

VILLAGE OF [REDACTED], [REDACTED] COUNTY, OHIO

**RECORD OF ORDINANCE**

**Ordinance Number 2008-24**

AN ORDINANCE ADOPTING THE RESOLUTION BY THE BOARD OF PUBLIC AFFAIRS SETTING FORTH A RULE BYLAW TO ESTABLISH A BILLING POLICY FOR STRUCTURES CONTAINING MULTIPLE HABITATION UNITS AND INCREASING THE BASE RATE FOR WATER\SEWER SERVICE IN THE VILLAGE OF [REDACTED]

WHEREAS, the Board of Trustees of Public Affairs passed Resolution 2008-02 setting forth rules\bylaws to establish a billing policy for structures containing multiple habitation units in the village;

WHEREAS, the Board of Public Affairs has determined that a fee be implemented and assessed to users of the municipal water and sewer systems whose use is not otherwise metered or whose use is metered but not multi-metered; and

WHEREAS, RC 735.29 states that the board of trustees of public affairs appointed under section 735.28 of the Revised Code shall manage, conduct, and control the waterworks, electric light plants, artificial or natural gas plants, or other similar public utilities, furnish supplies of water, electricity, or gas, collect all water, electric, and gas rents or charges, and appoint necessary officers, employees, and agents; and, the board may make such bylaws and rules as it determines to be necessary for the safe, economical, and efficient management and protection of such works, plants, and public utilities. These bylaws and rules, when not repugnant to municipal ordinances or to the constitution or laws of this state, shall have the same validity as ordinances; and

WHEREAS, the Board of Public Affairs has determined that this bylaw\rule is appropriate and in the best interest of the Village for the continued operation and financial stability of the Village's water and sewer systems; and

WHEREAS, the Village Council has the exclusive authority to set sewer rates within the village pursuant to RC 729.49 and may, by ordinance, establish just and equitable rates or charges of rents to be paid to the municipal corporation for the use of such services, by every person, firm, or corporation whose premises are served by a connection thereto; and

WHEREAS, this ordinance will increase the base rate for sewer usage;

WHEREAS, the Village Council believes it is in the best interest of the village to adopt Resolution 2008-02 in its entirety and by passing this Ordinance it is the Council's intention to do so; and

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of ██████, County of ██████, State of Ohio in session duly assembled:

Section I

Purpose

The establishment and enforcement of fees to be assessed to property owners who own multiple unit dwellings located within the Village limits that are not currently being billed a base rate per dwelling unit.

Section II

Definitions

- a) "Person" means any individual, corporation, business, trust, estate, partnership or association or LLC or any entity capable of having water and sewer usage and being billed for the same.
- b) "Owner" means any person who alone or jointly or severally, with others:
  - (1) Has legal title to any dwelling, dwelling unit, or multiple dwellings and rooming houses, with or without actual possession thereof; or
  - (2) Has charge, care, custody or control of any dwelling, dwelling unit, multiple dwelling or rooming house, an agent, employee, servant or independent contractor of the owner or agent of the owner, or as executor, executrix, administrator, trustee, personal representative, other fiduciary, or guardian of the estate of the owner;
- c) "User Fee" means a monetary charge payable on a bi-monthly basis equal to the base rate charged to the Village to metered users of the municipal water and sewer systems.
- d) "Base Rate" means a minimum charge which is assessed to each metered unit or dwelling unit user regardless of the amount of actual usage by the owner. The base rate effective on the date of enactment of this legislation is subject to change. The current base rate for the minimum charge for Two Hundred (200) cubic feet of water is \$60.18.
- e) "Access" means the ability to obtain potable water from the municipal water system or to

discharge wastewater effluence, or sewage into the Village's municipal sewer system.

f) "Habitable Rooms" mean a room or rooms enclosed floor space or spaces used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage space. Kitchen facilities are defined as any facility heating food including the use of a hotplate and/or microwave oven. A separate room is not required to meet the definition of kitchen.

g) "Temporary Housing" means: (a) Travel trailers as defined in Section 4501.04 Ohio Revised Code. (b) Any other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

h) "Dwelling" means any building or structure or manufactured home as defined by the Ohio Revised Code which is wholly or partly used or intended to be used for living or sleeping by human occupants.

