

CITY OF OBERLIN, OHIO

ORDINANCE No. 18-33 AC CMS

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF OBERLIN, OHIO, BY ADDING A NEW CHAPTER 916 MUNICIPAL STORMWATER UTILITY, IN ORDER TO ESTABLISH A STORMWATER RATE STRUCTURE, WHICH WILL PROVIDE FUNDING FOR THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE STORMWATER SYSTEM

WHEREAS, the City of Oberlin currently owns and operates a stormwater system for the collection and conveyance of storm and other surface and subsurface waters and for flood control; and

WHEREAS, City Council finds that continuing maintenance, repair, replacement, improvement and regulation of the stormwater system is necessary to prevent further deterioration of the existing system, prevent or reduce flooding and to prevent water pollution; and

WHEREAS, it is the intent of the City of Oberlin that the costs of the operation, maintenance, and improvements of the stormwater system be borne by the users of the system in relation to their individual contributions of stormwater to the system; and

WHEREAS, the Oberlin City Council has determined to join the Lorain County Stormwater District chartered under Chapter 6117 of the Ohio Revised Code to effectively and efficiently administer the NPDES Phase II permit regulations as a co-permittee; and

WHEREAS, both the City of Oberlin and Lorain County, are required pursuant to the 1972 Federal Clean Water Act, amended by the Water Quality Act of 1987, regulated by the United States Environmental Protection Agency (EPA) and Ohio EPA to comply with and obtain a National Pollutant Discharge Elimination System (NPDES) Phase II small MS4 (Municipal Separate Storm Water System) permit to implement programs to improve the quality of stormwater and detect and eliminate illicit discharges; and

WHEREAS, EPA allows MS4 permit holders to jointly perform services for required compliance; and

WHEREAS, Lorain County has adopted a Storm Water Management Plan as the basis for the City of Oberlin and Lorain County to jointly and collectively coordinate and collaborate on compliance with the permit requirements; and

WHEREAS, the City of Oberlin and Lorain County have determined that it is in the best interests of their constituents to collaborate in the joint performance of certain EPA Phase II MS4 requirements as set forth in the Memorandum of Understanding (MOU) entered into by and between the City of Oberlin and the Lorain County Storm Water District in accordance with

Ordinance 18-32 AC CMS; and

WHEREAS, it is necessary and desirable and in the best interest of the City, its citizens, and the users of the stormwater system to establish a mechanism for the financing of facilities, systems, and services provided by the City of Oberlin and that the stormwater utility program charge, which shall be designated the stormwater service charge, shall be imposed and collected as provided in this ordinance; and

WHEREAS, the stormwater service charge should be fair, equitable, revenue sufficient, and reflect the relative contribution of stormwater runoff from a property or parcel of land, benefits enjoyed, and services received by each property or parcel as a result of the collection of surface and subsurface water, and should consider the impervious area of the various properties or parcels located within the City limits, because the extent of stormwater, surface water and subsurface water runoff from a particular lot or parcel is largely a function of its impervious area; and

WHEREAS, the City of Oberlin has established standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as necessary to protect the water quality; and

WHEREAS, the City will review and approve plans and plats for stormwater management in proposed subdivisions, commercial developments and any activity requiring a Construction Site General Permit from the Ohio Environmental Protection Agency; and

WHEREAS, the City may suspend, or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution or condition of the permit; and

WHEREAS, the City is responsible for the protection and preservation of the public health, safety, and welfare of the community and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the city, the community at large and the environment to proceed with the development, implementation, and operation of a stormwater utility program.

NOW, THEREFORE BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That new Chapter 916 – Municipal Stormwater Utility Section 131.01(a) of, is hereby adopted into and made part of the Codified Ordinances of the City of Oberlin, Ohio as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or 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 action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

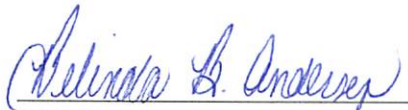
SECTION 3. That this ordinance shall take effect at the earliest possible date allowed by law.

PASSED: 1st Reading: May 7, 2018

2nd Reading: May 21, 2018

3rd Reading: June 4, 2018 (A)

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 06/04/2018

EFFECTIVE DATE: 07/04/2018