

Amended as of:  
4/17/2020

ORDINANCE NO. 22-2020

Offered by All of Council

**AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO PAYMENT PLAN AGREEMENTS ON BEHALF OF THE VILLAGE FOR THE PAYMENT OF ANY TAP-IN FEE/ASSESSMENT COST, ANY INCREASE IN AN ADJUSTED TAP-IN FEE/ASSESSMENT COST, AND PROPERTY EXPANSION USER FEE, TO AMEND EXHIBIT A, "TAP-IN FEE REQUIREMENTS" OF CHAPTER 926 OF THE VILLAGE'S CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY**

WHEREAS, Exhibit A to Chapter 926 of the Village's Codified Ordinances ("Exhibit A") sets forth the Village's tap-in fee requirements and assessment policy for each residential and non-residential property owner making a connection to the Village's sanitary sewer system; and

WHEREAS, under the assessment policy, properties within the Village which have been changed by consolidation or property splits, or properties annexed to the Village which become part of an existing property already served by the appropriate sewer district are subject to an assessment review and any additional costs as a result of the assessment review are included in a total tap-in fee; and

WHEREAS, new service connections to the Village's sanitary sewer system are also assessed with a tap-in fee/assessment cost under Exhibit A; and

WHEREAS, Exhibit A also permits the Village to assess a property expansion user fee on any property that undergoes a significant change after tap-in/assessment fees have been already determined to reflect actual usage at the time of connection or improvement; and

WHEREAS, tap-in fee/assessment costs and property expansion user fees are determined taking into account many factors such as front footage, acreage, zoning, land value and existing system utilization, and depending on those factors the total cost of a new service assessment, an increase in the adjusted assessment costs, or property expansion user fee may place significant financial burdens upon property owners and may discourage new construction and expansion projects within the Village; and

WHEREAS, this Council determines that it is in the best interest of the Village to offer residential and non-residential property owners the option of paying any new service tap-in fee/assessment costs, any increase in the adjusted tap-in/assessment costs, and any property expansion user fees over time subject to a payment plan agreement.

NOW, THEREFORE, BE IT ORDAINED by the Village of Richfield, Summit County, State of Ohio that:

**SECTION 1.** The Mayor and Director of Finance are authorized to enter into payment plan agreements on behalf of the Village with residential and non-residential property owners who have been assessed a new service tap-in fee/assessment cost, an increase in the adjusted tap-in fee/assessment cost, and/or a property expansion user

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fee. The terms and conditions of the payment plan agreement are subject to the sole discretion of the Mayor and Director of Finance, subject to the following provisions: (i) The Village shall charge the property owner interest at the Wall Street Journal Prime Rate in effect at the time that the Village and property enter into the payment plan agreement for the duration of the agreement, unless a lower rate is authorized by council. (ii) An administrative fee of 1% of the total cost of the assessment amount or property expansion user fee may be imposed to offset the cost of operating the payment plan option. (iii) No payment plan authorized under this Ordinance shall exceed five (5) years in duration.

SECTION 2. Exhibit A, "Tap-in Fee Requirements" of Chapter 926 of the Village's Codified Ordinances is amended as follows:

**"EXHIBIT A  
TAP-IN FEE REQUIREMENTS**

A. INTRODUCTION AND POLICY

A tap-in fee shall be charged to each property owner making a connection to the Village's sanitary sewer system. The primary purpose of the tap-in fee shall be to cover costs of inspection and other administrative fees that are borne by the Village of Richfield. A permit to open or tap a sanitary sewer for residential building shall be one hundred dollars (\$100.00). A permit to open or tap a sanitary sewer for a commercial or industrial user shall be two hundred dollars (\$200.00).

Each tap-in fee shall be reviewed to assure that any previously applied assessment costs present a true representation of the affected property. The assessment policy shall be reviewed for the existing property at the time of a tap-in fee consideration. Additional fees such as property expansion user fees may also be charged to a connecting property at the time of connection. **New service assessment costs, any increase in the adjusted assessment costs, or property expansion user fee shall be paid by the property owner to the Village within sixty days of a certified notification to the property owner or pursuant to the terms and conditions set forth in a payment plan agreement entered into between the property owner and the Director of Finance.** The assessment policy and property expansion user fees shall be as defined below.

B. ASSESSMENT POLICY

Properties within the Village which have been changed by consolidation or property splits, or properties annexed to the Village which become part of an existing property already served by the appropriate sewer district, shall be subject to this assessment policy review and any additional costs shall be included in a total tap-in fee.

Outlined below are the modifications with regard to any assessment and/or tap-in fee procedure.

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1. Property Modifications - Any existing properties which lie within the Village and are modified through means of a split, consolidation or other appropriate means shall be reviewed for compliance with the current assessment policy in effect as of the time of certification of assessments to the County Auditor for the appropriate sewer district.

The assessment formula shall be applied to each of the modified property(ies) to determine if any adjustment to the cost of the assessment is required. The parameters to be investigated shall include: front footage, acreage, zoning, land value and existing system utilization.

~~Any increase in the adjusted assessment costs shall be paid to the Village within sixty days of a certified notification to the property owner.~~

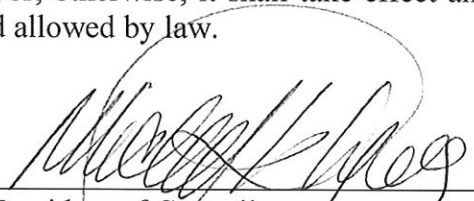
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SECTION 3. That all ordinances or parts thereof in effect at the time of passage of this ordinance that are in conflict with the foregoing provisions are hereby repealed to the extent of the conflict.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including 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 public health, safety and welfare and for the further reason that it is necessary to allow the financial flexibility afforded by the payment plan option to property owners within the Village to go into immediate effect. Wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 5-5-2020

  
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President of Council

  
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Mayor

ATTEST:  
  
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Clerk of Council

Dated: 5/13/2020

