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Clerk of Council

# City of Willoughby Hills

*Council*  
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NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## **ORDINANCE NO. 2011-20**

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### **AN ORDINANCE AUTHORIZING THE INSTALLATION OF A SEWER DEDUCT METER AT PROPERTY OWNED BY GS WILLOUGHBY LLC, PERMANENT PARCEL NO. 31-A-006-B-00-020-0 LOCATED AT 2730 SOM CENTER ROAD AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City of Willoughby Hills recognizes nurseries as a specific class of customer that utilizes significant amounts of potable water for irrigation purposes of nursery stock; and

**WHEREAS**, the City of Willoughby Hills has determined to grant special consideration to nurseries that demonstrate; from Lake County Utilities Department records, the usage of greater than fifty percent (50%) of delivered potable water on an annual basis for nursery stock irrigation and propagation; and, where such usage does not result in a discharge to the City's sanitary sewer.

**WHEREAS**, the City of Willoughby Hills has determined that the water usage at property (PP #31A-006-B-00-020-0) owned by GS Willoughby LLC and hereinafter referred to as **GS** and generally classified as a nursery, uses greater than fifty percent (50%) of delivered water for irrigation purposes due to the nature of business conducted at said property; and

**WHEREAS**, **GS** is subject to the rules and guidelines of the Lake County Utilities Department and is therefore billed for sanitary sewer usage based upon the water consumption used at the subject property; and

**WHEREAS**, the City of Willoughby Hills has determined that most of the water utilized by **GS** does not drain; connect to; or, impact the City's sanitary sewer system and is not treated by the City of Euclid's Wastewater Treatment Plant; and

**WHEREAS**, the City of Willoughby Hills will permit the installation of a sewer deduct meter properly designed, installed, inspected and approved by the City of Willoughby Hills on the waterline that is exclusively used for irrigation purposes by **GS**; and

**WHEREAS**, the City of Willoughby Hills understands the sewer billings performed by the Lake County Utilities Department for the City will then be adjusted based upon the readings from the sewer deduct meter.

***NOW BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, THE COUNTY OF LAKE, AND THE STATE OF OHIO THAT:***

**SECTION 1.** The City of Willoughby Hills authorizes the installation of a sewer deduct meter on property owned by GS Willoughby LLC and further known as Permanent Parcel No. 31-A-006-B-00-020-0 with an address known as 2730 SOM Center Road.

**SECTION 2.** If properly designed, installed and approved by the City of Willoughby Hills, the sewer deduct meter will be utilized by the Lake County Utilities Department to determine the actual usage and accordingly adjust the sanitary sewer bill issued to the subject property.

**SECTION 3.** The Council and Administration of the City of Willoughby Hills authorizes the usage of this Ordinance as evidence of the City's approval in order for GS Willoughby LLC to secure a permit from the Lake County Utilities Department for the installation of the deduct meter. It is also understood that all costs associated with procurement, installation and inspection of this meter is the complete responsibility of GS Willoughby LLC.

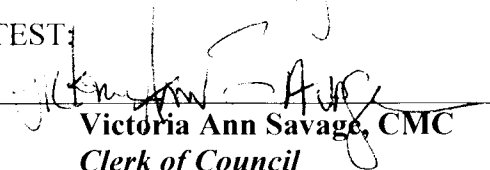
**SECTION 4.** All the actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills


**SECTION 5.** This Ordinance constitutes an emergency measure that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of a Municipal Department and further reason being that the City immediately grants consideration to GS Willoughby LLC, (PP No. 31-A-006-B-00-020-0 to design and install a deduct meter before the next meter reading is taken by Lake County; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: May 12, 2011

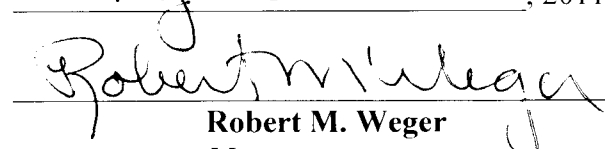
Submitted to the Mayor for his approval  
on this 5 day of May, 2011

ATTEST:

  
**Victoria Ann Savage, CMC**  
*Clerk of Council*

  
**Kevin D. Malecek**  
*President of Council*

Approved by the Mayor

May 12, 2011  
  
**Robert M. Weger**  
*Mayor*