

ORDINANCE NO. 15 -21

AN ORDINANCE AMENDING SECTION 917.01 AND REPEALING SECTIONS 917.02, 917.03, 917.04, AND 917.05 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON AND DECLARING AN EMERGENCY

WHEREAS, the City previously adopted Sections 917.01, 917.02, 917.03, 917.04, and 917.05 of the Codified Ordinances as part of its regulations for the establishing the charges for connection to the City water system; and

WHEREAS, Council has reviewed the charges and fees established in this section and has determined that it should be amended; and,

WHEREAS, this Council finds and determines that the City should amend Section 917.01 to charge a fee for connection to the City water system and establish a separate system capacity charge for connection to the water system to reflect the design criteria modifications adopted by the OEPA.

WHEREAS, this Council finds and determines that the City should repeal Sections 917.02 and 917.03 as they no longer apply.

WHEREAS, this Council finds and determines that the City should repeal Sections 917.04 and 917.05 as they have been incorporated to Section 917.01 as amended in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, Ottawa County, State of Ohio:

**Section 1.** Section 917.01 of the Codified Ordinances of the City of Port Clinton is hereby amended to state as follows:

917.01 Permit Required, Fees, Connection Charges and System Capacity Charges:

A. Except in the case of property owned by the City, no person, corporation, partnership, association, public agency, or limited liability company, shall connect, or cause to be connected, any lot, building or other structure either directly or indirectly to the city water system for the purpose of obtaining potable water without first securing from the Director of Safety and Service, or his authorized representative, a permit for such purpose in a form prescribed by the Director of Safety and Service, and in addition, prior to the issuance of such permit, the applicant shall first pay the charges provided for in subsection B hereof and any applicable charges determined in accordance with any provision of this section, in full. Any person required to connect to the City water system shall apply for and obtain a permit to connect from the City Water Department in compliance with the ordinances of the City of Port Clinton, and the rules and regulations of the City water system. All applicable fees and charges shall be paid

to the City Water Department prior to issuance of a permit.

1. Permits to connect for water service connecting to newly developed subdivisions or areas will not be issued until payment of plan review fee and final approval of plans has been completed by the City or its designee.
2. Permits shall be valid for 120 days from the date of issuance. The expiration date of the permit shall be noted on the permit issued. If a permit expires and work has not been completed, all work shall be stopped by the inspector and the property owner or agent shall be required to complete an application for permit renewal provided by the City Water Department and submit it along with a permit renewal fee and any other applicable fees and charges.
3. A repair permit shall be required for any repairs that are made on building water lines or appurtenances or as deemed necessary by the Director of Safety and Service.
4. Permits shall be available on the job site at all times until the job is completed and inspected.
5. All costs and expense incident to the installation and connection of water lines and appurtenances shall be borne by the property owner(s). The property owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of a water line or appurtenance.
6. The issuance of a permit by the City to connect or repair a water line does not relieve the permit holder of the responsibility of securing permits from the proper governmental or private agencies for the permission to work in public or private rights of way or easement areas.
7. Applications for installation of water mains and appurtenances for new subdivisions, water line extensions or any special project shall be made on a special form furnished by the City Water Department. The application shall be signed by the property owner, and /or the developer. A permit shall not be issued until all applicable plans/specifications, easements, approvals, general requirements, and fees and charges have been submitted. All applicable fees and charges shall be paid at the time application is made for a permit.

B. The Safety Service Director, shall not issue a permit for the purposes described in Subsection A hereof until the Applicant therefore shall have paid all applicable fees and charges as set forth herein. The fees herein established are intended to reimburse the City for reasonable costs of inspection and other administrative costs related to the making of connections to the City water system. The fees and charges to be imposed are set forth as follows:

