

RECORD OF ORDINANCES

Ordinance No. 2020-0-06 Passed June 29, 2020
YEAR

VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO ORDINANCE No.: 2020-O-06

AN ORDINANCE ESTABLISHING WATER RATES FOR MUNICIPALLY OWNED WATER UTILITY AND ESTABLISHING RULES AND PROCEDURES

WHEREAS, Section 743.04(A) of the Ohio Revised Code generally states that for the purpose of paying the expenses of conducting and managing the waterworks of a municipal corporation, including operating expenses and the costs of permanent improvements, the municipality may assess and collect a water rent or charge of sufficient amount and in such manner as the municipality determines to be most equitable from all tenements and premises supplied with water.

WHEREAS, Section 735.273, paragraph 3 of the Ohio Revised Code provides that the rates for service and charges for municipally owned utilities shall be determined by the legislative authority of the village; and

WHEREAS, the Fiscal Officer reports that it is the opinion of the Ohio Assistant Auditor that is currently working in village matters that 1) the village needs to address disconnect fees; 2) the village should establish a grace period; and 3) the village should utilize it exemplary rate; and

WHEREAS, the Fiscal Officer has researched rates for water service in surrounding villages and shared the information with council; and

WHEREAS, after consideration of the fiscal health of the village water utility, the Fiscal Officer has recommended an increase in the water utility rates for service; and

WHEREAS, village council has weighed the recommendation of the Fiscal Officer and the current fiscal health of the water utility against its desire to maintain affordability to its water utility customers and has determined that it is necessary to update the rates for service and charges for its municipally owned water utilities and establish rules and procedures.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NORTH FAIRFIELD, STATE OF OHIO: (RC 731.18)

SECTION 1. VILLAGE ADMINISTRATOR. That, pursuant to Section 735.273 of the Ohio Revised Code, the Village Administrator is hereby authorized and directed to manage and control the waterworks system in said Village in a safe, economical, and efficient manner.

The Village Administrator is further authorized and directed to make such bylaws and regulations it deems necessary for the safe, economical, and efficient management and protection of said waterworks public utility system. Such bylaws and regulations, when not repugnant to

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municipal ordinances and resolutions or to the constitution of this state, shall have the same validity as ordinances. RC 735.273

SECTION 2. WATER UTILITY CLERK (Fiscal Officer). The Fiscal officer shall also serve as water utility clerk. That the Water Utility Clerk is hereby authorized and directed to render bills and collect all money due. The utility clerk shall establish proper system of accounts and shall keep proper records.

SECTION 3. OPERATOR OF RECORD. Village shall provide for a water Operator of Record as required by law.

SECTION 4. WATER SERVICE TO BE METERED. All water service customer accounts shall be metered to measure water usage in gallons.

SECTION 5. Definition of classes of users of the water service of the Village:

- A. RESIDENTIAL shall include all single or multiple unit residential accounts.
- B. COMMERCIAL shall include all non-residential accounts.
- C. BULK WATER. Intentionally left blank

The Village Administrator shall determine the class of each user.

SECTION 6. QUARTERLY WATER RATES. Quarterly rates for service and charges for municipal water service shall be as follows:

- A. RESIDENTIAL RATE. Minimum Rate of **\$42.00** per quarter per tap account for usage of 0-6000 gallons plus **\$7.00** per each additional 1000 gallons of usage in excess of 6000 gallons.
- B. OUT OF TOWN WATER RATES. Intentionally left blank.
- C. COMMERCIAL RATE. Intentionally left blank.
- D. BULK RATE. Intentionally left blank.

SECTION 7. CONTRACT FOR WATER SERVICE AND PAYMENT RESPONSIBILITY

- A. OWNER APPLICATION. No service shall be established until property owner makes application for service which shall contain the following:
 - i. Copy of Ohio Driver's License or Ohio Photo I.D.

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- ii. Applicant permanent residential address
- iii. Service Property address
- iv. Agreement that applicant assumes responsibility to pay all charges.
- v. Signature of property owner.
- vi. Application Fee.

B. Initial Service shall only be established in name of property owner.

C. TENANT. Water bill may be placed in name of tenant only if all of the following:

- i. Property owner remains responsible and liable for any and all unpaid charges of incurred by tenant at property address.
- ii. Property owner provides signed copy of lease containing full name of tenant, property address and lease terms.
- iii. Agreement and signature of tenant(s) to assume charges.
- iv. Copy of Ohio Driver's License or Ohio Photo I.D of responsible tenant(s).
- v. Application Fee.

D. New service to customers tapping into system shall be charged a tap fee.

SECTION 8. DEPOSITS. Intentionally left blank.

SECTION 9. FEES AND PENALTIES.

A. APPLICATION FEE: \$50.00

B. TAP FEE: \$450.00

C. RETURNED CHECK FEE: \$35.00

D. LATE PENALTY. A ten percent (10%) late fee penalty shall be assessed to water bills not paid by the tenth (10th) day of each month.

