

RECORD OF ORDINANCES

VILLAGE OF MCCONNELSVILLE

Ordinance No. 18-09 Passed the day of 2018

AN ORDINANCE TO ESTABLISH WATER AND SEWER RATES

WHEREAS, IT IS NECESSARY FROM TIME TO TIME TO INCREASE WATER AND SEWER RATES TO PROVIDE SUFFICIENT FUNDS TO FINANCE THE OPERATION OF THE VILLAGE'S WATER AND SEWER SYSTEMS, AND

WHEREAS, THE VILLAGE HAS BEEN MANDATED BY THE OHIO EPA TO ELIMINATE ANY COMBINED SEWER OUTFALLS OVER THE NEXT FEW YEARS; THE VILLAGE WILL NEED TO EXPEND MORE THAN ONE MILLION DOLLARS TO SEPARATE ITS COMBINED SEWER SYSTEM INTO A SEPARATE SANITARY SEWER SYSTEM AND A SEPARATE STORM SEWER SYSTEM.

NOW IT IS THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF MCCONNELSVILLE, MORGAN COUNTY, OHIO AS FOLLOWS:

Section 1. Unit categories for water and sewer customers

1. Residential unit

Residential units shall be defined as any water and or sewer customer that is using the water and or sewer service for residential purposes only. Residential use would be normal household use such as bathrooms, kitchens, outdoor spigots and non-commercial garages and out buildings.

2. Business or commercial unit

Business and commercial units shall be defined as any water and or sewer customer that is using water and or sewer for any type of business, commercial or residential use for either profit or non-profit use. A business or commercial unit shall be defined as a location that uses either water or sewer or both water and sewer. A business or commercial user does not have to have the same appurtenances as a residential unit, such as a bathroom, kitchen or bedroom.

3. Governmental unit

Governmental unit shall be defined as a water and or sewer customer that is a Governmental entity.

4. Apartments, or apartment buildings, duplexes; and, triplex units

Apartment units shall be defined as either a self-contained residence, situated with other similar units in a larger building; or a single room in a residential or commercial building or a suite of adjoining rooms; e.g. an office suite, entertainment suite, or place to live. An apartment can be self-contained or share the same living, dining and kitchen space with other apartments.

5. Hotels, Motels, Bed & Breakfasts; and, Boarding House units

Hotels, Motels, Bed & Breakfasts; and, Boarding House units shall be defined as any building that has multiple rooms that is designed to accommodate customers on a nightly basis. Hotels, Motels, Bed & Breakfasts; and, Boarding House units will be required to provide a copy of their certificate of occupancy;

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and, a certificate issued by a government agency stating they are operating as a Hotel, Motel, Bed & Breakfast or Boarding House, have a vendor's license and pay a bed tax.

Section 2. Billing units

- A. Water and or Sewer shall be billed per single unit or by multiple units:
1. A single unit will be defined as follows; but, is not limited to any location or building that is served with a water and/or sewer that will have only one end user. The end user may be residential, business, commercial, or governmental.
 2. A multi-unit will be defined as follows; but, is not limited to any location or building with a water and/or sewer tap with the capability of serving more than one end user (an end user may be a single person, a family, or a business). The end user may be residential, business, commercial, or governmental.
 3. All categories (residential, business, commercial, governmental, apartments or apartment buildings, duplexes, and triplexes) with the exception of Hotels, Motels, Bed & Breakfasts; and, Boarding Houses will be billed by the unit or multiple units. Hotels, Motels, Bed & Breakfasts, and Boarding Houses will be billed through a meter and calculated at the single unit rate charge.

Section 3. Out of town customers

1. The Village of McConnelsville does supply water and/or sewer services to customers that are outside the Village corporation limits. Any customer that is outside of the Village's corporation limits and receives water and/or sewer services from the Village of McConnelsville shall be charged the applicable in-town rates multiplied by one and a half (1.5).
2. If an out of town customer receives sewer services only from the Village and water services from another water supplier, the Village shall bill the customer for its sewer services based on the water usage of the other water supplier; but, will use McConnelsville sewer rates. This rate will be the in-town rates multiplied by one and a half (1.5).

