

Ordinance No. 1392-10

Passed December 21, 2010

ORDINANCE

AN ORDINANCE REPEALING ORDINANCE NUMBER 1377-10 AND ESTABLISHING FEES ASSOCIATED WITH THE POLAND VILLAGE STORM WATER UTILITY, AND ESTABLISHING A STORM WATER MANAGEMENT FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Poland must establish fees to support the Storm Water Utility instituted by the Village of Poland December 21, 2010; and

WHEREAS, the Council of the Village of Poland has determined that a specific Storm Water Management Fund should be established within the Village budget specifically for the purpose of controlling revenues and expenditures for storm water management purposes.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Poland, County of Mahoning, State of Ohio, that:

Section I. The basic unit of service known as an Equivalent Residential Unit (ERU) shall be set at \$3.50 per unit, which shall determine the monthly fee of each property based the property's ERU multiple, as defined in the Storm Water Utility Ordinance Number 1391-10.

Section II. The fee for issuing a storm sewer tap permit and inspecting the connection shall be one hundred dollars (\$100). The fee shall be paid at the time a permit is acquired.

Section III. All revenues collected from the Storm Water Utility fees shall be deposited in a Storm Water Management Fund. The Council may make additional appropriations to the Fund, and may acquire additional revenue for the fund from grants.

Section IV. Council and its Committees shall administer all disbursements from the Fund, and shall comply with the requirements established by the Storm Water Utility Ordinance.


Section V. This ordinance takes full effect at the earliest point in time allowed by law.

Section VI. That if any part or sub-part of the agreement is found to be unlawful that the remaining portions of the agreement remain in force.

Section VII. That a copy of this Ordinance be entered into the official records of the Village of Poland, Ohio.

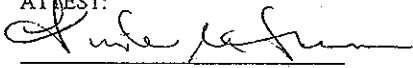
Section VIII. That this ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village of Poland, Mahoning County, Ohio.

Adopted this 21st day of December, 2010.



Timothy D. Scafuse, Mayor

ATTEST:



Linda M. Srnec, Clerk-Treasurer

I, Linda M. Srnec, as Clerk Treasurer of the Village of Poland, Ohio, do hereby certify that the above Ordinance was published in *The Vindicator*, an English newspaper of general circulation, on the following dates:

_____ and _____

Approved as to form:



Anthony M. D'Apolito, Solicitor

Ordinance No. 1397-11Passed January 18, 2011

AN ORDINANCE AMENDING ORDINANCE NUMBER 1392-10
AND DECLARING AN EMERGENCY.

Whereas, the Council of the Village of Poland, Ohio does need to amend Ordinance Number 1392-10 due to an error of omission.

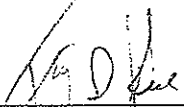
NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Poland, County of Mahoning, State of Ohio:

Section 1. That Ordinance Number 1392-10 be amended to include the following additional section:

Section IX. That Ordinance Number 1377-10 is hereby repealed and replaced with the above ordinance.

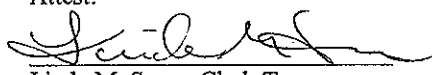
Section 2. That this ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village of Poland, Mahoning County, Ohio.

Passed this 18th day of January, 2011.



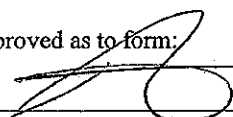
Timothy D. Sicafuse, Mayor

Attest:



Linda M. Srnec, Clerk-Treasurer

Approved as to form:



Anthony M. D'Apolito, Solicitor

Ordinance No. 1391-10

Passed December 21, 2010

**AN ORDINANCE REPEALING ORDINANCE 1376-10
AND ESTABLISHING A STORM WATER UTILITY
PROGRAM FOR THE VILLAGE OF
POLAND, OHIO**

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, requires certain political entities, such as the village, to implement storm water management programs within prescribed time frames, and the Environmental Protection Agency has published rules for implementation of said storm water management programs that include the establishment of a storm water utility to fund said storm water management program.

Pursuant to the authority granted to the Village of Poland by the Constitution and laws of the State of Ohio, the following ordinance is established to implement a Storm Water Utility. The Storm Water Utility established pursuant to this ordinance shall formulate a means to organize, operate, and manage such a utility; shall establish and provide for collection of storm water service charges or user fees; shall provide for rates applicable thereof and a method of calculation of such rates; and shall delineate all things necessary for the full implementation of a Storm Water Utility.

WHEREAS, the Village of Poland has studied the issue of storm water management through special committee known as the Storm Water Advisory Team (SWAT); and,

WHEREAS, the Village of Poland has experienced significant storm events over a number of years, which events have exceeded the capacity of the existing public and private storm drainage facilities causing significant amounts of flooding to occur in the Poland Village community; and,

WHEREAS, the Village of Poland has experienced continuous instances of limited or lack of finances to address the overall scope of storm water management; and,

WHEREAS, the Village of Poland currently owns and operates a storm water system for the collection and disposal of storm and other surface waters and for flood control; and,

WHEREAS, in order to reduce flooding, the Storm Water Advisory Team and Streets Committee have recommended to Village Council the establishment of a Storm Water Utility to provide for the effective management and financing of a storm water system within the Village of Poland; and,

WHEREAS, Village Council has determined that the establishment of a Storm Water Utility is necessary for the continuing health, safety and welfare of the citizens of the Village of Poland;

WHEREAS, Village Council has reviewed this matter and has reflected upon it and the concerns of the residents of the Village of Poland and has determined that certain changes to the prior ordinance were appropriate;

Ordinance No. 1391-10Passed December 21, 2010

WHEREAS, Village Council has determined it is necessary to repeal the prior Storm Water Utility Ordinance and replace it with the following;

Now, Therefore, Be It Ordained By the Council of the Village of Poland, Ohio:

Section 1. Poland Village Ordinance 1376-10 is hereby REPEALED and is replaced with the following ordinance.