E. DISCONNECTION FEE: \$175.00

F. RECONNECTION FEE: \$25.00

SECTION 10. BILLING PROCEDURE

A. QUARTERLY BILLING. Charges for water and water service shall be billed, charged and paid QUARTERLY at the office of the Fiscal Officer.

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Owner Billing. All owners of property being serviced by village water shall be provided a copy of the water service bill and any delinquency of disconnection notices associated with the water service; and

Tenant billing. If the property being serviced by village water is occupied by an individual other than the property owner under a written rental agreement, the renters shall also receive a copy of the water service bill and any delinquency or disconnection notices associated with the water service at that location.

B. DUE DATE.

i. All bills are due on the **tenth (10th)** of day of the month following a **quarterly** billing.

ii. **Customers are granted a (5) five day grace period. (See Motion of Council 4/27/20)**

iii. Customers who fail to pay on time shall be charged a late penalty.

C. TERMINATION OF SERVICE. Delinquent water service accounts shall be disconnected and charged a disconnection fee if not paid by the **twentieth 20th** of the month following a quarterly billing.

D. PAYMENTS IN LIEU OF TERMINATION OF SERVICE.

Payments on account in lieu of termination of service may only be made upon **approval of 2/3 of all members of council.** (for concept, see mayor email 6/15/20)

E. REINSTATEMENT OF SERVICE. Delinquent water service accounts **shall** be paid in full including penalties and fess (**including reconnection fee**) prior to reinstatement of service.

F. VOLUNTARY TEMPORARY SHUT OFF. If water service is temporarily shut off at the voluntary request of the customer for any reason to include, but not limited to construction, repairs, the “turn off” and “reconnection” fee may be waived by the Utility Clerk with the approval by motion of council. Request shall be done in writing and signed by the property owner and if applicable, the tenant.

SECTION 11. ASSESSMENT AND COLLECTION OF WATER RENTS RC 743.04. Past due water charges shall become a lien on property and collected as provided by Section 743.04 of the Ohio Revised Code.

SECTION 12. PROCEEDS FROM WATER WORKS TO BE A SEPARATE FUND. All funds collected for water service shall be deposited into a separate and distinct fund known as the

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water fund, and said monies shall be used for the payment of costs and expenses incurred for the management, maintenance, enlargement, operation, and repair of the waterworks system and for no other purpose. (See RC 743.06)

SECTION 13. ANNUAL REVIEW. Yearly review of rates: Village Council, at the first meeting of June of each year, shall review water rates. Water rates shall be adjusted when necessary to provide for the safe, economical, and efficient management and protection of said waterworks system.

SECTION 14. INVESTIGATION BY VILLAGE COUNCIL. Village council may appoint committee to investigate books of water works as provided by RC 743.08.

SECTION 15. BOND OF CONTRACTOR – EMERGENCY – RC 743.11

A. BID GUARANTEE. Before entering into any contract for work to be done concerning the water works of the village, the village administrator shall ensure that the requirements of section 153.54 of the Revised Code are met.

B. EMERGENCY. In case of emergency the legislative authority of the municipal corporation may, by a two-thirds vote of all members elected thereto, authorize the director to enter into such contract without formal bidding or advertising.

SECTION 16. WATER SERVICE USE RESTRICTIONS.

A. Village council and/or the Mayor reserves right to make a written Order forbidding, suspending or restricting the use of water in case of a water shortage, contamination or other water related emergency. Such Order may include, but is not limited to, prohibition of filling swimming pools, watering lawns, trees, shrubberies or gardens.

B. Failure to comply with any Restriction Order after service of written warning is a minor misdemeanor.

C. Village may terminate water service to any customer who violates any Restriction Order after service of written warning.

SECTION 17. REPEAL. That Ordinances No.: 98-14, 97-13 and 95-7, along with Ordinances No.: 2013-O-07, 2012-O-06, 2010-O-07, 2010-O-03, and 2008-O-04, , and all other conflicting legislation are hereby rescinded and repealed.

SECTION 18. EFFECTIVE DATE. This ordinance shall take effect and be in full force beginning the 1st day of July, 2020.

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SECTION 19. DISPENSE WITH THREE READINGS. [R.C. 731.17(A)(2)] That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

SECTION 20. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance is hereby declared an emergency measure pursuant to RC 731.30.

SECTION 21. PUBLIC MEETING. That it is found and determined that all formal actions of this public body concerning or relating to the passage of this Resolution / Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.


WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 29th day of June, 2020.

AUTHENTICATION and ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading: June 29, 2020
Second Reading: Dispensed [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]
Third Reading: Dispensed [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

APPROVED AS TO FORM:


VILLAGE SOLICITOR, Steve Palmer


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CERTIFICATE OF POSTING
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority (See Ord 2019-O-12) for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Fiscal Officer Office, 3 East Main St., North Fairfield, Ohio; and
- 2) North Fairfield Village Hall, 3 East Main St., North Fairfield, Ohio.; and
- 3) North Fairfield Public Library, 5 East Main St., North Fairfield, Ohio; and
- 4) North Fairfield Post Office, 1 North Main St., North Fairfield, Ohio; and
- 5) Electronically online at official Village website


FISCAL OFFICER