

RESOLUTION NO. 14-96

BY





**A RESOLUTION AFFIRMING THE BASE RATE FOR THE STORMWATER UTILITY SERVICE CHARGE AS AUTHORIZED BY THE CODIFIED ORDINANCE OF THE CITY OF NEWARK, OHIO.**

**WHEREAS**, Ordinance 05-55 was adopted by Newark City Council on December 19, 2005 and approved by the Mayor of the City of Newark on December 20, 2005; and,

**WHEREAS**, Ordinance 05-55 amended the Municipal Code of the City of Newark, Ohio by adding Chapter 52.00: Stormwater Utility to the Municipal Code and specified in Section 7(3) thereof: "City Council shall, by resolution, establish the base rate for the stormwater utility service charge. The base rate shall be calculated to insure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits"; and,

**WHEREAS**, Resolution 06-19 established the rate structure to provide for the funding of the operation, maintenance, and improvement of the stormwater system within the limits of the City of Newark, the requirement of reassessment by the stormwater utility, and further legislative action of this body if a new or revised rate was desired or required after December 31, 2012; and,

**WHEREAS**, regular reassessment of the current rate structure has not resulted in a need for a new or revised rate structure thereby negating the need for further Council action and it is, therefore, the desire of this Council to affirm the absence of need for such a new or revised rate;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT;**

**Section One:** Regular reassessment of the current rate structure of the stormwater utility indicates no need by this Council for a new or revised rate structure as set forth in Ordinance 05-55 Section 7(3) and, therefore, the base rate for the stormwater service charge which was previously established by Resolution 06-19 shall remain as now in effect at the rate of \$6.50 per ERU per month, ERU being an abbreviation for Equivalent Rate Unit as defined in Ordinance 05-55.

**Section Two:** The credit adjustment of 10% shall continue to be made available to non-residential owners of property containing greater than 5 Equivalent Residential Units (ERU's) of impervious area within a Community

Reinvestment Area. It shall be the responsibility of the non-residential property owner within the Community Reinvestment Area to make application for receipt of the credit. The maximum credit available to these non-residential property owners shall not exceed 50%.

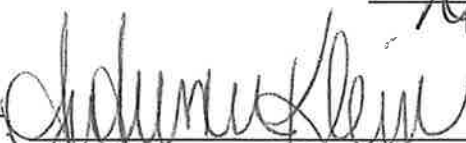
**Section Three:** This rate resolution, along with Resolution 06-16, provides for the funds necessary to insure that the City of Newark meets the requirements of the National Pollution Discharge Elimination System Phase II, Stormwater Management Program, as mandated by the Federal Water Pollution Control Act and the Ohio Water Pollution Control Act for small Municipal Separate Storm Sewer Systems and, as required by ordinance, this rate Resolution shall provide for the on-going and continuous operation, maintenance, and capital improvements of the stormwater system.

**Section Four:** This current rate structure which has been in effect since January 1, 2012 and remains in effect as of this date shall hereafter remain in effect indefinitely unless modified by future action of Newark City Council. If at any time based upon a reassessment of the needs by the stormwater utility it is determined a new rate structure is needed, Newark City Council shall consider such request and establish a new or revised rate if determined necessary to permit the utility to continue to provide for operation, maintenance, and capital improvements of the stormwater system and further, to meet NPDES Phase II, Stormwater Management Program, requirements.

**Section Five:** This resolution shall take effect at the earliest date permitted pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

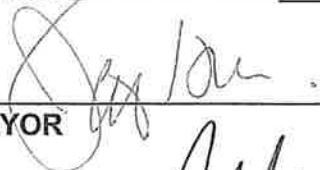
Adopted this 5<sup>th</sup> day of January, 2015.


  
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PRESIDENT OF COUNCIL

ATTEST:   
\_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: 1-5-2015

DATE APPROVED BY MAYOR: 1-5-2015

  
\_\_\_\_\_  
MAYOR

FORM APPROVED:   
\_\_\_\_\_  
DIRECTOR OF LAW