

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2024-19

By: Councilwoman Mary K. Brown Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

ENACTING NEW SECTION 313.032, TO ESTABLISH A SEWER MAINTENANCE AND IMPROVEMENT FEE FOR THE EXPRESS PURPOSE OF SUPPLEMENTING FUND 520 TO PAY FOR COSTS ASSOCIATED WITH THE MAINTENANCE, UPKEEP, REPAIR, AND REPLACEMENT OF THE SEWER DISTRIBUTION SYSTEM AND ASSOCIATED EXPENSES.

WHEREAS, in the last forty (40) years, the sewer rates charged to customers of the Berea water system were raised just once in 2007; and

WHEREAS, the City has refrained from seeking increased revenue since 2007 due to the unprecedented increases in the fees charged by the Northeast Ohio Regional Sewer District and the economic impact to customers due to the Great Recession and the COVID-19 Pandemic; and

WHEREAS, R.C. 729.49 establishes that the legislative authority of a municipal corporation which has installed or is installing sewerage, a system of sewerage, sewage pumping works, or sewage treatment or disposal works for public use may, by ordinance, establish just and equitable rates or charges of rents to be paid to the municipal corporation for the use of such services, by every person, firm, or corporation whose premises are served by a connection thereto; and

WHEREAS, the regulatory requirements imposed by the Ohio Environmental Agency since 2007 have significantly increased the cost of maintaining and improving the city's sanitary sewage system; and

WHEREAS, according to the Federal Reserve, the cumulative rate of inflation since 2007 is approximately 49.7 percent, which has resulted in significant cost increases for the supplies and materials required to maintain the sanitary sewer system, including but not limited to personnel costs, building materials, chemicals, security, computers and software improvements; and

WHEREAS, due to all of these factors, it has been necessary to transfer monies from other funds in order to continue the maintenance and improvement of the Berea sanitary sewer system and to offset costs of current and future debt payments from sewer projects; and

WHEREAS, transferring monies from other funds to offset the costs of maintaining and improving the sanitary sewer system results in other worthy projects being delayed or cut; and

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WHEREAS, we have been informed that the City will no longer be eligible for grants and low-interest loans from the State if additional revenue is not generated; and

WHEREAS, the Administration proposes enacting a fee, based on sewer consumption, to supplement Fund 520, Sewer Revenue Fund, for the express purpose of maintaining and improving the sewer system and to offset costs of current and future debt payments from sewer projects; and

WHEREAS, this Council finds that it is both reasonable and necessary to increase revenues for sewers and further determines that a fee, based on water consumption, is necessary, just and equitable to consumers with connections to the Berea sewer system.

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

SECTION 1. That Section 313.032, Sewer Maintenance and Improvement Fee, is hereby enacted and shall read as follows:

313.032 – Sewer Maintenance and Improvement Fee

To pay part of the cost and expense of maintaining, operating, and improving the sanitary sewerage system and offsetting costs of current and future debt payments from sewer projects, there is, in addition to the Sewer Rental Rates set forth in Section 313.03 herein, levied upon each lot and premises on which is located any building which has installed thereon or therein any sewer connection with the sanitary system, a quarterly fee based on water consumption. The provisions of 313.03(b), (c), (d), (e) and (f) shall also apply to the Sewer Maintenance and Improvement fee.

Residential fees apply to properties classified as residential by the Cuyahoga County Fiscal Office and excludes properties that are required to have a multiple-occupancy permit by the City. Those properties required to have a multiple-occupancy permit shall be subject to the Commercial Fee.

Commercial fees apply to properties requiring a multiple-occupancy permit, all non-residential properties, and tax-exempt properties.

