

Record of Ordinances

Ordinance No.: 2011-39

Passed:

ORDINANCE TO PROVIDE FOR PROCEDURE IN CHARGING LATE AND DELINQUENT CHARGES AND TERMINATING WATER SERVICE AND AMENDING ORDINANCES , 17-82, 6-85, 12-88, 32-91, 6-95, 42-95, 28-97, 03-98, 81-4, 2009-40, and 2011-24

NOW THEREFORE BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

SECTION I. That Sections , **17-82, 6-85, 12-88, 32-91, 6-95, 42-95, 28-97, 03-98, 81-4, 2009-40, and 2011-24** of the Code of Ordinances of the Village of West Lafayette, Ohio be and the same is hereby amended to provide as follows **and be known as Chapter 662, water and sewer, West Lafayette Code of Ordinance.**

662.01 WATER AND SEWER REGULATIONS

- (a) Definitions shall include, but not be limited to those definitions contained in the Village of West Lafayette Water and Sanitary Sewer Connection and Termination Policy attached hereto and made a part of this ordinance by reference as though fully re-written.
- (b) That a late fee of ten (10) percent of the unpaid balance as of midnight of the due date will be assessed for all delinquent water and sewer bills.
- (c) That a returned check charge of Twenty Five and 00/100 (\$25.00) Dollars will be assessed for all checks not honored for insufficient funds or closed accounts.
- (d) That water service shall be terminated thirty (30) days after the due date, unless full payment is received for all arrearages of water and sewer bills, and delinquent charges for failure to pay water and sewer bills when due. Notice of shut-off will be delivered personally or by regular mail and delivered not later than twenty (20) days after due date. If payment is not received in full by the due date on the Notice of shut-off, and if no request for hearing is received from the customer or consumer by the Village of West Lafayette, Ohio, water and sewer service will be terminated.
- (e) That the water and sewer service shall be terminated even if partial payment is made for the water and sewer bills, and delinquent charges after the expiration of the thirty (30) days period from due date.
- (f) There will be a reconnect charge of \$35.00 after water and sewer service is disconnected for non-payment.
- (g) Each new customer who is not the owner of the premise will be required to deposit with the Village of West Lafayette, a One Hundred and 00/100 (\$100.00) Dollar security deposit. This deposit can be made in three monthly payments. Failure to make the deposit payments will result in immediate termination of utility services.

- (h) In the event of abuse or neglect which causes replacement of a meter there will be an assessment of Forty Five and 00/100 (\$45.00) Dollars to the customer which must be paid plus the full cost of meter replacement or replacement parts or service will be terminated.
- (i) If a meter replacement is necessary to change from manual read to touch read, there will be an assessment to the property owner in the amount of 50 percent of the meter replacement costs together with 100 percent of the reader costs. Outside readers and Village provided meters remain the property of the Village
- (j) That the owners of the real estate for which water and sewer service is provided individually, jointly and severally are responsible for the water and sewer bill if the customer fails to pay. A copy of all notices will be delivered to the owner of the real estate as well as the customer, if not the owner, and the consumer. Notice will be by means stated in Paragraph (d) of this section.
- (k) If any owner of real estate or his legal representative transfers the real estate by any means; including without limitation, Warranty Deed, Quitclaim Deed, Certificate of Transfer, Land Contract, or Foreclosure, the closing agent for the transfer, the seller, transferor and the new owner shall be responsible for all unpaid water and sewer bills, and delinquent charges, individually, jointly, and severally. Any amounts on deposit will be forfeited and used to pay the sewer and water bill and delinquent charges. Water and sewer service for premises will not be connected until the existing water and sewer bill and delinquent charges are paid.
- (l) The owner will be responsible individually, jointly and severally, for all court costs and litigation expenses if the Village of West Lafayette, Ohio files a complaint in Court for collection of the water and sewer bills, and delinquent charges.
- (m) The owner or customer, if other than the owner, will sign a form provided by the Village of West Lafayette Utility Department and by which he will be obligated to pay for the water and sewer service if the consumer does not pay it.
 - (1) If the consumer of services resides in a rental/leased unit which is not owned by the property owner, the owner of the rental/leased unit will be considered the owner as used in all references in this ordinance. The owner of the rental/leased unit will be responsible for the collection of water and sewer bills, and delinquent charges before the property owner; however the property owner is still responsible individually, jointly and severally, for all court costs and litigation expenses if the Village of West Lafayette, Ohio files a complaint in Court for collection of the water and sewer bills, and delinquent charges.
 - (2) A processing fee of \$75.00 will be added to all past due accounts which are sent to the Village Solicitor or a debt collection agency for the purpose of collecting the past due amount.
- (n) Water and sewer service may be terminated for reasons other than non-payment for services; which include, to prevent fraud or abuse, insufficiency of the supply of water due to circumstances beyond the Village's control, legal process, direction of public authorities, strike, riot fire, flood, accident or any unavoidable cause, emergencies and repairs, at customer or consumer request, provided that the approval of both the customer and consumer of the services for that services address is necessary If, upon