I) "Dwelling Unit" means any habitable room or group of adjoining habitable rooms within a dwelling, or as separate buildings or structures or manufactured homes individually forming single habitable units with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals and which are let to another for occupancy through rent or a lease agreement.

j) "Boarding House" means any dwelling containing one or more units, which is let by the owner or operator to non-transient guests, and which shall include hotels, motels and tourist houses and which provides for preparation and eating of food in a central dining area.

k) "Residential premises" means a dwelling unit used primarily as the principal location for living, cooking and sleeping. These activities are consistent with establishment of a domicile residential use and occupancy and it includes structure of which it is a part, the facilities and appurtenances in it. The grounds areas, and facilities for the use of tenants generally or the use of which is promised to the tenant.

l) "Non residential premises" are as follows: a) Prison, jails, workhouses, and other places of

incarceration or correction, including, but not limited to, halfway houses or residential arrangements which are used or occupied as a requirement of probation or parole; b) Hospitals, nursing homes and similar institutions including but not limited to those facilities with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721 of the Ohio Revised Code; c) Tourist homes, hotels, motels, municipal parks [REDACTED] and other similar facilities where circumstances indicate a transient occupancy; d) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition; e) Orphanages and similar institutions; f) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants; g) Dwelling units subject to sections 3733.41 to 3733.49 of the Ohio Revised Code.

m) "Commercial" means retail or wholesale businesses of any type primarily engaged in the sale of goods or services.

n) "Industrial" means any business, retail or wholesale, or services primarily engaged in any type of manufacturing or assembling.

o) A "unit" means any space, whether, residential, commercial or industrial or any combination thereof, which has access to either the Village's water or sanitary sewer system.

### Section III

a) The Village shall assess the owner of any residential, non-residential, commercial, or industrial unit one base rate for each dwelling unit having access to the municipal water or sanitary sewer systems and shall allow for a base usage of up to two hundred (200) cubic feet of water per billing period. The owner shall be billed for each dwelling unit regardless of whether the same is occupied or empty. If any of the units are metered and have a separate shut-off system, said unit will not be billed if it is unoccupied and the water is shut-off by the Village Water Department. Any overage of usage beyond the two hundred (200) cubic feet of water shall be calculated pursuant to the existing guideline currently in place, and any future or amended calculations which may occur from time to time.

b) Property owners, at the property owner's expense, may install individual meters for multi-unit

dwellings and the village will read the individual meters and bill the property owner per dwelling unit. If separate shut-offs are also installed, at the property owner's expense, the Village will read and bill individual tenants. A 3/4 inch meter will be provided by the Village. Any situation requiring a meter larger than a 3/4 meter shall be purchased by the property owner.

The property owner shall remain ultimately liable for the water and sewer bill for any landlord\tenant situation.

c) The fee thus assessed per dwelling unit shall be designated a "Base Rate Fee".

d) Said fee shall be billed on a bi-monthly bases and shall be payable by the due date listed on the bill. A penalty of Ten (10) percent of the amount billed shall be assessed after the due date.

e) Failure to pay said fee shall result in:

1) Shut off of service to the owner for the entire structure after ten (10) working days, prior written notice having been first given, and

f) In the event an account is shut off for a delinquent account the property owner will be charged a re-connection fee of Twenty-Five dollars (\$25.00) per dwelling unit.

g) The Village of [REDACTED], Board of Public Affairs, in order to allow sufficient time for property owners to prepare for the addition cost to their accounts, directs the Village Utility Clerk to begin billing all multiple units the base rate per individual dwelling unit in each unit, effective with the January 01, 2009 billing.

h) This ordinance shall take effect at the earliest time allowed by law following its passage by council.

1<sup>st</sup> Reading: August 21, 2008

2<sup>nd</sup> Reading: September 4, 2008

3<sup>rd</sup> Reading: September 18, 2008

Passed: September 18, 2008

ATTEST:

[REDACTED]

APPROVED:

[REDACTED]