1. A permit fee of \$50.00 shall be charged for every new permit issued to connect or install.
2. A repair permit fee of \$50.00 shall be charged for each repair permit issued.
3. A permit renewal fee of \$25.00 shall be charged when an original permit has expired and the work has not been completed. A renewal permit shall be issued upon application and payment for a permit renewal.
4. An inspection fee of \$100.00 shall be charged for each new or repaired water line connected to the City water system.
5. When new water mains (public or private, or laterals) are installed or extended to subdivisions, developments, or other special projects by private developers; the developer shall reimburse the City for all inspections and plan review costs incurred by the City on the project. A plan review/inspection fee deposit of \$750.00 shall be required from the developer and all plans approved, prior to submitting application for permit. When final construction approval has been granted by the City's inspector, all City plan review and inspection costs shall be calculated by the City. The City shall include one (1) hour inspection time for the final visual inspection of the water improvements to be made after one (1) year of operation (warranty period). Any overrun in plan review/inspection costs over the original amount deposited shall be billed to and paid by the developer. Thirty (30) days shall be given to remit payment by the developer. If total plan review/inspection costs are less than the original amount deposited, the City shall refund the difference to the developer as soon as reasonably possible after construction.

C. When a connection is made to the City water system, the Safety Service Director, or his authorized representative, shall not issue a permit for the purpose described in subsection A hereof until the Applicant therefore shall have paid, in addition to the charges specified in Subsection B hereof, a tap-in charge to be in accordance with the following:

Commencing May 12, 2021 Benefitted Unit of One Equals \$515.00

**BENEFITTED UNIT  
EQUIVALENCY FACTORS**

The following equivalency factors are based upon the Ohio Environmental Protection Agency guide and are computed on the basis of the probable demand a user places on the public water system. The probable flow rate demand is correlated to the demand expected by a single family dwelling by the use of equivalency factors shown below. The minimum equivalency factor that shall be met is one (1) when computing fees and

charges (unless [1] E.D.U. already exists on the property). Equivalency factors for types of users not listed must be determined by the Safety-Service Director on an individual basis.

Single Family Dwelling - per dwelling	1.000
Apartments - per apartment	1.000
Condominiums - per unit	1.000
Mobile Homes (free standing) - per unit	1.000
Mobile Home Parks - per home space/lot	1.000
Rental Cottages - minimum per cottage	0.250
Efficiency Rental - per unit	0.625*
Assembly Halls - per seat	0.005*
Boat Docks	
- Individual Owned without dwelling - per dock space	0.100
- Individual Owned with dwelling - per dock space/parcel-lot	1.000
Bowling Alleys (no food service) - per lane	0.188
Car Wash	
-per automatic bay	1.500
-per manual bay	1.000
Churches	
- with no kitchen - per seat	0.011*
- with kitchen - per seat	0.017*
Country Clubs - per person	0.125*
Dance Halls - per person	0.005*
Dormitories/Barracks - per bed	0.0625
Drive-In Theatres - per car space	0.013*
Factories	
- with no showers - per employee	0.063*
- with showers - per employee	0.088*
Food Service Operations	
- Restaurant (not 24 hours) - per seat	0.088*
- Restaurant (24-hour Service) - per seat	0.125*
- Banquet Rooms - per seat	0.013*
- Tavern - per seat	0.088*
- Drive-in Service - per space	0.125*
- Restaurant (along freeway) - per seat	0.250
Gas (fuel) Station	
-First pump island	2.500
-Per additional pump island	1.250
Hospitals - per bed	0.750
Institutions - per person	0.250*
Laundries (coin operated) - per machine	0.350
Marinas -per dock, rack & storage space	0.050**

Motels/Sleeping Cabin/Guest Room - per unit	0.250*
Nursing & Rest Homes - per patient	0.375*
-per resident employee	0.250*
-per non-resident employee	0.125*
Office Buildings - per employee	0.050*
R.V. Parks & Camps (primitive) - per space	0.125*
R.V. Park & Camps (full service) - per space	0.313*
Recreation Parks - per park capacity	0.010*
Retail Store - per employee	0.050*
School (elementary) - per pupil	0.038*
School (junior & high) - per pupil	0.050*
Shopping Center - per 100 square feet no food/laundry	0.050*
Swimming Pool (with no showers) - per swimmer (capacity)	0.010*
Swimming Pool (with showers) - per swimmer (capacity)	0.018*
Youth and Recreation Camps - per person (capacity)	0.125*

\* Total equivalent factor per establishment shall be a minimum of one (1).