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(A) Sewer Maintenance and Improvement Fee – July 1, 2024 – December 31, 2025

1. Berea Residential Fee
 - a. Consumption of 0 – 5,000 gallons: \$2.00
 - b. Consumption of 5,001 – 10,000 gallons: \$4.00
 - c. Consumption of 10,001 – 50,000 gallons: \$6.00
 - d. Consumption in excess of 50,001 gallons: \$8.00
2. Commercial Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 2.00
 - b. Consumption of 5,001 – 10,000 gallons: \$ 4.00
 - c. Consumption of 10,001 – 50,000 gallons: \$ 6.00
 - d. Consumption in excess of 50,001 gallons: \$ 8.00
3. Customers Outside the City of Berea Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 2.00
 - b. Consumption of 5,001 – 10,000 gallons: \$ 4.00
 - c. Consumption of 10,001 – 50,000 gallons: \$ 6.00
 - d. Consumption in excess of 50,001 gallons: \$ 8.00
4. Customers Qualifying for a Homestead Exemption Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 1.20
 - b. Consumption of 5,001 – 10,000 gallons: \$ 2.40
 - c. Consumption of 10,001 – 50,000 gallons: \$ 3.60
 - d. Consumption in excess of 50,001 gallons: \$ 4.80

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(B) Sewer Maintenance and Improvement Fee – January 1 – December 31, 2026

1. Berea Residential Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 4.00
 - b. Consumption of 5,001 – 10,000 gallons: \$ 8.00
 - c. Consumption of 10,001 – 50,000 gallons: \$12.00
 - d. Consumption in excess of 50,001 gallons: \$16.00
2. Commercial Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 4.00
 - b. Consumption of 5,001 – 10,000 gallons: \$ 8.00
 - c. Consumption of 10,001 – 50,000 gallons: \$12.00
 - d. Consumption in excess of 50,001 gallons: \$16.00
3. Customers Outside the City of Berea Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 4.00
 - b. Consumption of 5,001 – 10,000 gallons: \$ 8.00
 - c. Consumption of 10,001 – 50,000 gallons: \$12.00
 - d. Consumption in excess of 50,001 gallons: \$16.00
4. Customers Qualifying for a Homestead Exemption Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 2.40
 - b. Consumption of 5,001 – 10,000 gallons: \$ 4.80
 - c. Consumption of 10,001 – 50,000 gallons: \$ 7.20
 - d. Consumption in excess of 50,001 gallons: \$ 9.60

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(C) Sewer Maintenance and Improvement Fee – January 1, 2027 until revised

1. Berea Residential Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 5.00
 - b. Consumption of 5,001 – 10,000 gallons: \$10.00
 - c. Consumption of 10,001 – 50,000 gallons: \$15.00
 - d. Consumption in excess of 50,001 gallons: \$20.00
2. Commercial Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 5.00
 - b. Consumption of 5,001 – 10,000 gallons: \$10.00
 - c. Consumption of 10,001 – 50,000 gallons: \$15.00
 - d. Consumption in excess of 50,001 gallons: \$20.00
3. Customers Outside the City of Berea Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 5.00
 - b. Consumption of 5,001 – 10,000 gallons: \$10.00
 - c. Consumption of 10,001 – 50,000 gallons: \$15.00
 - d. Consumption in excess of 50,001 gallons: \$20.00
4. Customers Qualifying for a Homestead Exemption Fee
 - a. Consumption of 0 – 5,000 gallons: \$ 3.00
 - b. Consumption of 5,001 – 10,000 gallons: \$ 6.00
 - c. Consumption of 10,001 – 50,000 gallons: \$ 9.60
 - d. Consumption in excess of 50,001 gallons: \$13.20

SECTION 2. That the revenue from the Sewer Maintenance and Improvement Fee, as newly set forth in 313.032, shall be deposited in Fund 520, Sewer Revenue Fund, and shall be used only for the purposes stated therein.

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SECTION 3. That 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 of any of its committees that resulted in such formal actions were in meetings open to the public or as otherwise permitted by the Charter of the City of Berea and Section 121.22 of the Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 6, 2024

ATTEST: [Signature]
Clerk of Council

APPROVED: May 6, 2024
[Signature]
President of Council
[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Director of Law