

ORDINANCE NO: 2019-52
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTIONS 925.01 AND 925.02
OF CHAPTER 925 OF THE CODIFIED ORDINANCES TO
ESTABLISH A RATE AND CHARGE OF RENTS TO BE PAID
FOR THE USE OF THE SYSTEM OF SEWERAGE IN THE
CITY OF LYNDBURST FOR TAX YEARS 2020, 2021 AND 2022**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDBURST,
CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. Section 925.01 of Chapter 925 of the Codified Ordinances of the City of Lyndhurst, entitled "Rental Charges" is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

CHAPTER 925
Sewers

925.01 RENTAL CHARGES.

Council finds that the City has heretofore installed a system of sewerage for public use in the City. Council further finds that it is necessary to provide for the cost of the management, maintenance, operation and repair of the sewerage system above-mentioned by the establishment and collection of a rate or charge of rents for those purposes and an additional charge of rents for meeting the obligations imposed by the Clean Water Act for improving the sewerage system as required by the Northeast Ohio Regional Sewer District. Council further finds that a rate of One Hundred Seventeen Dollars and fifty cents (\$117.50) per year for each lot or parcel of land on which is situated a single-family residence having a connection to a sanitary sewer, except as herein provided, is a just and equitable charge or rate to be paid to the City for the use of the system of sewerage above- mentioned, and said rate and charge are hereby established. In the case of a two-family residence and multiple dwellings, a charge of One Hundred Seventeen Dollars and fifty cents (\$117.50) per year for each living unit, as determined by the Commissioner of Buildings in accordance with the definitions and standards provided in the Zoning Code, shall be made. In the case of retail, office building and commercial property, a charge of Sixty Five Dollars (\$65.00) per year for each commode or urinal shall be made, with a minimum charge of One Hundred Seventeen Dollars and fifty cents (\$117.50). For churches and schools, the annual charge shall be Thirty Eight Dollars and seventy five cents (\$38.75) per year for each urinal or commode in said buildings.

SECTION 2. Section 925.02 of Chapter 925 of the Codified Ordinances of the City of Lyndhurst, entitled "Payment of Charges, Remedy for Nonpayment" is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

**925.02 PAYMENT OF CHARGES, REMEDY FOR
NONPAYMENT.**

(a) The rates and charges shall be due and payable upon the taking effect of this section, and if not so paid shall be certified to the Fiscal Officer of the County and shall be collected in the same manner as other City taxes upon the tax duplicate for the years ~~2017, 2018 AND 2019,~~ 2020, 2021, AND 2022.

(b) The rates and charges herein provided, whether paid directly or collected with taxes, shall be paid to the Director of Finance of the City and shall be placed by the Director of Finance in separate funds and expended for the purposes authorized by law. A portion of the assessment shall be used for the purpose of maintenance and repair of Sewers in the City, and the remaining portion of the assessment shall be used for the purpose of meeting the Clean Water Act requirements imposed by the

Federal Government and enforced by the Northeast Ohio Regional Sewer District. The portions of the assessment allocated to each fund shall be determined annually by Council by Ordinance.

SECTION 3. All ordinances or part thereof heretofore adopted and in effect at the time of the passage of this Ordinance and inconsistent with the foregoing, are to that extent only hereby repealed, otherwise they shall remain in full force and effect and unaltered.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it affects the day to day financial operations of the municipality and is necessary to maintain accurate and proper records. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: August 5, 2019

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on August 15, 2019 and August 22, 2019.

Clerk of Council

First Reading: August 5, 2019

Second Reading: Suspended

Third Reading: Suspended