

CITY OF BEDFORD, OHIO

ORDINANCE NO. 9901-21

BEING AN ORDINANCE AMENDING ORDINANCE NO. 9817-20 CONCERNING **SECTION 913.02 “SEWER RATES”** OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY

WHEREAS, the City of Bedford has owned and operated a sewer utility for the benefit of its residents and some of those of the Village of Oakwood for many years, and

WHEREAS, the City of Bedford charges users of its sewer system reasonable rates designed to cover the costs of operating, maintaining, and improving its sewer system, and

WHEREAS, the City of Bedford devotes all revenues derived from sewer service charges to the operation, maintenance, and improvement of its sewer system, and

WHEREAS, sewer rates and sewer service charges are based on water consumption, and

WHEREAS, presently each user’s water consumption is measured by monthly water meter readings, and water charges based on such readings are billed and collected monthly, and

WHEREAS, this Council now determines that it is necessary to increase sewer service charges commencing **January 1, 2020** to cover the projected costs of operating, maintaining and improving its sewer system, including, without limitation, paying debt service charges on its bonds and notes issued for improvements to the sewer system.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga and State of Ohio:

Section 1. That Section 1 of **Ordinance No. 9817-20**, passed **October 19, 2020**, amending Section 913.02 of the Codified Ordinances of the City of Bedford, Ohio, which formerly read as follows:

**913.02 SEWER RATES**

- (a) (i) Effective with respect to sewer service provided on January 1, 2019 and thereafter, there is levied and assessed upon each lot, building or premises within the City of Bedford having sewer connection with the sanitary sewerage system, a sewer service charge or rental consisting of:
  - (1) A monthly minimum charge of **twenty-Six dollars and forty-six cents (\$26.46)** commencing **January 1, 2021**.
  - (2) In addition, for water in excess of 300 cubic feet used during each month, as measured by the water meter reading with respect to each such month,
    - (i) for each cubic foot of the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of **two and eighty-nine one-hundredths cents (\$0.0289)** commencing January 1, 2021
    - (ii) for each cubic foot of water in

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excess of such first 100 cubic feet described in the immediately preceding item (i), a charge of **four and thirty- three one-hundredths cents (\$0.0433)** commencing January 1, 2021.

- (b) The sewer charges to be paid by users of the Bedford sewer and wastewater treatment system within the Village of Oakwood, Ohio, shall be the same as those set forth in division (a) hereof.
- (c) Where a building contains multiple dwelling or commercial units and the supply is measured by a single water unit or master meter, the average unit water consumption shall be determined by dividing the number of units into the total metered water consumption; the sewer service charge per unit shall then be computed on the basis of the average unit water consumption and the sewer bill computed by multiplying the number of units by the unit sewer service charge.
- (d) Council may from time to time amend these sewer rates, but in no event shall provide a rate which does not fully and adequately fund the retirement of the City's share of the costs of sewage plant expansion.
- (e) No user of the Bedford sewer and wastewater system shall be provided free sewer and wastewater treatment service.
- (f) For purposes of this Section 913.02 "Rate Adjustment Date" shall mean February 1, 2018 or any other date on which, pursuant to an ordinance duly passed by the Council of the City, a change in the rates at which customers of the sewer system are charged for the sewer services supplied to them by the City of Bedford becomes effective.
- (g) Notwithstanding the provisions of Section 913.08 of the Codified Ordinances of the City, no further charge as provided in Section 913.08 shall be added to the Final Quarterly Bill Amount unless any or all of such Final Quarterly Bill Amount has not been paid on the first anniversary of the date payment of such Final Quarterly Bill Amount was first due. For purposes of this Section 913.02, "Final Quarterly Bill Amount" shall mean the aggregate amount of sewer service charges calculated from the water meter reading taken on the Conversion Date.
- (h) For purposes of this Section 913.02 "Conversion Date" shall mean with respect to each user whose meter is scheduled for reading on the same date and which date concludes a quarterly period for purposes of such reading, the date of such scheduled reading that is designated in a writing by the City Manager filed with the Clerk of Council and the Director of Public Service as the date from and after which such meter shall be read once each month commencing with the next succeeding month; provided, however, that a Conversion Date designated hereunder shall also be the Conversion Date with respect to water billing; and provided further, however, that no Conversion Date shall occur prior to December 15, 1995.

