

DATE: FEBRUARY 21, 2012

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 14 - 2012

BY: ENVIRONMENTAL COMMITTEE:

TITLE: AN ORDINANCE amending CHAPTER 943 "STORMWATER UTILITY" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Section 943.04 "Stormwater Fee" and enacting replacement Section 943.04 "Stormwater Fee", and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The existing Section 943.04 "Stormwater Fee" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there hereby is enacted new Section 943.04 "Stormwater Fee" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

943.04 Stormwater Fee: Subject to the provisions of this Chapter, each and every residential developed and nonresidential developed, other than exempt property, within the corporate limits of the City, and the owners and non-owner users thereof, have imposed upon them a stormwater fee. In the event the owner and non-owner users of a particular property are not the same, the liability for each the owner and non-owner user for the fee attributable to that property shall be joint and several. The stormwater fee shall be billed on a quarterly basis which shall be determined by the provisions of this Chapter and the ERU and ERU Rate which shall be established and changed from time to time by City Council. The rate hereby adopted by the City Council is \$1.00 per month per Equivalent Residential Unit (ERU) and by the following scale for any developed property not considered R-1 Residential. All school properties regardless of size of impervious area shall be calculated as being in the "tier 1" at \$4.00 per month. Rates shall be effective beginning April 1, 2012.

Total Impervious Surface Area

Fee Per Month

1 – 10,000 Square Feet	\$4.00
10,001 – 25,000 Square Feet	\$7.00
25,001 – 50,000 Square Feet	\$10.00
50,001 – 100,000 Square Feet	\$20.00
100,001 Square Feet and up	\$40.00

#### 943.04 Stormwater Fee

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Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community, and for the further reason that the fee change will only affect commercial/industrial property which has a much greater impact on the system. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 19<sup>th</sup> DAY OF March, 2012

ATTEST:

Mary Beth Bailey  
MARY BETH BAILEY, CLERK OF COUNCIL

Glenn E. Gamber  
GLENN E. GAMBER, PRESIDENT

APPROVED:

March 00, 2012

Katherine Catazaro-Perry  
KATHERINE CATAZARO-PERRY, MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 3/19/12