

**ORDINANCE NO. 2018-47**

**INTRODUCED BY: MAYOR AND COUNCIL AS A WHOLE**

**AN ORDINANCE LEVYING A SPECIAL ASSESSMENT AGAINST PROPERTY WITHIN THE CITY'S SEWER FUND TO MAINTAIN, REPAIR AND RECONSTRUCT THE SEWERAGE SYSTEM AND WATERLINES WITHIN THE CITY FOR TAX YEAR 2018 AND DECLARING AN EMERGENCY**

**WHEREAS**, this Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights; such reason being this ordinance must be enacted to allow the assessment to be certified to Cuyahoga County. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:**

**Section 1.** This Council finds that the City of University Heights has heretofore installed a system of storm, sanitary sewerage drainage and waterlines for public use within the City; further, that in order to provide for the cost of management, maintenance, operation, repair and reconstruction of the aforesaid sewerage and waterlines systems there has been established and should be continued to be maintained within the City a maintenance fund raised by assessment for the use of said systems; further, that in the interest of efficient financial management, a portion of the sewer fund should be reserved for capital improvements necessitated by the aging and depreciation of the system.

**Section 2.** There is therefore assessed the following amount:

(a) Against each one-family dwelling within the territorial limits of the City of University Heights the sum of \$78.00 per year, of which \$14.00 shall be restricted as specified in Section (4);

(b) Against each two-family dwelling within the territorial limits of the City of University Heights the sum of \$156.00 per year, (\$78.00 for each dwelling unit therein), of which \$28.00 (\$14.00 per unit) shall be restricted as specified in Section (4);

(c) Against each multi-family and apartment structure located within the territorial limits of the City of University Heights the sum of \$78.00 per dwelling unit per year, of which \$14.00 shall be restricted as specified in Section (4);

(d) Against each elementary institution, school, church and unit of commercial property, the sum of \$78.00 per base unit, per year, of which \$14.00 shall be restricted as specified in Section (4);

(e) For each 6,000 square feet of undeveloped land not used in conjunction with a building or unit on which a sewer charge is paid, the sum of \$78.00 per year per 6,000 square feet or part thereof, of which \$14.00 shall be restricted as specified in Section (4).

The rates and charges specified above are hereby affixed and established for a period of one year commencing with the tax year 2017, collectable in 2019.



**Section 3.** Said assessments shall be due and payable at the Office of the Director of Finance of the City of University Heights on or before August 1st of each year for which such assessment is levied, commencing with the year 2018, in two (2) annual installments. If not so paid, the assessment shall be certified to the County Fiscal Officer of Cuyahoga County, Ohio and shall be collected in the same manner as other City taxes upon the 2018 tax duplicates, collectable in 2019. The Director of Finance shall furnish to the Auditor and Treasurer such other and further information as are necessary to permit identification of the property against which the sewer maintenance assessment has been made and remains unpaid.

**Section 4.** The amounts specified in Section (2) as restricted shall be deposited and maintained in a restricted fund to be established by the Director of Finance, the proceeds from which may be used only for capital improvements necessitated by the depreciation, aging and inadequacies of the originally installed systems. In the event that there is an existing indebtedness for such capital improvements at the time at which the funds are actually collected, said funds may also be used to retire such existing indebtedness. The remainder of the funds collected shall continue to be maintained in the sewer maintenance fund established by former Ordinances 76-92, 79-37, 80-37, 80-43, 83-20, 85-23, 89-34, 92-44, 95-36, 98-17, 2000-41, 2004-36, 2005-48, 2006-46, 2007-35, 2008-30, 2009-41, 2010-49, 2011-54, 2012-54, 2013-41, 2014-21, 2015-31, 2016-29, 2017-30 to be used for current management, maintenance, operation and repair of sewerage systems. At any time at which Council deems the amount thus on deposit to be in excess of the amount reasonably necessary for such purposes, Council may transfer all or part of the excess amount to the restricted capital improvement fund, which transfer shall be permanent and after which the funds may be used for the purposes for which the restricted capital improvement fund may be used.


**Section 5.** The Clerk of Council shall cause to be published notice in a newspaper of general circulation in the City of University Heights that such assessments have been levied and are payable as herein provided by publishing this Ordinance in full once in said newspaper. A list showing the nature of each property assessed, its location, area and amount of charge, in accordance with the schedule of assessments hereinbefore fixed and established shall be on file on the office of the Director of Finance for inspection by any person or persons interested therein.

**Section 6.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 7.** This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights; such reason being this ordinance must be enacted to allow the assessment to be certified to Cuyahoga County. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

City of University Heights, Ohio  
  
Michael Dylan Brennan, Mayor

Passed: 09/04/2018

Attest:   
Kelly M. Thomas, Clerk of Council

Approved  
As to Form:   
Luke F. McConville, Law Director