

CITY OF MACEDONIA, OHIO
ORDINANCE NO. 109- 2005

AN EMERGENCY ORDINANCE
AMENDING ORDINANCE NO. 3-2002 RELATIVE TO BILLING FOR THE SERVICES OF A
MUNICIPAL WATER SYSTEM, A UTILITY OF THE CITY OF MACEDONIA, OHIO,
DISTRIBUTING CITY OF CLEVELAND WATER

WHEREAS, the City of Macedonia has acquired and constructed a municipal water system; and

WHEREAS, said municipal water system has been constructed with the proceeds of general obligation bonds by the electors of the City of Macedonia; and

WHEREAS, collections of funds are necessary pay certain costs of maintenance, repair, and operation and for enlargement and expansion of said system, which is the obligation of the City of Macedonia; and

WHEREAS, such funds were initially assessed pursuant to Ordinance No. 16-1967; and

WHEREAS, it has been deemed necessary to modify the rates being assessed.

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

Section 1. That it is hereby determined and declared to be necessary for the protection of the public health, safety and welfare of the City of Macedonia to continue to operate the municipal water system, as now constructed or as hereafter enlarged, as a public utility and to establish and collect charges for the operation, repair and enlargement of such municipal water system and to establish and collect charges for the use of the system upon all lots, lands, and premises served by or having connection with water through such system.

Section 2. That the funds received from the collection of the rates and charges hereinafter provided shall be deposited as received through the Tax/Utility Department who shall keep the same in a separate fund designated as the "Water Maintenance and Expansion Fund." Monies in said fund shall be used for the payment of the cost and expense of operation, maintenance, repair, management, enlargement of and replacement to the municipal water system when not the obligation of the City of Cleveland, pursuant to such contract between the City of Cleveland and the City of Macedonia. Such monies may also be used in payment of debts incurred in the construction and acquisition of said water system when not otherwise needed as provided above.

Section 3. That for the purposes provided in Section 2 hereof there is hereby levied and charged upon each lot, parcel of land or premises within, the City of Macedonia, served by or, having a connection with the Municipal Water System wherein water of the City of Cleveland is distributed, charges payable as hereinafter provided and in the amounts determined as follows:

All those using or connected to the Macedonia Municipal Water System being served with City of Cleveland water shall pay the minimum rate per quarter on a ~~semi-annual~~ an annual basis as follows:

Up to 1 inch meter	-	\$	5.20
1-1/2 inch meter	-	\$	10.40
2 inch meter	-	\$	15.60
3 inch meter	-	\$	20.80
4 inch meter	-	\$	26.00
6 inch meter	-	\$	31.20
8 inch meter	-	\$	35.40

The above charges shall be in addition to the charges of the City of Cleveland as determined by the Ordinances of that municipality and the contract or agreements between the City of Macedonia and the City of Cleveland.

Section 4. That the water charges levied and the rates established by Section 3 hereof shall take effect immediately, and shall be billed ~~semi-annually~~ annually thereafter by the City of Macedonia in accordance with its normal billing practices and payable in accordance with the regulations and Ordinances of the City of Macedonia.

Section 5. Any premises making connection with the system after the beginning of any billing period shall be charged a per diem prorated amount based upon the quarterly rate as charged and billed ~~semi-annually~~ annually from the time such connection is made until the next following billing period applicable to said premises. Further, the owner of any premises as of the due date for such charges shall be responsible and liable for any charges outstanding as of that date.

Section 6. All water charges shall be payable in full on the due dates of the bill, and if such charges are not paid will incur interest and late fees in the amount of \$2.00. In addition whoever violates any of the provisions of this ordinance shall be guilty of a minor misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than a maximum of six months or both. Each day such violation continues shall constitute a separate offense.

Section 7. That such water service charges levied pursuant to this Ordinance are hereby made a lien upon the premises charged and if not paid within ninety (90) days after becoming due and payable such indebtedness shall be certified to the County Auditor of Summit County, Ohio, who shall place the same upon the tax duplicate with all interest and penalties allowed by law and be collected as other municipal taxes.

Section 8. 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 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 9. WHEREFORE, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Macedonia and the inhabitants thereof, for the reason that it provides for the daily operation of a municipal department, and provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 8, 2005
EFFECTIVE: December 9, 2005
POSTED: December 13, 2005

MAYOR: Donald Kuchta
ATTEST: Josephine Arceci, Clerk of Council