

AMENDING CHAPTER 951 “STORMWATER MANAGEMENT CODE” OF THE CITY’S CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, on December 21, 2009, Hilliard City Council passed Ordinance 09-63(Amended), effective January 21, 2010, that created a stormwater management utility; established a stormwater management service charge to be paid by users based on an equivalent residential unit (ERU); included the monthly ERU service charge in Chapter 190 of the City’s Codified Ordinances; adopted Section 951 of the City’s Codified Ordinances titled “Stormwater Management Code”; and created a special fund for the deposit and use of all service charges collected; and

WHEREAS, Section 951.19 “Collection of Stormwater Management Service Charge” of the City’s Codified Ordinances states that the stormwater management service charge shall be paid, by the owner of each lot or parcel which is subject to this charge, on a periodic basis in accordance with the billing practices established in the City’s water contract with the City of Columbus, Ohio; and

WHEREAS, the billing system used by the City of Columbus, Department of Water, does not function in a manner that permits the City to charge and collect the stormwater management service charge in the manner and in the amount established by Ordinance 09-63 (Amended); and

WHEREAS, in order to conform to the billing system used by the City of Columbus, the City of Hilliard desires to change its ERU from 3,000 to 2,000 and to change its monthly unit cost of \$2.50 per ERU to \$1.95 per ERU; and

WHEREAS, the fees collected by amending Chapter 951 as provided herein will be used to cover costs associated with the stormwater utility, which the City believes is fair and reasonable; and

WHEREAS, this Ordinance must be passed as an emergency measure so that the City can maintain, repair, improve the existing storm water drainage facilities servicing the City and its inhabitants and to enable the City to continue paying its expenses and obligations thereunder.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Franklin County, Ohio that:

SECTION 1. This Council determines and declares that it is necessary, appropriate and in the public interest to modify Chapter 951 “Stormwater Management Code” of the City’s Codified Ordinances as provided hereafter.

SECTION 2. Sections 951.16(B) and (C) are amended to read as follows:

§ 951.16 CLASSIFICATION OF PROPERTY, ERU ASSIGNMENT AND RATE.

All properties having impervious area within the City shall be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, which shall be at a minimum, one ERU.

(A) All improved single-family residential properties are assigned one ERU. A flat rate will apply to all single-family residential properties. All improved single-family residential properties are determined to include impervious area typical of a single-family residence.

(B) All properties having an impervious area which are not improved single-family residential properties are to be assigned by the Director an ERU multiple based upon the properties’ estimated impervious area (in square feet) divided by 2,000 square feet (2,000 square feet equals one ERU). This division will be calculated to the nearest second decimal place and rounded to the nearest whole ERU.

(C) The Stormwater Management Service Charge, to be charged and collected on properties identified in subsections (A) and (B) above, shall be \$1.95 per month, per ERU, which shall be effective upon 30 days following the effective date of Ordinance 10-14. This charge shall also be listed on the fees of Exhibit A to Chapter 190 of the City’s Codified Ordinances.

SECTION 3. All other provisions of Chapter 951 not modified herein remain in full force and effect. All sections of Ordinance 09-63 (Amended) not modified herein are reaffirmed and readopted by this Council as if fully rewritten herein

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. Upon passage of this Ordinance, the Director of Law is directed to modify Exhibit A of Section 190 of the City’s Codified Ordinances to list the Stormwater Management Service Charge to be charged and collected as provided herein.

SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the general safety, health, and welfare of the City of Hilliard. Emergency passage is necessary to ensure the continued performance by the municipality of its constitutional duty of local self-government. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

ATTEST:

SIGNED:

Lynne M. Fasone
Clerk of Council

Brett A. Sciotto
President of Council

APPROVED AS TO FORM:

APPROVED:

Pamela A. Fox
Director of Law

Donald J. Schonhardt
Mayor

10-14

VOTE:	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>
President Sciotto			
Vice President McGivern			
Ashenhurst			
Iosue			
Kunze			
Nichter			
Roberts			
Results:			