

# 943.04 STORMWATER USER FEE COLLECTION.

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- Skip to main content
- Search
- Sitemap
- Login
- Select Language
- Resources
- Skip to code content (skip section selection)
- 2025-04 (current)
- Sheffield Lake Overview
- Codified Ordinances of Sheffield Lake, OH
- CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- CERTIFICATION
- ROSTER OF OFFICIALS
- ADOPTING ORDINANCE NO. 116-84
- COMPARATIVE SECTION TABLE

TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE

CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

TITLE THREE - Public Utilities

CHAPTER 931 Sewers

CHAPTER 935 Water

CHAPTER 939 Notice to Purchasers of Status of Utility Accounts

CHAPTER 943 Stormwater

943.01 PURPOSE.

943.02 DEFINITIONS.

943.03 STORMWATER USER FEE ESTABLISHED.

943.04 STORMWATER USER FEE COLLECTION.

943.05 STORMWATER USER FEE DETERMINATION.

943.06 STORMWATER SEWER FUND.

943.07 STORMWATER USER FEES; DEVELOPER CONTRIBUTIONS.

943.08 STORMWATER UTILITY APPEALS BOARD.

943.09 TESTING OF STORMWATER DISCHARGES FOR PROPERTY EXEMPTED FROM THE STORMWATER USER FEES BY ACTION OF THE SUAB.

CHAPTER 944 Illicit Discharge and Illegal Connection Control

CHAPTER 945 Construction Site Runoff Control

CHAPTER 946 Post-Construction Storm Water Management

TITLE FIVE - Other Public Services

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

943.04 STORMWATER USER FEE COLLECTION.

CHAPTER 943 Stormwater

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.)

#### 943.03 STORMWATER USER FEE ESTABLISHED.

Subject to the provisions of this chapter, each and every Residential Developed Property, Nonresidential Developed Property and Vacant Improved Property, other than Exempt Property, within the boundaries of the City, and the owners and nonowner users thereof, have imposed upon

them a Stormwater User Fee. In the event the owner and nonowner users of a particular Residential Developed Property, Nonresidential Developed Property or Vacant Improved Property are not the same, the liability for each the owner and the nonowner user for the Stormwater User Fee attributable to that property will be joint and several. The Stormwater User Fee shall be a monthly or a regular interval service charge and shall be determined by the provisions of this chapter and the ERU and ERU Rate which shall be established and changed from time to time by Council.

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

#### 943.04 STORMWATER USER FEE COLLECTION.

The Stormwater User Fee for metered property shall be billed and collected monthly with the monthly City's services utility bill for those properties within the boundaries of the City utilizing the City's utilities and billed and collected separately as Stormwater User Fees for those properties not utilizing other City utilities. All such bills for Stormwater User Fees shall be rendered monthly by the Department of Public Service. The Stormwater User Fee for those properties utilizing City utilities is part of a consolidated statement for utility customers which is generally paid by a single payment. In the event that a partial payment is received, the payment shall be applied pro-rata to each account billed on the consolidated statement in the proportion that an individual account bears to the total consolidated statement of all current charges for all accounts. The Stormwater User Fee for unmetered property shall be billed at regular intervals. All bills for Stormwater User Fees shall become due and payable in accordance with the rules and regulations of the Department of Public Service pertaining to the collection of the Stormwater User Fees.

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

#### 943.05 STORMWATER USER FEE DETERMINATION.

There is hereby established the following uniform schedule of rates for the services and use of facilities of the Stormwater Management System by the owner, tenant or occupant of the premises using the services and facilities of the System.

(a) Council shall, by ordinance, establish reasonable rates for Stormwater Management Systems for each single family residence. The Stormwater User Fee for each single family residence shall be a flat fee established by the City Council for an Equivalent Residential Unit.

(b) The Stormwater User Fee for Vacant Improved Property shall be determined by dividing the total land area of the Vacant Improved Property, in square feet, by the area of an Equivalent Residential Unit times a correction factor. The correction factor shall be based on the relative volume of runoff from a Vacant Improved Property and that of an average single family residence, under typical hydrologic conditions.

