

1st reading 8-14-19
2nd reading 9-4-19
3rd reading 9-4-19
Voted On 9-4-19
Ayes: 6 Nays: 0
PASSED X DEFEATED _____

ORDINANCE NO. 2019-23

**AN ORDINANCE
AMENDING CERTAIN FEES FOR CONNECTING DIRECTLY OR
INDIRECTLY WITH A WATER MAIN OR A SEWER LINE LOCATED IN
ORANGE VILLAGE TO ADD AN INTEREST COMPONENT TO THE FEE
AND DECLARING AN EMERGENCY.**

WHEREAS, Orange Village has previously authorized the construction of certain public improvements (specifically, sewer lines and waterlines) in the Village ("Facilities"); and

WHEREAS, at the time of completion of the construction of the Facilities the Village authorized tap-in fees to be levied on individual property owners who sought to access the Facilities ("Tap-in Fees"); and

WHEREAS, at the time of the establishment of certain Tap-in Fees, the Village did not establish an interest component of the Tap-in Fee to account for the time value of money in the ordinance which established the Tap-in Fee (e.g. Ordinance No. 1997-47); and

WHEREAS, pursuant to the Village's powers under Article XVIII of the Ohio Constitution, this Council finds it appropriate to amend the Tap-in fees previously established which did not have an interest component in order to recover a reasonable rate of interest on the cost of the Project from those property owners who choose to benefit from the project by tapping into the Facilities.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE,
COUNTY OF CUYAHOGA, STATE OF OHIO:**

SECTION 1. That where the Village has, by previous ordinance, established a Tap-in Fee for Facilities which did not have an interest component in the calculation, a simple interest rate of four percent (4%) per annum shall be levied on previously established Tap-in Fee commencing from the date that the prior Tap-in Fee ordinance was passed to the date of the payment of the Tap-in Fee. The maximum Tap-in Fee, including interest, shall be not more than twice the amount of the original Tap-in Fee. This requirement shall be applied to the Tap-in Fee established by Ordinance No. 1997-47 and any other tap-in fee ordinances that did not levy an interest component to the fee from the time of the passage of the ordinance to the time of payment.

SECTION 2. That the payment of any tap-in fee by any person in accordance with this Ordinance is hereby ratified.

SECTION 3. That it is hereby found and determined that each and every formal action of this Council concerning and relating to the adoption of this Ordinance was taken in any open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in each such