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**BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:**

**913.02 SEWER RATES**

- (a) (i) Effective with respect to sewer service provided on **January 1, 2022** and thereafter, there is levied and assessed upon each lot, building or premises within the City of Bedford having sewer connection with the sanitary sewerage system, a sewer service charge or rental consisting of:
  - (1) A monthly minimum charge of Twenty-Seven dollars and fifty-two cents (\$27.52) commencing January 1, 2022.
  - (2) In addition, for water in excess of 300 cubic feet used during each month, as measured by the water meter reading with respect to each such month,
    - (i) for each cubic foot of the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of three and one one-hundredths cents (\$0.0301) commencing January 1, 2022
    - (ii) for each cubic foot of water in excess of such first 100 cubic feet described in the immediately preceding item (i), a charge of four and Fifty-one one-hundredths cents (\$0.0451) commencing January 1, 2022.
- (b) The sewer charges to be paid by users of the Bedford sewer and wastewater treatment system within the Village of Oakwood, Ohio, shall be the same as those set forth in division (a) hereof.
- (c) Where a building contains multiple dwelling or commercial units and the supply is measured by a single water unit or master meter, the average unit water consumption shall be determined by dividing the number of units into the total metered water consumption; the sewer service charge per unit shall then be computed on the basis of the average unit water consumption and the sewer bill computed by multiplying the number of units by the unit sewer service charge.
- (d) Council may from time to time amend these sewer rates, but in no event shall provide a rate which does not fully and adequately fund the retirement of the City's share of the costs of sewage plant expansion.
- (e) No user of the Bedford sewer and wastewater system shall be provided free sewer and wastewater treatment service.
- (f) For purposes of this Section 913.02 "Rate Adjustment Date" shall mean **January 1, 2022** or any other date on which, pursuant to an ordinance duly passed by the Council of the City, a change in the rates at which customers of the sewer system are charged for the sewer services supplied to them by the City of Bedford becomes effective.

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- (g) Notwithstanding the provisions of Section 913.08 of the Codified Ordinances of the City, no further charge as provided in Section 913.08 shall be added to the Final Quarterly Bill Amount unless any or all of such Final Quarterly Bill Amount has not been paid on the first anniversary of the date payment of such Final Quarterly Bill Amount was first due. For purposes of this Section 913.02, “Final Quarterly Bill Amount” shall mean the aggregate amount of sewer service charges calculated from the water meter reading taken on the Conversion Date.
- (h) For purposes of this Section 913.02 “Conversion Date” shall mean with respect to each user whose meter is scheduled for reading on the same date and which date concludes a quarterly period for purposes of such reading, the date of such scheduled reading that is designated in a writing by the City Manager filed with the Clerk of Council and the Director of Public Service as the date from and after which such meter shall be read once each month commencing with the next succeeding month; provided, however, that a Conversion Date designated hereunder shall also be the Conversion Date with respect to water billing; and provided further, however, that no Conversion Date shall occur prior to December 15, 1995.

Section 2. All prior ordinances in conflict with the provisions contained herein are hereby repealed **and/or amended accordingly.**

Section 3. This ordinance is hereby declared to be an emergency measure immediately necessary for the public peace, health, safety and welfare and for the further reason that the City of Bedford needs to implement this rate change by **January 1, 2022** to protect the integrity of the sewer fund.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

1<sup>st</sup> Rdg: 09/20/21

2<sup>nd</sup> Rdg: 10/4/21

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Stanley C. Koci, Mayor – President of Council

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Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: \_\_\_\_\_

John J. Montello, Law Director

PASSED: October 4, 2021