(c) For all Developed Property, excluding Exempt Property, not otherwise provided for by subsections (a) and (b) of this section, the Stormwater User Fee shall be computed based on the total Impervious Area of such property divided by the average Impervious Area of an Equivalent Residential Unit times the rate established for an Equivalent Residential Unit. The Stormwater User Fee shall be updated by the City Engineer based on any additions to the Impervious Areas as approved through the building permit process.

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

#### 943.06 STORMWATER SEWER FUND.

The Revenues received pursuant to this Chapter 943 shall be deposited with the Finance Director and shall be kept in a separate and distinct fund known as the Stormwater Sewer Fund. The Stormwater Sewer Fund shall be used for the payment of the cost of the management,

maintenance, operation and repair of the System. Any surplus in the Stormwater Sewer Fund may be used for the enlargement or replacement of the System, for construction and reconstruction of the System, for the payment of interest on any Indebtedness incurred for the construction thereof, and for the creation of a sinking fund for the payment of such Indebtedness, but shall not be used for any other purpose.

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

#### 943.07 STORMWATER USER FEES; DEVELOPER CONTRIBUTIONS.

(a) The rates to be charged for the storm water user fee for each equivalent residential unit shall be four dollars and eighty-five cents (\$4.85) per month.

(b) The rate charged undisturbed property shall be determined by dividing the total square footage of the property by the square footage of an equivalent residential unit times a correction factor of 0.0% times the rate of an equivalent residential unit.

(c) The rates to be charged for nonresidential properties, i.e., all other occupants other than that provided for in subsection (a) and (b) herein, shall be the rate established in subsection (a) four dollars and eighty-five cents (\$4.85.) multiplied by the number of equivalent residential units. The equivalent residential unit equals the total square footage of impervious area of the property divided by 2,275 square feet (statistically developed average for all single family residences in the City of Sheffield Lake). Equivalent residential units will be rounded to the nearest tenth (0.1) of a unit.

(d) Developer Contributions.

(1) Single family homes on single lots.

A. Any parcel that becomes developed must contribute up to \$2,006 per each new home. As each building permit application is reviewed by the City, the City will determine the exact charge for each new home based on methodology developed by the City designed to establish an equitable fee in accordance with Chapter 943. The purpose of this charge is to collect the technically appropriate value from new development for facilities which have been previously constructed and maintained by the City.

B. When undeveloped land is converted to developed property, the City will determine which portions of the existing system are necessary to receive the stormwater runoff from this new development. When the developer provides facilities on the developed parcel and/or downstream conveyance/storage facilities, the contribution charge may be reduced. Reduction of the developer contribution fee will be determined by City Council upon the recommendation of the Stormwater Utility Appeal Board.

(2) Multiple dwelling units on single/multiple lots. When developments are proposed, a contribution for the downstream facilities will be calculated in a similar fashion as subsection (d)(1), above. The developer of a multiple dwelling unit project will present calculations to the City Engineer to document the downstream facility requirements in addition to the on-site facilities provided by the developer. The City Engineer will review these calculations to develop a specific charge per dwelling unit for necessary downstream facilities. The same process and methodology developed by the City and referred to in subsection (d)(1) will be utilized to support this evaluation.

(e) The foregoing rates shall become effective on and be applied to all bills rendered after June 1, 2000. (Ord. 35-00. Passed 5-9-00.)

#### 943.08 STORMWATER UTILITY APPEALS BOARD.

(a) Established. The City of Sheffield Lake Stormwater Utility Appeals Board is hereby established.

(b) Membership. The Stormwater Utility Appeals Board (hereinafter sometimes referred to as

(SUAB) shall consist of six members. Five members of the SUAB shall be appointed by the Mayor with the approval of two-thirds of the members of Council. The Service Director shall be a non-voting member of the SUAB. Appointed members must be residents of the City of Sheffield Lake. Appointed members may be removed by the Mayor with the approval of a vote of two-thirds of the members of Council. The term of office for members of the SUAB shall be two years. Should a vacancy occur on the Board, the remaining portion of the unexpired term shall be filled in accordance with the provisions set forth hereinabove.

