

RECORD OF ORDINANCES

Ordinance No. 42-11

Passed December 12, 20 11

AN ORDINANCE AMENDING SECTION 939 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF OBETZ REGARDING WATER AND SEWER RATES AND OWNER'S LIABILITY AND DECLARING AN EMERGENCY

WHEREAS, the Village of Obetz is responsible for providing and administering water and sewer services to the residents and businesses; and,

WHEREAS, the Village of Obetz contracts with the City of Columbus to provide water and sewer services pursuant to Ordinance 39-02 of the Village of Obetz; and,

WHEREAS, the City of Columbus has increased its water and sewer rates multiple times and thus the cost to provide these services to the Village of Obetz has increased; and,

WHEREAS, the Village of Obetz has not increased water and sewer rates since 2009 even though the City of Columbus has increased its rates; and,

WHEREAS, the City of Columbus has planned another water and sewer rates increase in 2012; and,

WHEREAS, the Village desires to increase its rates in order to perform its duties efficiently;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. Section 939.03 of the Codified Ordinances is hereby amended to read as follows:

939.03 WATER AND SEWER RATES.

(a) Administration.

- (1) The Village Administrator shall make rules regulating the conditions under which water service shall be rendered.
- (2) Any rules and regulations issued by the Village Administrator are made effective on all consumers of water from the system of the Division of Water, both within and without the Municipal limits.
- (3) The Village Administrator is authorized within his discretion and in accordance with rules and regulations promulgated herein to order the discontinuance of water service to any person, home, commercial, or industrial using water in violation of any rules, ordinances, and regulations.
- (4) Where the Village Administrator has ordered a discontinuance of water service for a violation of any rule, ordinances, or regulation, there shall be charged the fees provided for in Section 930.02(g).

(b) The following minimum monthly base service charges based on meter size shall be adopted and implemented by the Obetz Water and Sewer Departments for services.

<u>METER SIZE</u>	<u>\$/WATER</u>	<u>\$/SEWER</u>
3/4"	\$11.77	\$16.86
1"	\$47.68	\$46.39
1.5"	\$91.33	\$86.43
2"	\$128.44	\$132.80
3"	\$175.96	\$238.88
4"	\$259.91	\$373.12
6" and up	\$445.43	\$723.73

The following rate classification shall be adopted and implemented by the Obetz Water and Sewer Departments for service per 1000 gallons above minimum rates as described in subsection (c) hereof:

<u>CLASS</u>	<u>WATER</u>	<u>SEWER</u>
Residential (R)	\$4.49	\$5.99
Commercial (C)	5.14	6.62
Industrial (I)	5.51	6.83

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(c) The following rate classification shall be adopted and implemented by the Oletz Water and Sewer Departments for service per 1000 gallons. The charge for water and sewer is in addition to the minimum monthly base service charges established in subsection (b) above:

<u>CLASS</u>	<u>WATER</u>	<u>SEWER</u>
Residential (R)	\$4.49	\$5.99
Commercial (C)	5.14	6.62
Industrial (I)	5.51	6.83

~~The following minimum charges shall be adopted and implemented by the Oletz Water and Sewer Departments for services:~~

<u>CLASS</u>	<u>METER</u>	<u>GALS</u>	<u>\$/WATER</u>	<u>\$/SEWER</u>
Residential	5/8"	4,000	\$11.77	\$16.86
Residential	1"	8,000	\$47.68	\$46.39
Commercial	1.5"	16,000	\$91.33	\$86.43
Industrial	2"	25,000	\$128.44	\$132.80
Industrial	3"	45,000	\$175.96	\$238.88
Industrial	4"	70,000	\$259.91	\$373.12
Industrial	6"	120,000	\$445.43	\$723.73

(d) The Village Administrator is hereby authorized and directed to adjust the water and sewer rates annually based on increases to the Village as prescribed by the contracts with the City of Columbus, Department of Public Utilities.

(e) Owner's Liability for Charges; Penalties.

- (1) Each water charge charged under or pursuant to this chapter is made a lien upon the corresponding lot, parcel of land, building or premises surveyed by a connection to the water system of the Municipality. The lien shall vest when such charge becomes due and, if the charge is not paid within ninety days after it becomes due, it shall be certified to the Auditor of Franklin County and the Auditor shall place the same on the tax duplicate of the County with any interest and penalties allowed by law. Such lien shall be collected as any other tax.
- (2) The owners of real estate premises installing or maintaining water service shall be liable for all water charges incurred for services at such premises.
- (3) Tenants of the owners of real estate premises serviced with water may contract with the Municipality for such water service but the contract shall in no way be construed as to relieve the owner of the real estate premises of liability for the water service charges. **Tenants will not be able to establish service or have service transferred to them if there are outstanding charges at the service address.**
- (4) After certifying to the County Auditor that water charges are unpaid and a lien as provided herein, the Superintendent of Water is authorized and directed to shut off the water service to those real estate premises until such unpaid water charges have been paid.
- (5) The owner of real estate premises, by installing or maintaining water service from the Municipality, is deemed to assent to all rules and regulations of the Division of Water, and ordinances of the Municipality pertaining to water service and distribution.

(f) Collection and Disbursement of Funds. All moneys payable to the Village Administrator or Water Superintendent shall be collected by the Water Department or Village Administrator at their usual place of business. All such moneys shall be deposited with the Fiscal Officer within forty-eight hours. All such charges noted in this chapter shall be placed in a fund for the maintenance, repair and operation of the system and for the retirement of bonds, payments of interest and principal as per existing bonding and ordinance requirements.

(g) Water Master Meter Connection. For the purpose of expediting the installation of a new master meter connection to the City of Columbus system, the Developer has agreed to pay the cost of the "capacity fees", meter fees, water tap, meter pit and installation necessary to provide for a new master meter connection. The developer shall certify the total cost of the installation. The certified cost shall be reviewed and approved by the Village Engineer. In return for this prepayment the Developer will be given credit against future water connection fees due to the Village, at the Village's current rate at the time of the connection, until the entire prepayment has been paid off. The Developer shall determine when a new tap is to be used as a credit against their prepayment cost. In no case shall the Developer receive more credit than his total initial cost. This agreement shall continue for a period of 10 years after which the Developer will have no claim for reimbursement.

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Section 2. The new rates shall be effective on the first bill for 2012 usage.

Section 3. This ordinance shall be declared an emergency and shall take effect at the earliest time permitted by law. The reason for the emergency is to provide for the public health, safety, and welfare of the citizens of the Village of Obetz. Specifically, the Village needs to guarantee that funds are available for the payment of the cost of the City of Columbus' increase in water and sewer rates.

Passed this 12 day of December, 2011

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk

E. Rod Davisson
E. Rod Davisson, Mayor

James Wil
Council Pres. Pro-Tem

APPROVED AS TO FORM

Eugene L. Hollins
Eugene L. Hollins
Village Solicitor

CERTIFICATE OF PUBLICATION

Pursuant to the provisions of the Ohio Revised Code, Sec. 731.25, I, Stacey E. Boumis, Clerk of Council, published by posting the same on this 13 day of December, 2011, at each of the five most public places in the Village of Obetz, as follows: Richardson's Barbershop, Alum Creek Carry-out, K&M Market, Obetz Hardware and Builders Supply, Inc. and the Obetz Municipal Building.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal of office this 13 day of December, 2011.

Stacey Boumis
Stacey E. Boumis, Clerk

