

CHAPTER 51, WATER AND SEWER CHARGES

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51.02 WATER AND SEWER TAP-IN FEES; BOND.

(A) (1) Each property owner, lessee or other person desiring to connect to a city sanitary sewer or water line shall be required to obtain a permit from the Director of Public Safety and Service and pay a tap fee and for necessary materials as follows:

Sewer taps \$600.00

Water taps 3/4@ \$ 600.00

1@ - 1 2@ 600.00

2@ 725.00

3@ 975.00

4@ 1,225.00

Tiles, \$45.00

Lids, \$30.00

Ring, \$40.00

Risers, \$125.00

Taps in excess of four inches shall require a tap fee of \$1,225.00 plus the costs of materials for tap(s).

(2) Each property owner, leasee or user of services shall pay the actual cost of any excessive excavation, back filling and street or alley repair as determined by the Director of Public Safety and Service.

(B) Nothing contained in division (A) hereof shall prohibit a person connecting to a city sewer or water line from performing excavation, backfilling or street repair on his own behalf, or through private contractors, providing that such work located upon city rights-of-way shall be performed according to specifications prescribed by the Director of Public Safety and Service and provided further that such person furnish the city, prior to commencement of work, a bond in the sum of \$2,500, conditioned upon upon recommendation of the Water Superintendent, be assessed to the customer.

51.03 WATER AND SEWER SERVICE APPLICATION

(A) The Applicant shall pay a deposit of \$200.00 to the city prior to furnishing water service to any city water customer. Upon termination of service the meter deposit may be applied against any unpaid, final bill service.

(B) The Applicant shall pay a nonrefundable turn-on fee of \$100.00 paid to the city prior to furnishing water service to any city water customer.

(C) The Applicant shall pay any amount delinquent, past due, including past due fees or charges applicable, on any water, sewer or garbage account the applicant may have with the city.

(D) When a person other than a property owner makes application for water service, the non-owner applicant shall (i) present a valid driver's license for identification and (ii) evidence of his or her right to occupy the property to be served with water and sewer service. This evidence to occupy the property shall be in one of the following forms: (j) a written lease, rental agreement, land contract, or like document, signed by both the owner and the non-owner applicant; or (ii) a document signed by the owner, in such form as is prescribed by the Director of Public Safety and Service, which document shall include the owner's acknowledgment that the non-owner applicant has the owner's permission to reside in the property to be served. The office must have a phone number and address for the property owner. The city's purpose in requiring the evidence of right to occupancy is to ensure that the property owner is aware that applicant for water service can be made as to the owner's property, and to ensure that the applicant has the right to apply for water service under the terms of this section.

(E) The cost of repair or replacement of materials, such as damaged water meters, lids, tiles or risers, caused by negligence, including damage by freezing, shall, upon recommendation of the Water Superintendent, be assessed to the customer. The costs of materials are bullet lock, \$25.00, tiles, \$45.00, lids, \$30.00, rings, \$40.00, risers, \$125.00, meters (one inch), \$300.00, MXU box, \$150.00.

51.04 BILLING PROCEDURE AND COLLECTION OF WATER RENTS AND CHARGES

(A) All charges for the consumption of water and use of sewer as fixed by the measurement of the water meter shall be billed monthly by the city. Each bill shall be due and payable on or before the tenth of the month when billed, at the office of the City Clerk. If the date falls on a Saturday, Sunday, legal holiday, or other day that the City Clerk's office is closed, the due date shall be extended to the next business day. When a bill is not paid by the due date, a delinquent notice will be sent. This will give the customer 10 days to pay the delinquent amount, or service disconnection procedures will begin.

(B) Unless otherwise specified, bills will be rendered to the tenant only, but the property owner will be notified if a bill for water charges is delinquent.

(C) Where more than one occupant or tenant is served through one meter, the property owner will be held directly responsible for the payment of all bills pertaining to the use of water.

(D) All water rents and service charges shall be payable at the office of the City Clerk. The Clerk shall be charged with the duty of receiving and collecting all water rents and service charges and accounting therefor in the manner prescribed by law. The Clerk shall establish and maintain such ledgers, books, records and all accounting systems as may be required by reason of such collecting. When any account is delinquent and within the rules established by the Director of Public Safety and Service, water service should be terminated and the same shall be immediately certified by the Clerk to the Director. Whenever requested by the Director, the Clerk shall report the conduct of his office relating to the collection of water rents and service charges.