Section 4. Satellite systems (such as Morgan-Meigsville Rural Water System)

1. Satellite systems will be bill at the actual cost of water delivery plus an additional ten percent (10%). The actual cost of delivery will include current operational and maintenance cost plus projected cost for the replacement and long-term maintenance and repair of appurtenances pertaining to the water and/or sewer system that services the Satellite system. Water bills will be calculated from master meters that connect the Village water system to the satellite system.

Section 5. Vacant or unoccupied units and rates

1. A unit shall be deemed vacant or unoccupied when there is no one occupying that particular unit; and, that unit does not exceed 500 gallons of water usage. If

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the unit exceeds 500 gallons of water usage for a particular month that unit will be charged the normal single unit rate as described in Section 6.

2. The vacant or unoccupied unit charges twelve dollars (\$12.00) for water and twelve dollars (\$12.00) for sewer.
3. There shall be a vacant charge of twelve dollars (\$12.00) for water and twelve dollars (\$12.00) for sewer at any location with a structure on it that has, or has had water and/or sewer service to it at one time; even if the water is physically turned off at the curb stop. The vacant rate will be charged if property owner wants to maintain service to property. If property owner wants services removed and has no structure, then the vacant rate will not apply; but, will be charged termination of service fees as stated in Section 10-B. The vacant unit charge will be charged for each unit in a multi-unit building that is vacant.
4. It shall be the responsibility of the property owner to notify the Village that their property is vacant or unoccupied.
5. It shall be the property owner, landlord; or, manager of a multiple unit property to notify the Utilities Billing Officer in writing as to the number of occupied or unoccupied units. Once the unit becomes occupied the owner, landlord; or, manager shall immediately notify the Utility Billing Officer and the water and/or sewer bill shall be recalculated as set forth in this ordinance. Billing revisions shall be effective at the beginning of the next billing cycle after the date of notification; and not retroactive to the date of vacancy.

Section 6. Water and Sewer Rates

- A. Water and sewer rates shall be as follows:

In town rates

Water: Base rate with up to 2000 gallons usage	\$34.89
Any usage over 2000 gallons is \$3.00 per 1000 gallons	
Sewer rates: Base rate with up to 2000 gallons usage	\$39.39
Any usage over 2000 gallons is \$5.00 per 1000 gallons	

Out of town rates

Water: Base rate with up to 2000 gallons usage	\$52.35
Any usage over 2000 gallons is \$4.50 per 1000 gallons	
Sewer: Base rate with up to 2000 gallons usage is	\$59.09
Any usage over 2000 gallons is \$7.50 per 1000 gallons	

- B. Water and sewer rate increases for the future:

The water and sewer rates will increase annually by three percent (3%) each year hereafter, and exclude vacant rates, until acted upon by the Village Council.

1. Single unit or multi-units

Unoccupied units (usage between 0 and 500 gallons of water per month) shall be billed at twelve dollars (\$12.00) per month for water and twelve dollars (\$12.00) per month for sewer.

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It shall be the property owner, landlord; or, manager of a single or multiple unit property to notify the Utility Billing Officer, in writing as to the number of occupied or unoccupied units. Once the unit becomes occupied, the owner, landlord; or, manager shall immediately notify the Utility Billing Officer and the water and/or sewer bill shall be recalculated as set forth above. Billing revisions shall be effective at the beginning of the next billing cycle after the date of notification and not retroactive to the date of vacancy.

If the Village discovers that a unit has been occupied and the Utility Billing Officer was not notified by the owner or landlord; that unit will be billed for the entire month in which it was discovered.