physical examination, the Village obtains reasonable grounds for and has a good faith belief that, Ohio Revised Code Section 4933.18 or 4933.19 has been violated by use of a jumper or other by-pass mechanism (1) prior to installation of check valves or backflow protection or (2) which results in bypassing and negating such valves or protection there. For violation of Ohio Revised Code Section 4933.18 or 4933.19, utility service may be terminated immediately upon that discovery, without notice or opportunity for a hearing prior to disconnection. However, in such circumstances, if a customer or consumer household affected by such termination thereafter requests a hearing, and establishes that the offending condition has been remedied; utility service will be reinstated, conditioned on continuing good conduct, although the Village does not thereby waive any right of prosecution otherwise granted under the law. Other reasons include meter tampering, theft of services or fraud; return of check for non-sufficient funds or no account registered in the name of the maker of the check; unsafe plumbing; the premises have been condemned or found to be unfit for habitation by the County Health Department or West Lafayette Village Administrator or Mayor in the absence of an Administrator or Village Council; the premises have been abandoned; or the owner, person responsible for the bill, or consumer have refused to permit the Village employees to have access to the premises to read the water meter or to inspect water equipment.

- (o) Any written communication which contains the information required in the approved forms will be accepted if it is readable and legible. The Village of West Lafayette Water and Sanitary Sewer Connection and Termination Policy is approved for use by the Utilities Department. If other rules or regulations are needed to promote and facilitate these rules and regulations and this ordinance the Village Administrator is authorized and directed to make such rules.
- (p) That no water and sewer service will be disconnected without giving the customer and consumer written notice of the right to a hearing and an opportunity for a hearing. The hearing procedures and other rules and regulations are incorporated herein by reference. The notice of shut-off and appeal procedure must be included in conspicuous print on the shut-off notice, which is to be delivered as stated in Paragraph (d) herein.
- (q) Bulk water purchases may be obtained and water placed into a tank provided by the purchaser. The cost for zero (0) to Two Hundred Fifty (250) gallons will be Ten and 00/100 (\$10.00) Dollars, and \$.02 per gallon for all gallons in excess of Two Hundred Fifty (250) gallons.
- (r) Pool filling is permitted. A credit based upon the month the pool was filled will be given. The credit will be based upon the dimensions of the pool as measured by Village employees. The amount of the credit will be calculated by giving a credit for the water and sewer charges used to fill the pool and then charging for the water used to fill the pool at the current rate for the users of 12,000 gallons or more of water. All sewer charges will be waived. Each pool will only qualify for one credit per year.
- (s) For all non-emergency repairs or replacements the normal response time will be deemed to be within three (3) business days.
- (t) The following is a non-exclusive listing for water tap rules.