\*\* If a person owns a mobile home (trailer) or recreational vehicle (travel trailer) and a dock space simultaneously within the same subdivision or parcel of land, that person's E.D.U. shall be based upon a mobile home or R.V. only.

For any use not shown herein, the equivalency factor shall be determined by the Safety Service Director on the basis of accepted engineering practice on the basis of anticipated flow from applicant when compared to a single-family residence where the flow of 400 gallons per residence per day will be considered as a unit of one.

The connection charge (tap-in fee) shall be calculated in accordance with this schedule by multiplying the base rate of \$515.00 times the equivalency factor times the number of units to equal the total tap in charge.

D. For the purposes of providing revenue to help finance and to more equitably distribute the cost of construction of necessary additions to the water system, it is hereby determined and declared necessary to provide for the establishment, exaction, and regulation of a water-capacity charge as hereinafter determined with such charge to be in addition to any and all other fees which may be imposed with respect to the City water system.

The funds received from the collection of such charge, as it is herein authorized, shall be deposited with the City Treasurer who shall credit them to a fund from which the Council of the city may take appropriations for the payment of the cost and expense of the construction, operation, maintenance, management and repair of the water system and for the payment of the cost and expense of replacement, extensions to or the enlargement of the same and for the payment of the principal and interest on any debt incurred for the construction of such water system and for the creation of a sinking fund

for the payment of such debt.

The Director of Safety and Service shall be and is hereby authorized and directed to exact a water system-capacity charge whenever:

(1) Application is made for the issuance of a water permit to provide water service to a new structure;

(2) At the time an existing structure is enlarged or its use changes; and

(3) When an existing structure is removed and a new structure built and reuse is made of an existing water service or new water service is constructed, wherever such property is or will be tributary, directly or indirectly, to any water service built or maintained by the city, either inside or outside the corporate limits of said city.

The system capacity charge is established as \$950.00 per benefitted unit (EDU). The capacity charge shall be calculated in accordance with the schedule set forth in paragraph C of this Section, by multiplying the capacity charge of \$950.00 times the equivalency factor times the number of units (EDUs) to equal the total capacity charge to be paid.

E. System Capacity Charges and charges for connections (tap-ins) made to the City water system for properties outside the boundaries of the City and not subject to any separate governmental agreements shall be one hundred fifty percent (150%) of the applicable charge for a connection made within the City.

F. The Director of Safety and Service shall collect the connection charge (tap-in fee) and system capacity charge for all applications submitted for connection(s) to the City water system.

G. The permits and charges provided for in this Chapter shall not be deemed to preclude the subsequent levy of special assessments against benefitted properties to provide funds for the construction, replacement, rehabilitation or other improvement of water systems required to provide water service to such properties, and the permits and charges provided for herein shall be in addition to any other permits and charges required by law and any other Ordinances or regulations of the City.

H. In the event that the Safety-Service Director shall ascertain that any lot or land or building or other structure has been connected directly or indirectly to the City water system in violation of any of the provisions of this Chapter, and the owner, agent, lessee, tenant or occupant of such lot or land fails or refuses to disconnect the same upon being directed to do so by the Safety Service Director, the Director is hereby authorized to cause such lot or land to be disconnected from the system, until such violation shall cease. The City shall be reimbursed by the violator for expenses incurred by the City in making such disconnection.

I. Whoever violates any provision of this section shall upon conviction be charged as

provided in Section 917.99.

**Section 2.** Existing Sections 917.01, 917.02, 917.03, 917.04, and 917.05 of the Codified Ordinance of the City of Port Clinton are hereby repealed.

**Section 3.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 4.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the revised fees and charges can become effective to promote connections to the City water system and thereby increase the revenue received by the City for operating its water system; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor