

ORDINANCE 2020-14

AN ORDINANCE REDUCING WATER AND SEWER TAP FEES FOR QUALIFYING RESIDENTIAL PROPERTY OWNERS FOR A PERIOD OF ONE (1) YEAR, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 743.04 provides that the Village may assess and collect a water rent or charge of sufficient amount and in such manner as it determines to be most equitable from all tenements and premises supplied with the water; and

WHEREAS, Ohio Revised Code Section 729.49 provides that the legislative authority of a municipal corporation may, by ordinance, establish just and equitable rates of charges of rents to be paid to the municipal corporation for the use of a municipal sewer system; and

WHEREAS, certain residential properties in, near, or adjacent to the Village of Commercial Point are presently serviced by a private residential well and/or septic system; and

WHEREAS, the residential well and/or septic system on one or more of those residential properties have failed, such that the owners of such properties are presently without access to water and/or wastewater treatment; and

WHEREAS, the Village Council desires to provide owners of said residential properties the opportunity to become users of the Village's water and/or sewage system for a limited period of time at a reduced rate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO, BY A VOTE OF TWO-THIRDS OF THE MEMBERSHIP THEREOF, THAT:

SECTION 1. Definition. A Qualifying Residential Property is a residential property that is serviced by a private residential well and/or septic system as of the effective date of this Ordinance. This definition does not include a mobile home park.

SECTION 2. Reduced Water Tap Fee. The owner(s) of a Qualifying Residential Property may apply to the Village of Commercial Point for one (1) year following the effective date of this Ordinance to tap into the Village's water system for a reduced tap fee of \$2,500, so long as the tap diameter does not exceed three-fourths inch (3/4") in diameter. An application to tap into the Village's water system must be submitted to the Village Administrator no later than 4:00 p.m. on August 3, 2021 in order to tap into the water system at the reduced tap fee of \$2,500. If an application of Qualifying Residential Property owner is submitted to the Village Administrator prior to 4:00 p.m. on August 3, 2021, the Village Administrator shall collect the reduced tap fee as described in this Section.

SECTION 3. Reduced Sewer Tap Fee. The owner(s) of a Qualifying Residential Property may apply to the Village of Commercial Point for one (1) year following the effective date of this Ordinance to tap into the Village's sewer system for a reduced tap fee of \$2,500. An application to tap into the Village's sewer system must be submitted to the Village Administrator no later than 4:00 p.m. on August 3, 2021 in order to tap into the sewer system at the reduced tap fee of \$2,500. If an application of Qualifying Residential Property owner is submitted to the Village Administrator prior to 4:00 p.m. on August 3, 2021, the Village Administrator shall collect the reduced tap fee as described in this Section.

SECTION 4. Annexation Agreement. The owner(s) of a Qualifying Residential Property who become(s) a user of the Village's water and/or sewage system shall, at the earliest possible time allowed by law, execute all necessary documents and prosecute all necessary proceedings to annex the property into the Village of Commercial Point.

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SECTION 5. Application. The reduced tap fees described in Sections 2 and 3 of this Ordinance are available only upon the terms described therein and shall not be offered or provided to an owner or owners of a non-Qualifying Residential Property.

SECTION 6. Effect on Prior Legislation. Ordinance 2020-01 is hereby amended to reflect and include the terms of this Ordinance. All provisions enacted in Ordinance 2020-01 that are not inconsistent with the terms of this Ordinance shall remain in effect.

SECTION 7. Open Meeting Certification. 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 other committees that result 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 8. Effective Date of Ordinance. Due to the immediate necessity of certain owners of residential property in, near, or adjacent to the Village of Commercial Point obtaining access to a functioning water and/or sewage system, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village of Commercial Point and, therefore, shall take immediate effect upon passage.

Vote on Suspension of the Readings:

Motion by: Bruce Moore

2nd: Tracy Joiner

Roll Call:

Yes Bruce Moore

Yes Tracy Joiner

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Bruce Moore

2nd: Laura Wolf

Roll Call:

Yes Bruce Moore

Yes Tracy Joiner

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Laura Wolfe

Adopted this 3rd day of August, 2020.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Josh Cartee, Law Director