(E) In the event the charges for utility service (water service, sewage service and garbage service) are not paid within 30 days after rendition of the bill for such service, then such charges shall be deemed and are hereby declared to be delinquent. Such a delinquency shall constitute a lien upon the real estate for which such service is provided, and the City Auditor shall be and is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Auditor of Jackson County. The filing of such statements shall be deemed notice of the lien.

(F) For any customer with a closed account with a delinquent balance, the City shall transfer the balance to an open account of the customer after delivery of ten (10) day notice by mail to the customer to pay the closed account balance.

51.05 ESTIMATED BILLS

Actual meter readings shall be made every month. In cases of extreme weather, estimated monthly accounts based on the prior two months of water consumption may be used in rendering statements to consumers. A maximum of two estimations are permitted per year. Estimated meter readings shall not occur in consecutive months.

51.06 WATER AND SEWER SERVICE TERMINATION POLICY

(A) *Reasons for disconnection.*

(1) Utility service for residential premises may be disconnected or terminated (hereinafter "disconnection") by the city only for the following reasons:

- (a) Non-payment;
- (b) Emergencies and repairs;
- (c) At request of both customer and consumer of service.

(2) Disconnections other than at the request of both the customer and consumer of service may not occur without proper notice and opportunity for hearing. Rules shall be adopted to ensure that clear standards exist for providing such notice and opportunity, and the rules shall be complied with by all service department employees.

(B) *Notice procedures.*

(1) Written notice of proposed disconnection of service, for any reason other than voluntary disconnection as described in this order, must be delivered by the city at least ten days, and no more than 14 days, prior to the date proposed for disconnection. Notices may be mailed with first class postage prepaid to reasonably assure delivery within that time. Notices shall be dated and a copy of any notice sent shall be retained by the city in the business file relating to the address referred to in the notice. Notices shall clearly and conspicuously advise of each of the following facts:

- (a) The proposed disconnection date;
- (b) The reason for the proposed disconnection, including (if applicable) the amount claimed to be due; the location and hours at which payment in person can be made; and the minimum payment which, tendered at or before disconnection, is necessary to avoid disconnection;
- (c) A notice that a customer of services may avoid disconnection by paying current charges and assuming responsibility for payment of future charges, if the customer owing the current balance does not reside in the service address with the customer;

(E) *Disconnection procedures.*

(1) Disconnection of utility service shall not occur after 12:30 p.m. on any day which precedes a holiday or weekend, or any other day on which all services necessary to reconnect services are not available. All disconnections of service shall be documented by a written service order recording the date, time and identity of service employee effectuating disconnection, such documentation shall be retained in the business file kept by the City relating to the service address so affected.

(2) No service employee dispatched to disconnect service shall disconnect service until he/she makes reasonable efforts to personally contact the occupants, if any, of each service address to be affected (i) to advise of the disconnection; and (ii) to verify the propriety of the disconnection. Reasonable efforts shall include, but not necessarily be limited to, knocking on the door or doors of each household at the service address, or otherwise attempting to gain the attention of any occupants. If the service employee makes personal contact with the occupants of the service address, and then verifies the propriety of the disconnection, the service employee shall deliver to the occupants a turn-off notice which shall clearly and conspicuously advise the occupant(s) of:

(a) The date and time of the termination;

(b) The reason for termination;

(c) If the termination is for non-payment, the amount which must be paid, including any reconnection fee, to have service reestablished;

(d) The location and hours of the office at which payment can be made to obtain reconnection;

(e) The name, title, address, telephone number, and hours during which a Service Representative may be contacted to discuss reconnection;

(f) A consumer's ability to obtain utility service in their own account, if services were terminated due to non-payment of utility charges by a customer who does not reside in the service address with the customer; and

(g) A consumer or customer's right to a hearing to contest disconnection or a refusal to reconnect service, although that request will not necessarily postpone disconnection.

(3) If a service employee's efforts to make personal contact with any occupants of the service address immediately prior to disconnection of services are not successful, the service employee shall post the turn-off notice in a prominent place at the entry to each service address affected by disconnection. The service employee shall document on the service order the efforts made to personally contact the occupants prior to disconnection and the delivery of the turn-off notice, including the date and time such acts were performed and his/her identity.

(F) *Hearing procedures.*

(1) The Service Representative shall be either the City Service Director or the City Service Supervisor. The Service Representative shall be empowered and required (when good cause, within the judgment of the Service Representative, is shown) to compromise disputes as to service department requirements or payment demands; and to cancel disconnection and/or order reconnection. The Service Representative shall strive to secure reasonable alternative methods of payment or reasonable

(d) A notice that a customer or consumer of service has the right to a hearing to contest the reasons for the proposed disconnection, and that if a hearing is requested, the disconnection will not take place until the hearing process is completed;

(C) *Voluntary termination of service.*

(1) Requests for voluntary disconnection of utility service shall be made at the city utility office; shall be made in writing on a form approved by the Service Representative; and shall be approved by the customer contractually obligated to pay charges incurred at the service address; and shall also be approved in writing by an adult person actually residing at the affected service address, if the service address is not comprised solely of the billing address of the customer obligated on the account.

(2) If the service address is different than the customer's billing address, or if there is reason to believe the service address may be occupied by a household other than, or in addition to, the customer's household, no disconnection will be processed until:

(a) A disconnection request form is signed by an adult person actually residing in each service address that will be affected by the disconnection; or

(b) Until a service department employee personally visits each service address that will be affected by disconnection and verifies its unoccupancy.

(3) Service department employees performing such verification shall make reasonable efforts to determine whether the service address is occupied or unoccupied, including but not necessarily limited to, checking with neighbors and other utility providers. Service employees performing such verification shall note in writing his/her identity; the date and time of the visit; and the efforts utilized to determine the occupancy status of the premises; and his/her conclusions as to occupancy. Such notations, and all request forms executed under the provision, shall be retained in the business file kept by the city relating to the service address so affected. The city will reconnect service upon demand of an adult consumer of water service at a service address so affected if this voluntary disconnection provision was not complied with, or if the city's verification of unoccupancy was in error.

(D) *Emergencies and repairs.*

(1) Disconnection or termination of service may occur without prior notice if emergency circumstances involve imminent danger to person or property. However, prior notice shall be given even in such circumstances if it is practicable for the city to do so. For all emergency disconnections, the city must verify the existence of emergency circumstances as soon as possible, and must, within four hours after the disconnection, provide the customer and an adult person residing at each service address affected by disconnection with a written disconnection notice as described above.

(2) If a service address must be temporarily disconnected for the purpose of repairs within the service address, a disconnection request must be made in writing by the customer who is contractual obligated to pay for service at the address. If the service address is not comprised solely by the billing address of the customer obligated on the account, a disconnection request for the purpose of repairs shall not be processed unless it is also signed by an adult person residing at each service address affected by the disconnection. A copy of such disconnection request shall be retained in the city's business records relating to the service address(es) so affected. The city shall reconnect service disconnected for purpose of repair upon demand of either the customer or of an adult person residing at the service address so affected.

security for payment in order to preserve utility service without discrimination. The Service Representative shall be familiar with and able to advise utility customers and consumers of agencies, resources, and programs locally available to assist in the payment of utility bills. The Service Representative shall preside at hearings held pursuant to this order.

(2) Customers or consumers of utility service who wish to contest refusal of service, a billing, or a proposed disconnection of utility services (hereafter "aggrieved persons") shall be afforded due process opportunity to contest the city's action or inaction. Due process shall include the right to a face-to-face hearing with the Service Representative, at which the aggrieved person may (i) have the assistance of others; and (ii) may present documentary and/or oral information for the Service Representative's consideration. Aggrieved persons shall be entitled to reasonable access to city business records concerning the service address in order to prepare for the hearing, which includes the right to obtain copies of documents found therein upon payment of the actual cost of copying. The Service Representative shall make a written decision after the hearing, which shall include the reasons for the decision. A copy of the decision shall be delivered to the aggrieved person and a copy retained in the business files kept by the city relating to the service address affected by the hearing.

(3) Due process hearings shall be held within a reasonable time after a verbal or written hearing request has been made, but will not be held so quickly as to deny the aggrieved person an adequate opportunity to seek assistance or to prepare for the hearing in light of the aggrieved person's circumstances. Five business days shall generally constitute a reasonable time. The hearing decision shall be delivered to the aggrieved person within a reasonable time after the hearing. If a hearing is requested prior to actual disconnection of service, no disconnection may occur until at least 72 hours after the hearing decision has been delivered to the aggrieved person who requested the hearing.

(G) *Non-discrimination against consumers.* If service is disconnected, or if disconnection is proposed due to non-payment of service charges by a customer who does not reside in the affected service address an adult consumer of utility services at said address shall have the right to avoid disconnection or obtain reconnection if the consumer pays that portion of the bill that is not past due and assumes responsibility for payment of future charges for service provided at the Service address. Consumer assumption does not relieve the customer of contractual liability for charges incurred. The assumption obligation shall terminate upon the consumer's delivery to the city of a written notice canceling that assumption.

51.07 WATER AND SEWER RATES ESTABLISHED

(A) *Rates established.* All users of the system, including but not limited to institutional/governmental users, shall be charged a monthly usage charge for each month of the year. The following are hereby fixed as the fair, proportional, and reasonable rates for sewer service charges, based on the water supplied to each user by the municipal waterworks system as shown by the water meter readings for the month of January for each calendar year. If a user does not receive water from the municipal waterworks system or otherwise lacks a water meter, that user's charges shall be based upon readings shown by a sewage flow meter acceptable to the Director of Public Safety and Service. If a user directly or indirectly discharges industrial waste into the system, and the Director of Public Safety and Service finds it impractical to measure such waste by meter, then such waste shall be determined in accordance with accepted engineering practice and in conditions and attendant circumstances of the case. The rates hereinafter set forth shall be effective on March 31, 1996.

(1) The minimum monthly sewer service charge shall be based upon the Rate Schedule attached hereto as Exhibit A. The monthly charges shall apply to each separate dwelling unit in a multi-

unit complex, such as an apartment building, mobile home park, or condominium, whether or not separate meters are installed for each such dwelling unit.

(2) Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge which is attributable to OM&R costs of wastewater treatment services.

(B) *Monthly charges.* Charges for sewerage service shall be imposed each month for the calendar year. All bills shall be rendered as of the tenth day of the month next following the month for which charges are imposed, and shall be due and payable on the date of rendition thereof. The sewer charges imposed herein are gross charges. If a bill is paid within ten days after the date of billing, a net rate, which is the gross rate less 10% thereof, shall apply.

(C) Any user whose premises are connected to the system and initially using it after the first day of any month, shall be charged at a per diem rate from the time the use of the system begins until the beginning of the next following month. The per diem rate shall be obtained by dividing the monthly minimum charge by 30 days. However, if the measured service exceeds the per diem charge, then the rate applicable to the measured service shall be charged.

(D) If it can be shown to the satisfaction of the Director of Public Safety and Service, with respect to any premises, that a portion of the water from any source consumed on such premises does not and cannot enter the system, then in each such case the owner or other interested party may at his expense install and maintain separate metering devices to the extent necessary to demonstrate to the satisfaction of the Director the portion of the water consumed on the premises which is discharged into the system, which portion shall constitute the basis for measuring the sewerage service charge for such premises under this section, or the owner or other interested party at his option may request the Director to determine the amount of water that does not and cannot enter the system from such premises. Such determination shall be made in accordance with accepted engineering practices, shall be conclusive on the owner or other interested party, and shall constitute the basis for measuring the sewerage service charge.

(E) *Surcharges.* When the Director of Public Safety and Service or his designee determines that either the total suspended solids or the BOD of a water or waste accepted for admission to the system exceeds the values allowed for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge of \$.17 for each pound of excess suspended solids per day, and \$.24 for each pound of excess BOD per day. In addition, the city may surcharge any user for the discharge of any other pollutant into the system, but this shall not obligate the city to accept any such pollutant.

51.08 SEWER USER FEES ESTABLISHED FOR CERTAIN AREAS.

The city will provide sanitary sewer services to the residents of the Green Acres Subdivision, Four Winds Nursing Home and Fairgreens Road at the same cost to the residents as the citizens of Wellston pay. Should increases come in sanitary sewer service charges to the citizens of Wellston, the customers in these areas will be effected with the same increases. Customers in these areas will comply with all ordinances, regulations and policies as are imposed upon the citizens of Wellston, including, but limited to, applications for service, deposit, billing, disconnections, delinquencies, and liens.

51.09 WATER AND SEWER RATE SCHEDULE

(A) The following shall be the monthly water rates charged to the customers of the city.
Usage (gallons) Rate (per 1,000 gallons)

Water rate schedule attached and incorporated hereto as Exhibit A.

(B) The sewer rates to be charged shall be based on water consumption.

(C) The billing period shall be monthly.

(D) A charge of 50% shall be added to the monthly water bills of all customers of the City of Wellston Water Department who reside outside the corporate limits of the City of Wellston.

(E) The water rates shall be reviewed at least annually by the Mayor, Director of Public Safety and Service and Auditor, and recommendations presented to Council for necessary adjustments to the rates.

51.10 ANNUAL REVIEW OF SEWER CHARGES

(A) *Annual review of charges.* The Auditor shall make an annual review of the sewer service charges, so as to maintain a proportional user charge and to determine whether the charges are sufficient to defray the fixed costs, amortization costs, and annual cost of OM&R of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge, the Auditor shall make a recommendation that Council make the necessary adjustments to the rates.

(B) *Factors to be considered in review.*

(1) In conducting the annual review of sewer charges, all relevant factors shall be considered.

(2) Among the factors considered shall be the elements used in 1996 to calculate the minimum monthly charge of \$13.20, which included \$4.00 for administrative expense, \$4.20 for OM&R, \$2.50 for debt service, and \$2.50 for capital recovery; and the need to charge, for each 1,000 gallons used in excess of the minimum, at \$4.20 for OM&R and \$2.50 for debt service.

(3) In calculating any new rates hereunder, the annual review shall further apply the following formulas for arriving at the 1,000 gallon minimum rate:

(a) The user charge shall be:

$Ca=Ct/Vt$, where

Ca= User charge rate

Ct= Total annual OM&R costs, and

Vt= Total annual billable flow.

(b) The debt service charge shall be:

$Ca=Dp/V$, where

Ca= Debt service cost per user,

V= Volume of billable flow, and

Dp= Total annual debt payment.

51.11 SERVICE RELATED FEES

Checking for water leaks and "bucket tests" inside the area whose service is registered by water meter, \$40.00

Re-reading meter when reading does not result in correction of initial reading, \$40.00

Tampering fee, \$100.00

Disconnection fee: first shut off: \$40.00; second shut off: \$80.00; third shut off: \$120.00

51.12 ADJUSTMENTS

Adjustments will only be made for the following:

(A) filling of pools. The adjustments will be made to the sewer portion only and will be as follows: We will deduct any amount over the average use of the customer's sewer bill only. For pools, we must have the reading of the meter before and after it is filled.

(B) water leaks.

(1) There is hereby established a voluntary Water Leak Insurance Program for the benefit of the customers to be used to pay for the excess amount of fees due to water leakage.

(2) The terms of the voluntary Water Leak Insurance Program are as follows:

(a) Coverage is \$3.00 per month per customer account.

(b) The leak insurance will cover up to and including \$1,000.00 per calendar year, per meter, and per customer any amount over the average monthly bill. After this amount is reached, the customer will be responsible for the balance of the bill.

(c) Insurance is valid only if the water department is notified when the leak is identified and again after the leak is repaired and proof of such repairs are presented.

(d) To figure the amount to be paid if a water leak occurs, the customer's bill will be averaged for the twelve months preceding. This average will be deducted from the leak amount. The remaining balance of water and sewer will be considered a leak and the leak amount will be paid for through the Water Leak Insurance Program once the repairs are finished and inspected. If the sewer is not used as a result of the water leak, then the sewer bill will not be charged. The amount available for payment each calendar year is \$1,000.00 per customer account.

(e) The monthly fee of \$3.00 will be added to each monthly bill if the customer takes the insurance. The insurance will be in effect from January 1st to December 31st. Insurance for new customers, if they decide to participate, will begin when they apply for service. There will be a twenty-day waiting period for the insurance to be in effect.

(3) The Water Leak Insurance Program is for the payment of the water and sewer bill only. The insurance cannot be used to fill swimming pools or any other uses not considered leaks. The Water Leak Insurance Program does not pay for the customer's repairs.

EXHIBIT A, WATER AND SEWER RATE SCHEDULE

USAGE	WATER	SEWER
0	3.00	\$0.00
1	9.46	11.51
2	18.92	23.02
3	28.38	34.53
4	37.05	46.04
5	45.72	57.55
6	54.39	69.06
7	63.06	80.57
8	71.73	92.08
9	79.65	103.59
10	87.57	115.10
11	95.49	126.61
12	103.41	138.12
13	111.33	149.63
14	119.25	161.14
15	126.43	172.65
16	133.61	184.16
17	140.79	195.67
18	147.97	207.18
19	155.15	218.69
20	162.33	230.20

It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the council and any of its committees resulted in such formal action, were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed this January day of 17, 2013.

Chris J. B.
Council President

ATTEST:

Amy Skene
Clerk of Council

Approved this 17 day of January, 2013.

Corie Bell
Mayor

Posted _____ through _____ at Foodland, City Hall, Senior Citizen's Center, The Library and the Post Office.

Prepared by: Shannon S. Weber, Law Director

PUBLIC NOTICE TO WELLSTON
WATER CUSTOMERS

913.04 Accessibility of Water Meters

- (a) All water customers of the city shall assure that the customer's water meter is accessible to the meter reader. The customer shall keep the meter free from debris or growth which would limit access to the meter.
- (b) If required, customers shall permit the installation of readout meters to enable outside reading of indoor meters.
- (c) Whoever violates either subsection (a) or (b) hereof shall be subject to termination of water service. (Ord. 2490 Passed 9-16-82).