- (1). That the cost of a $\frac{3}{4}$ inch water service tap for 1 unit only, with water main on same side of street (short run) shall be \$1,000 and with water main on opposite side of street (long run) it shall be \$1,250
 - (2). The cost for a 1 inch water service tap for up to 2 units shall be \$1,250 for a short run, and \$1,500 for a long run.
 - (3). The village reserves the right to contract for all water taps at its discretion. If the water tap is contracted the cost shall be the contracted cost plus \$250. The contracted cost will include all material and labor to install the water tap and restore the excavated area to its original condition.
 - (4). For installation where the meter is installed below ground and not in a basement of a building a Pit Meter is required.
 - i. Village installed Meter Pits shall be an additional \$500.
 - ii. Contracted Meter Pits will be at the contracted cost plus \$250. The contracted cost will include all material and labor to install the Meter Pit and restore the excavated area to its original condition.
 - iii. Meter Pits must be installed within of 10 foot of curb box
 - (5). All water service taps shall be installed with a curb valve and valve box within 5 feet of property line.
 - (6). All materials and installation methods must meet Village specifications.
- (u) The following is a non-exclusive listing for meter rules.
- (1). A family dwelling is considered one unit. Individual units require a separate meter and curb valve. Multi units within a building also require a separate meter and shut off valve with a lock or curb valve for each unit. Shutoff valves must be accessible by Village personnel.
 - (2). Maximum number of units per size of service line:
 - i. $\frac{3}{4}$: - 1 unit
 - ii. 1" - 2 units
 - iii. 1-1/4"- 5 units
 - iv. 1-1/2"- 9 units
 - v. 2" - 20 units
 - (3). Meters 2 inch and smaller will be purchased directly from the Village at cost plus 15%. Meters larger than 2 inch will be purchased by the water consumer and will meet Village specifications.
 - (4). The maintenance and calibration of meters larger than 2 inch shall be the responsibility of the water consumer.
 - (5). Any dwelling (home, mobile home, apartments) leveled or removed shall be the responsibility of the water consumer and/or the customer to contact the Village for removal of the water meter. Failure to return the water meter will result in the property owner being charged per the full replacement cost of the meter plus a \$45.00 handling fee.
 - (6). Any new structure or structures will require the purchase of new tap permits for Water and Sewer.
 - (7). Any water service taps abandoned for 5 years (no activity) shall be permanently abandoned.
 - (8). Outside readers and Village provided meters remain the property of the Village.
 - (9). On all newly constructed, or on the change of ownership, all rental properties having 2, 3, or 4 units in a single building must have separate meters and shut-offs which are readily accessible by Village personnel. The meters shall be

purchased from the Village at cost plus 15%. Meters and shut-offs will be installed at the property owners expense.

- (v) The following is a non-exclusive listing for sewer tap rules. Other rules may be adopted upon approval of council.
- (1). For the purposes of this section the terms "Sanitary Sewerage" and "Industrial Wastes" are defined as follows:
 - A. "Sanitary Sewerage" is waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, cellar floor drains, garage and filling station floor drains, bars, soda fountains, refrigerator drips, drinking fountains and stable floor drains.
 - B. "Industrial Wastes" are any liquid wastes resulting from any commercial, manufacturing or industrial operations or processes.
 - (2). No house sewer shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within or without the corporate boundaries of the Village until the written permission of the Village Administrator has been obtained by the person, firm, or corporation employed to perform the work. An application for a permit shall be signed by the owner, agent or lessee of the property for which the connection is to be made, and by the person, firm or corporation employed to perform the work, and must describe the property and state the fixtures to be connected and shall be accompanied by a fee of \$600.
 - (3). No house sewer shall be constructed or connection made to a public sewer by any person who has not been authorized and licensed to perform such work.
 - (4). The written permission to construct a house sewer or to make a connection to a public sewer shall specify the permissible use of such house sewer and connection and such specification shall be governed by the following requirements:
 - A. Sewage, including wastes from the water closets, urinals, lavatories, sinks, bath tubs, showers, laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains and other objectionable wastes shall be discharged into a sanitary sewer and in no case into a storm water sewer.
 - B. Industrial waste shall not be discharged into a storm water sewer but may be discharged into a sanitary sewer if the waste is of such character as not to be detrimental to the sewer system or to the sewage treatment works. Where such waste is detrimental to the sewer system or sewage treatment works, it shall be otherwise disposed of in a manner satisfactory to the Village Administrator or so improved in character as not to be detrimental to the sewer system or sewage treatment works.
 - C. Surface water, rain water from roofs, subsoil drainage, building foundation drainage, cistern overflow, clean water from condensers, waste water from water motors and elevators, and any other clean and unobjectionable waste water shall be discharged into a storm water sewer and in no case into a sanitary sewer.
 - D. Connection with a cesspool or a privy vault shall not be made into a sanitary or storm water sewer.
 - E. A trap for the interception of grease and oil shall be provided on a connection from a hotel, restaurant, club or institutional kitchen and from a public

garage, gasoline filling station, or automobile washing station. Such trap shall be satisfactory to the Village Administrator.

