year” means the twelve month period commencing on the first day of January of any year.

(c) “Costs of Construction” means costs reasonably incurred in connection with providing capital improvements to the System or any portion thereof, including, but not limited to, the costs of:

- (1) Acquisition of all property, real or personal and all interests in connection therewith including all rights of way and easements therefor;
- (2) Physical construction, installation and testing, including the costs of labor, services, materials, supplies and construction services used in connection therewith;
- (3) Architectural, engineering, legal and other professional services;
- (4) Insurance premiums maintained during construction, to the extent not paid for by a contractor for construction and installation;
- (5) Any taxes or other charges which become due during construction;
- (6) Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
- (7) Principal of and interest of any Indebtedness; and
- (8) Miscellaneous expenses incidental thereto.

(d) “Debt Service” means, with respect to any particular Calendar Year and any particular series of Indebtedness, an amount equal to the sum of all interest payable on such Indebtedness during such Calendar Year, plus any principal installments of and any premium on such Indebtedness during such Calendar Year.

(e) “Dwelling Unit” means a detached single family residential unit or an apartment complex providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(f) “Equivalent Residential Unit” or “ERU” means the statistical average Impervious Area of single family residential units located within the City and as established by the Council of the City.

(g) “ERU Rate” means a Stormwater User Fee charged on each ERU as established by Council.

(h) “Exempt Property” means public rights of way, public streets, public alleys and public sidewalks.

(i) “Extension and Replacement” means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the System, or land acquisitions for the System and any related costs thereto, or paying extraordinary maintenance and repair, including Costs of Construction, or any other expenses which are not costs of Operation and Maintenance or Debt Service.

(j) “Impervious Area” means the number of square feet of hard surfaced areas which either prevent or retard the entry of water into soil mantle, as it would enter under natural conditions on Undisturbed Property, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than it would under natural conditions on Undisturbed Property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement and athletic courts.

(k) “Indebtedness” means bonds, notes, loans or any other debt obligations issued or incurred by the City to finance the Costs of Construction.

(l) “Nonresidential Developed Property” means Developed Property that is not utilized as Dwelling Units within the City.

(m) “Operating Budget” means the annual operating budget adopted by the City for the succeeding Calendar Year.

(n) “Operation and Maintenance” means the current expenses, paid or accrued, of operation, maintenance and current repair of the System as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation and cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practices.

(o) “Residential Developed Property” means Developed Property that is utilized as Dwelling Units within the City.

(p) “Revenues” means all rates, fees, assessments, rentals or other charges or other income received by the City and deposited in the Stormwater Sewer Fund, in connection with the management and operation of the System, including amounts received from the investment of such Revenues and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

(q) “Stormwater Management System” or “System” means the existing stormwater management system of the City encompassing the entire geographic boundaries of the City, including both man-made and natural drainage systems, and all improvements thereto which by this chapter are constituted as the property and responsibility of the City, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

(r) “Stormwater User Fee” means the fee determined in accordance with this chapter, the Revenues derived from which will be used to pay Costs of Construction, Operation and Maintenance, Extension and Replacement and Debt Service.

(s) “Stormwater Sewer Fund” means the enterprise fund created by this chapter into which all

Revenues shall be deposited and which will be used to operate, maintain and improve the system and for such other purposes as stated in this chapter.

(t) “Undisturbed Property” means real property which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.

(u) “Vacant Improvement Property” means unoccupied real property which contains Impervious Area.

(Ord. 36-00. Passed 5-9-00.)

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Ord. 01-99
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- orded with the Lorain County Recorder
- ordinary maintenance and repair, including Costs of Construction, or any other expenses which are not costs of Operation and Maintenance or Debt Service

- adopted by the City for the succeeding Calendar Year
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 - ordinance with sound accounting practices
 - ordinance with this chapter, the Revenues derived from which will be used to pay Costs of Construction, Operation and Maintenance, Extension and Replacement and Debt Service
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