(c) Purpose, Powers and Duties.

(1) The SUAB shall consider disputes or complaints brought by owners and nonowners concerning the Stormwater User Fees as set forth in Chapter 953, limited, however, to matters set forth below.

(2) The SUAB shall consider any dispute regarding the methodology used to calculate the billing units except the mathematical calculation of total square feet divided by square feet for a billing unit.

(3) The SUAB shall consider any dispute concerning total number of billing units that are claimed to be incorrect due to claimed inaccuracies in data utilized by the utility billing staff.

(4) The SUAB shall consider any dispute regarding service provided by the utility for properties which partially drain outside the City limits.

(5) The SUAB shall consider any dispute regarding properties that contain or retain or detain storm runoff on their own property and diminish the quantity of stormwater handled by the City.

(6) The SUAB shall consider any dispute regarding a break in billing service due to charge in account ownership or similar matters.

(7) The SUAB shall consider whether or not a gravel area deemed impervious in a nonresidential property is pervious because the gravel area is not used as a driveway or as a parking area and the gravel area does not retard or prevent the entry of water into the soil.

(8) Any adjustment recommended by the SUAB shall be referred to Council. Council retains full authority to accept or reject any recommendation of the Stormwater Utility Appeals Board after full consideration of the recommendations of the SUAB. The SUAB shall have no legislative authority.

(9) In addition to the dispute resolution duties as set forth above, the SUAB may make recommendations to Council for changes or amendments to the scope, definitions, user fees or any other provisions of the Stormwater Utility as established in Chapter 943 of the Codified Ordinances. Council may act or decline to act on any such recommendations as it, in its discretion, deems appropriate.

(Ord. 64-01. Passed 11-13-01.)

(d) Rules and Regulations. The SUAB shall establish its own rules and regulations and shall conduct such meetings or hearings as are necessary to carry out its purpose and duties as established herein. (Ord. 09-01. Passed 1-30-01.)

**943.09 TESTING OF STORMWATER DISCHARGES FOR PROPERTY EXEMPTED FROM THE STORMWATER USER FEES BY ACTION OF THE SUAB.**

(a) The owner of property deemed exempt from the stormwater user fee, as established by Section 943.03, by action of the Stormwater Utility Appeals Board (SUAB), must provide a sample of piped stormwater discharge to the City Flood Plain Manager (FPM) semi-annually. The FPM shall cause said sample to be tested by a City approved laboratory for water quality, said test to include testing for BOD's, heavy metals, suspended solids and COD's. The cost of the testing will be charged to the property owner.

(b) Should the property owner not provide the sample required by this section, the FPM shall be permitted to enter and inspect properties under this section as often as may be necessary to determine compliance with this section.

(1) Property owners shall allow the FPM ready access to all parts of the property for purposes of inspection and the sampling of stormwater discharges.

(2) The FPM shall have the right to set up on said property, such devices as are necessary in his opinion to conduct monitoring and/or sampling of the storm water discharge.

(3) Any temporary or permanent obstruction to safe and easy access to the property to be inspected and/or sampled shall be promptly removed by the owner at the written request of the FPM and shall not be replaced. The cost of clearing such access shall borne by the owner.

(4) Unreasonable delay in allowing the FPM access to a property subject to this section is a violation of this section and is a misdemeanor of the first degree. Each day that access is not permitted shall be deemed a separate violation.

(c) This section only applies to property owners whose property is deemed exempt from the stormwater user fee as a result of action of the Stormwater Utility Appeals Board and does not apply to those properties exempt from the fee pursuant to Section 943.02 (h).

(Ord. 50-03. Passed 9-23-03.)

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- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- ords used in the singular shall include the plural, and the plural, the singular



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- 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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- Ord. 36-00
- Ord. 01-99
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- ordance with the provisions set forth hereinabove
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