

943.07 STORMWATER USER FEES; DEVELOPER CONTRIBUTIONS.

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Document type	section
Identifier	943.07
Citation	§ 943.07
Ordinances detected	S, 116-84, 01-99, INANCE, 35-00, 64-01, 09-01, 50-03
Dates detected	June 1, 2000
Original source	American Legal Publishing
Content hash	be2b9668cd3253170226ac8c78736c4ee13eb540053768d5cca6a0f86688c523

Codified Ordinances of Sheffield Lake, OH
CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
CERTIFICATION
ROSTER OF OFFICIALS
ADOPTING ORDINANCE NO. 116-84
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OH
Sheffield Lake

Codified Ordinances of Sheffield Lake, OH
943.07 STORMWATER USER FEES; DEVELOPER CONTRIBUTIONS.
CHAPTER 943 Stormwater
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 change 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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- ordinance with the rules and regulations of the Department of Public Service pertaining to the collection of the Stormwater User Fees
- ordinance, establish reasonable rates for Stormwater Management Systems for each single family residence
- ordinance with Chapter 943
- effective on and be applied to all bills rendered after June 1, 2000
- Ord. 35-00
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Revision #1

Created 2026-07-18 21:28:32 UTC by MunicipalWiki Indexer

Updated 2026-07-18 21:28:32 UTC by MunicipalWiki Indexer