Section 7. Separate Shut off Valves

All new structures with multiple units, and all existing structures with multiple units that are in the process of being remodeled shall have separate shutoff valves installed for each separate unit.

Section 8. Tap Fees

A. Sewer Taps

All requests for sewer taps shall be made by the property owner to the Village Administrator; on a form authorized by the Village Administrator. The minimum amount to be charged for any sewer tap shall be twelve hundred dollars (\$1,200.00) and this amount shall be deposited with the Village at the time of the request for the sewer tap. If the estimated installation cost of the sewer tap exceeds twelve hundred dollars (\$1,200.00), the property owner shall be required to deposit a sum equal to the estimated cost. After installation, the property owner shall be charged the actual cost of installation plus ten percent (10%). If the actual cost is less than the estimated cost that was deposited, the property owner shall be reimbursed the difference. Village personnel shall be billed at fifty dollars (\$50.00) per hour and Village equipment shall be billed at seventy-five dollars (\$75.00) per hour.

B. Water Taps and Meters

All requests for water taps shall be made by the property owner to the Village Administrator on a form authorized by the Village Administrator. The minimum amount to be charged for any water tap shall be twelve hundred dollars (\$1,200.00), and this amount shall be deposited with the Village at the time of the request for the water tap. If the estimated material and installation cost of the water tap, water meter, and any other mandatory devices, such as backflow prevention devices, exceeds twelve hundred dollars (\$1,200.00) the property owner shall be required to deposit a sum equal to the estimated cost. After installation, the property owner shall be charged the actual cost of installation and materials plus ten percent (10%). If the actual cost is less than the estimated cost that was deposited, the property owner shall be reimbursed the difference. Village personnel shall be billed at fifty dollars (\$50.00) per hour and Village equipment shall be billed at seventy-five dollars (\$75.00) per hour.

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Section 9. Due Date, Late Fees, and Other Penalties

Water and/or sewer billings shall be based on the previous month's water meter reading. The bills shall be mailed to customers on or before the fifth (5th) day of the month and shall be paid by the customer on or before the fifteenth (15th) day of the month or shall be considered late. Late payments shall be penalized ten percent (10%) of the amount charged.

If the water and/or sewer bill is more than thirty (30) days late, which is the fifteenth (15th) of following month, the Village shall send out a notice stating the amount owed (blue tags). If the water and/or sewer bill is forty-five days (45) past due, which is the first (1st) of the next month, the water and or sewer service will be disconnected and an additional fifty dollars (\$50.00) will be charged to their account. This fifty dollars (\$50.00) will include the reconnection fee if the water and/or sewer service is disconnected. A notice will be handed out when the water is shut off (red tag).

In the event water and or sewer service is discontinued two times in any twelve (12) month period, the Village shall require, in addition to other charges, that the late paying customer deposit two hundred dollars (\$200.00) with the Village as security against future disconnections. The deposit shall be maintained for one year at which point the Village shall apply the deposit to the customers' monthly billings.

The Village Administrator has the authority to adjust a customer's bills in certain situations as deemed necessary. The Administrator also has the authority to grant an extension of payment for a customer's bill as he or she deems necessary if a customer can show a need for the extension.

Customers have until the last day of the month to report any leaks or discrepancies in their water or sewer bill so adjustments can be made.

Returned checks: There shall be a fee of thirty dollars (\$30.00) for any returned checks. In the event that a returned check is in connection with a non-payment disconnect, the returned check must be paid including the thirty dollar (\$30.00) return check charge before the water services are turned on.

Section 10. Discontinuance of Service.

If water and or sewer service is discontinued temporarily for any reason other than non-payment, there shall be no fee charged for the service call to shut off or turn on the water and sewer services if said call occurs during regular business hours.

If water and or sewer service is discontinued temporarily during non-business hours for any reason other than non-payment; there shall be a fifty-dollar (\$50.00) fee charged for the service call to shut off or turn on the water and sewer services.

