

Ordinance 19-2

AN ORDINANCE ESTABLISHING A STORMWATER UTILITY AND ESTABLISHING JUS AND  
EQUITABLE CHARGES FOR STORMWATER UTILITY USERS, AND DECLARING AN  
EMERGENCY.

**WHEREAS**, the Village of Somerset currently owns and operates a stormwater system for the collection and disposal of storm and other surface and subsurface waters and for flood control; and

**WHEREAS**, the constitution of the State of Ohio, Article XVIII, Section 4, authorizes municipalities to operate a public utility; and

**WHEREAS**, Village Council finds that the 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 Village of Somerset that the costs of the operation, maintenance, and improvements of the stormwater system be borne by the users of the system in relations to their individual contributions of stormwater to the system; and

**WHEREAS**, the stormwater service charge shall be fair, equitable, revenue sufficient to 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 shall consider the impervious area of the various properties or parcels located within the Village limits; and

**WHEREAS**, the Village will adopt rules and regulations to properly manage and maintain the storm water system; and

**WHEREAS**, the Village of Somerset has established standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as necessary to protect the water quality; and

**WHEREAS**, be it Ordained by the Council of the Village of Somerset , Ohio, that:

**SECTION ONE:** Village Council hereby establishes a Stormwater Utility Program. The function of the stormwater utility program is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correct stormwater problems; to fund activities of stormwater management, including design, planning, regulation, education, coordination, construction, operations, maintenance, inspection and enforcement activities. Village Council finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage, and disposal of stormwater provides benefits and services to all property or parcels within the Village limits. Village Council also finds some non-residential properties or parcels outside the Village limits to benefit from the Village of Somerset stormwater system determined by the Village Mayor.

**SECTION TWO:** Village Council directs the Fiscal Officer to establish the Stormwater Utility Program as an enterprise fund. To fund the stormwater utility, it may receive funds from stormwater service charges, general fund, and any other funds or income obtained from federal, state, local governments, and private grants, or loans. Village Council shall adopt an operating budget each fiscal year.

**SECTION THREE:** For the services rendered and use of the stormwater system, rates and service charges shall be collected from the owner or renter of each and every lot, parcel of real estate or building that is situated within the corporate limits of the Village of Somerset,, that is tributary, directly or indirectly to the stormwater system of the Village. Such rates and charges include user service charges,

debt service costs and other service charges in which rates shall be payable as hereinafter provided and shall be in an amount determined as follows:

- 1) The price charged for storm water for each unit inside the corporation of the Village of Somerset shall be two dollars (\$2.00) monthly.
- 2) The price charged for storm water for each unit outside the corporation of the Village of Somerset that was determined by the Village Mayor to be utilizing the Somerset Stormwater utility shall be two dollars (\$2.00) monthly.
- 3) Utility bills not paid by the due date including the stormwater utility charge may be assessed a late penalty of ten percent (10%) of the most recent charges.

**SECTION FOUR:** this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reasons set forth in the preamble hereto, and therefore, the Ordinance shall take effect immediately upon its passage by the affirmative vote of at least two-thirds (2/3) of the members of the Village Council, otherwise this Ordinance shall take effect on a regular basis at the earliest time allowed by law.

**PASSED:** \_\_\_\_\_

\_\_\_\_\_  
Kelly Beem, Fiscal Officer

\_\_\_\_\_  
Tom Johnson, Mayor

I, Kelly Beem, the duly qualified and acting Fiscal Officer of the Village of Somerset, Ohio, do hereby certify that the forgoing \_\_\_\_Ord.\_\_\_\_ as the same as was duly passed by the Council of the Village of Somerset, Ohio, on the \_\_\_\_\_ day of \_\_ \_\_\_\_, 2019.

Posted in 5 public places \_\_\_\_\_, 2019 as per Ordinance No. 02-019.

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Kelly Beem, Fiscal Officer