Section 2. The Council of the Village of Poland hereby establishes a Storm Water Utility. The Storm Water Utility shall establish the means to organize, operate, and manage the utility; shall establish and provide for collection of storm water service charges or user fees; shall provide for rates applicable thereof and a method of calculation of such rates; and shall delineate all things necessary for the full implementation of a Storm Water Utility including the adoption of rules and regulations as may be adopted by Village Council pursuant to Ordinance.

Section 3. The Village shall operate its Storm Water Utility as a public utility and in a manner so as to provide for and maintain open drainage ways, underground sewers and drains, and other storm water drainage facilities, equipment and appurtenances necessary, useful or convenient to providing a complete and adequate system of storm water drainage for the Village and its inhabitants.

Section 4. The Storm Water Utility shall be jointly administered by the Streets, Sidewalks and Drainage Committee and the Storm Water Utility Coordinator, who shall be appointed by the Mayor and approved by Council. The responsibilities of the Coordinator are herein defined, but not limited to:

1. Each property under the jurisdiction of the utility shall be assessed and categorized for the purpose of rate charges as specified within Section 4 this ordinance. Appropriate records shall be maintained.
2. The Storm Water Utility Coordinator will be responsible for the collection of tap fees into the storm water draining system. The fee for issuing a storm sewer tap permit will be established by Village Council through Ordinance.

Section 5. Village Council shall, pursuant to Ordinance, establish the rate to be charged by the Storm Water Utility to each owner of property located within the municipal corporation limits of the Village of Poland. Rates are to be based on 1) the classification of the property being charged, 2) the contribution of the property to runoff into the storm water system and 3) the amount of impervious area contained on the property. All properties having impervious area within the Village of Poland will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof. Properties will be categorized as "Residential" or "Non-Residential" to determine the amount each is to be charged.

RECORD OF ORDINANCES

Blank, Inc.

Form No. 30043

Ordinance No. 1391-10

Passed December 21, 2010

1. "RESIDENTIAL" - The basic unit of service for "RESIDENTIAL" service shall be one Equivalent Residential Unit (ERU) equal to 2,500 square feet of impervious surface applicable to all conventionally developed residential properties defined and identified as single-family residential. Each residential property within the Village of Poland shall be charged no more than one ERU.

2. "NON-RESIDENTIAL" - Those properties that are defined and identified as "NON-RESIDENTIAL" properties with impervious surfaces shall be charged for each basic unit of surface that contributes to property runoff into the storm water system and the total amount of impervious area contained in the property. Non-residential units shall be charged one Equivalent Residential Unit (ERU) for every 2,500 square feet of impervious surface that contributes runoff into the storm water system. (Example: one square foot to 2,500 square feet = 1 ERU, 2,501 square feet to 5,000 square feet = 2 ERU's, etc.)

Section 6. The Village Council shall, by Ordinance, establish the base rate ERU for the Storm Water Utility service charge. The base rate shall be calculated to ensure adequate revenues to fund the expenditures of stormwater management and to provide the operation, maintenance, and capital improvements of the storm water system that is the responsibility of the Village.

Section 7. A nonresidential property owner may challenge the ERU multiple assigned to his/her property by filing an appeal with the Storm Water Utility Coordinator for adjustment thereof, stating in writing the grounds for appeal. The Storm Water Utility Coordinator shall consider the appeal, and adjust the property's assigned ERU if appropriate.

Section 8. The collection of the Storm Water Utility Fee will be done by Aqua Ohio through an agreement with the Village of Poland, Ohio. Any delinquent accounts on any fees not paid shall be forwarded to the Mahoning County Treasurers Office to be collected by an addendum to the collection of real estate taxes, coordinated through the office of the Mahoning County Auditor.

Section 9. All salaries, fees and other costs incurred from the administration of the utility shall be appropriated from the utility's revenues.

Section 10. A Storm Water Utility fund shall be established within the budget of the Village of Poland for the sole purpose of costs associated with providing and maintaining the storm water system, and administration of the utility.

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Section 11. Storm water systems applicable to this ordinance shall include only public facilities and systems that are the responsibility of the Village. Facilities not qualifying as public facilities include but are not limited to:

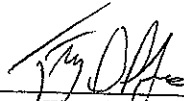
1. Private parking lot storm drains.
2. Roof, footing and area drains.
3. Drains not designed and constructed for use by the general public.
4. Open drainage swales, retention/detention basins, or ditches on private property for which no public easement of record has been granted.
5. Access drive culverts.

Section 12. The Village may expend funds from the Storm Water Utility fund for non-qualified facilities if in the judgment of Village Council the expenditure would benefit residents of the Village generally, and not benefit the individual property exclusively.

Section 13. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not effect the other provisions or applications of the provisions or any other provision of this ordinance, which can be given effect without the invalid provision or application, and to this end the provisions are severable.

Section 14. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

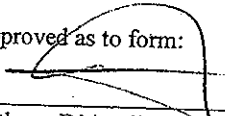
PASSED this 21ST day of December, 2010.


 Timothy Sicafuse, Mayor

ATTEST:


 Linda M. Srnec, Clerk-Treasurer

Approved as to form:


 Anthony D'Apolito, Solicitor

I, Linda M. Srnec, as Clerk Treasurer of the Village of Poland, Ohio, do hereby certify that the above Ordinance was published in *The Vindicator*, an English newspaper of General circulation, on the following dates: _____ and _____

 Linda M. Srnec, Clerk-Treasurer