The Village reserves the right to discontinue water and or sewer service to any customer that is experiencing a water or sewer leak until such time as the

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customer causes the leak to be repaired. If the customer is experiencing any type of sewer leak the water service will be turned off to control the sewer leak.

B. Termination of Service

Shall be billed at fifty dollars (\$50.00) per man hour, and seventy-five dollars (\$75.00) per equipment use per hour and any supplies needed.

Section 11. Laterals

The property owner shall be responsible for maintaining the water line up to the Village’s curb stop.

Customers shall not allow anyone to connect to their water service lines.

The property owner shall be responsible for maintaining the sewer line up to the curb line if they live in an area where there are curbs along the Village streets. If there are no curbs in the area where the customers live then they are responsible for their service line to the edge of paved street. If the sewer line does not run to a paved street then the customer is responsible for their line to the edge of the Village’s right of way. However; the Village may agree to be responsible for a sewer line if it crosses multiple properties and there is more than one customer being serviced by that sewer line. If the sewer main is located on the same property as the lateral then it is the property owner’s responsibility up to the main line.

Customer shall not allow anyone to connect into their sewer service line without the consent of the Village.

It shall be the property owner’s responsibility to verify that any sewer plug is on the owner’s property or off of their property. The Village will assist them if we can.

Section 12. Landlord-Tenant Liabilities

In the case of leased premises, both the Landlord and the Tenant shall be liable for the payment of water and/or sewer charges. The Village at its option may collect the charges from either the Landlord, Tenant, or both; however, in the event that the tenant is paying the water and/or sewer bill and neglects to pay the bill the property owner shall be responsible for the bill.

In cases where the tenant is paying the water and/or sewer bill and becomes delinquent on their bill, then vacates the property without making restitution the property owner shall be liable for the water and/or sewer charges. The property owner shall only be liable for the water and/or sewer charges and will not be liable for any penalties that the tenant has accumulated.

If a property owner repeatedly rents to tenants that are late on their water and/or sewer payments, the Village Administrator has the authority to require the property owner to make the water and/or sewer payments.

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Section 13. Other Rules and Regulations

The Village Administrator may make from time to time such rules and regulations as are necessary in his opinion to effectuate the intent of this ordinance; to collect the fees set forth in this ordinance; and, to ensure compliance with all the rules, regulations, and statutes of the United States, State of Ohio, and Morgan County Department of Health.

Section 14. Tampering

Ohio Revised Code Section 4933.18 prohibits any person from knowingly, without the Village's consent to tamper with a water meter, conduit, or other attachment of the utility. Ohio Revised Code Section 4933.19 makes it a criminal offense for any person to knowingly consume any water that has not been correctly registered because a meter, conduit, or attachment has been tampered with or that a service that has been discontinued by the Village is reconnected without the Village's consent. Ohio Revised Code Section 4933.19 makes it a criminal offense for any person to maliciously open, close, adjust, or interfere with a fire hydrant, valve, regulator, gauge, gate, disc, curb cock, stopcock, meter, or other regulator, operating or measuring device, or appliance in or attached to the wells, tanks, reservoirs, conduits, pipes, mains, service pipes, house pipes, or other pipes of the Villages water and sewer systems.

Section 15. Special Situations

There may be special situations such as a customer with unusually large quantities of sewage or unique sewage treatment requirements. In such situations, when permitted by Ohio law and regulation, the Village Administrator may enter into an agreement with the customer to accept the sewage at a rate to be determined by the Village Administrator.

The Village will not accept any type of industrial waste or any type of industrial waste byproduct.

Section 16. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 17. Repealed Ordinances

Ordinance No. 13-04 is hereby repealed.

Section 18. That this ordinance shall take effect and be in full force and effect at the earliest date allowed by law.

First Reading: _____

Second Reading: _____

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Third Reading: _____

Passed this _____ day of _____, 20__.

John W. Finley
Mayor

Attest:

Ellen M. Henry
Fiscal Officer