

ORDINANCE NO. 06-33

AN ORDINANCE AMENDING SECTION 913.20(B) AND SECTION 917.21(F) OF THE CITY'S CODIFIED ORDINANCES RELATING TO CAPACITY FEES FOR WATER SERVICE PERMITS.

WHEREAS, the City has experienced and expects to experience significant growth in and around the City; and

WHEREAS, the continuing growth has and will place increasing demands on the City's public water supply system (Water Utility) and because of those additional demands, the City has determined to expand the capacity of the Water Utility to accommodate those additional demands; and

WHEREAS, the City has retained Floyd Browne Group, Inc. (FBG) to update a previous evaluation of the cost of expanding the capacity of the Water Utility to accommodate future demands on the Water Utility and to determine an equitable cost allocation method that fairly apportions the cost of that Water Utility expansion to new customers of the Water Utility; and

WHEREAS, FBG has completed its evaluation and delivered an Annual Utility Capacity Fee Update, dated February 17, 2006 (the Report), wherein FBG revised capacity improvement calculations and also advised the City that the current use of meter size as a ratio for determining capacity fees to non-residential development does not adequately reflect the full impact that high-end users have on the Water Utility system and therefore recommended that the "equivalent dwelling unit method" be implemented to more accurately determine Water Utility capacity fees; and

WHEREAS, this Council has reviewed that Report and has determined to adopt FBG's findings and recommendations regarding capacity fees including the change to the equivalent dwelling unit method of determining capacity fees for the Water Utility;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, Delaware County, Ohio, that:

SECTION 1. Section 913.20(b) of the City's Codified Ordinances is hereby amended in its entirety to read as follows:

- (b) The following capacity fee shall be charged for permits issued to connect into the City water system and shall be paid upon issuance of said permit.
 - (1) All properties connecting to the City of Delaware water system shall be assigned an Equivalent Dwelling Unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of 400 gallons.

- A. All single-family residential properties connecting to the water system are assigned one (1) EDU.
- B. All master metered multi-family residential properties connecting to the water system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by multiplying the number of multi-family residential units by the Single Family Equivalent (SFE) value that follows:

SINGLE FAMILY
EQUIVALENT VALUES

1 BEDROOM	.63
2 BEDROOMS	.75
3 BEDROOMS	.88
4 + BEDROOMS	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

- C. All properties connecting to the water system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by 400 gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).
- (2) The Water Capacity fee is \$4,600 per EDU which shall be effective from and after June 1, 2006 through December 31, 2006, and shall be \$5,650 per EDU effective from and after January 1, 2007.
 - (3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12 month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than \$1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within

forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.

- (4) the water utility system capacity fee charge for all properties connecting to the water system which are not residential properties and whose estimated daily water consumption is greater than 50,000 gallons per day shall be determined based on an evaluation made of the specific impact on the water utility system for said connection.

SECTION 2. Section 913.20(f) of the City's Codified Ordinances is hereby amended to read as follows:

- (f) Water system capacity fees shall be deposited into the City's Water **CAPACITY FEE** Fund.

SECTION 3. Existing Sections 913.20(b) and 913.20(f) are hereby repealed.

SECTION 4. 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, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 5. This Ordinance shall be in full force and effect on and after the earliest date allowed by law.

PASSED: April 10, 2006

YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: [Signature]
CITY CLERK

[Signature]
MAYOR