- (5). No person shall discharge into a house sewer or tap a house sewer for the purpose of discharging into it any waste or drainage water prohibited by the provisions of this section. Any existing connection in violation of the provisions of this section shall be abandoned and removed.
 - (6). The house sewer and connection to a public sewer shall be constructed as follows:
 - A. The house sewer be of best quality salt glazed hub and spigot vitrified sewer pipe, or of best quality plastic sewer pipe, not less than six inches in internal diameter and shall be laid in open trench. The joints shall be made watertight by a method approved by the Village Administrator.
 - B. In order to permit ventilation of the public sewer and house sewer, no trap shall be placed in the house sewer.
 - C. After the sewer is laid and before it is covered or used, it shall be inspected and approved by the Village Administrator.
 - (7). The Village Administrator is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this ordinance for the purpose of providing control of the installation of sewer connections and inspection thereof. The village administrator shall maintain accurate and complete records of all permits issued for and inspections made of the construction of house sewers and connections to the public sewers. He shall also require the abandonment and removal of all connections to the public sewers which violate the provisions of this section.
 - (8). It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Village of West Lafayette to levy and collect charges or rentals upon all lots, lands and premises served by having connections with the sanitary sewerage system and the sewage disposal plant of said Village, the proceeds of such charges or rentals do derived to be for the use of the sanitary sewerage system and the sewage disposal works of said village.
- (w) The following is a non-exclusive listing of measures to protect against Back Flow. Back Flow protection is necessary to protect the public water system from contaminants from a private, auxiliary, or emergency water system which may enter the public system. Back Flow protection is also required as per Section 6109.13 Ohio Revised Code, Section 3745-95 Ohio Administrative Code and by the Ohio Environmental Protection Agency.
- (1). That if, in the judgment of the Village Administrator, an approved back-flow prevention device is necessary for the safety of the public water system, the Village Administrator will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Village Administrator and shall have inspections and tests made of such approved devices as required by the Village Administrator.
 - (2). That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regulated public water supply of Village of West Lafayette may enter the supply or distributing system of said

municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Administrator of the Village of West Lafayette and by the Ohio Environmental Protection Agency.

- (3). That it shall be the duty of the Village Administrator to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be reported as often as the Village Administrator shall deem necessary.
 - (4). That the Village Administrator of the Village of West Lafayette or his duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of West Lafayette for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Village Administrator any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Village Administrator, be deemed evidence of the presence of improper connections as provided in this ordinance.
 - (5). That the Village Administrator of the Village of West Lafayette, is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this ordinance.
- (x) The following is a non-exclusive listing of miscellaneous rules for billing and termination of service and unclaimed funds.
- (1). That all water meters shall be read by the Village Meter Reader at least monthly during the calendar year. Failure to permit the reader access to the meter will result in the water service being terminated until the meter reader can read the meter and re-connect charges paid.
 - (2). All accounts shall have "Touch Read" meters installed. The property owner shall pay 100 percent of the cost of the outside reader and if a new meter is required the property owner will pay 50 percent of the new meter. The outside reader and meter remains the property of the Village. Failure to have a "Touch Read" meter installed as requested by the Village will result in termination of water/sewer services. The Village Administrator will determine the schedule for installing the "Touch Read" meters.
 - (3). If service is terminated for non-payment, the account holder (customer) cannot get service at another residence until all outstanding charges are paid.
 - (4). Adjustments under Four Hundred Ninety Nine and 00/100 (\$499.00) Dollars may be made to water and sewer billing with the approval of the Office Manager, Fiscal Officer, and the Village Administrator. Adjustments over Four Hundred Ninety Nine and 00/100 (\$499.00) Dollars may be made only with approval of council.

- (5). After an account is closed and a final billing is completed any remaining funds will be returned to the account holder. The Village will make three attempts to contact the account holder. The first shall be by letter at the last known billing address within 60 days of closing the account. The second attempt will be by telephone between 61 and 120 days of closing the account. The third and final attempt will be certified mail between 121 and 180 days of closing the account. If all attempts to contact the account holder are unsuccessful then the Village will keep the funds in and Unclaimed "Funds Account" for five (5) years. After five (5) years the funds will be transferred to the General Fund.

SECTION II. That any person who violates a provision of Section 662.01 Code of Ordinances for the Village of West Lafayette shall be guilty of a minor misdemeanor which is punishable by a fine of One Hundred Fifty and 00/100 (\$150.00) Dollars, court costs, and potential community service for each violation.

SECTION III. That this Ordinance shall be and is hereby declared to be an emergency measure necessary to preserve the health, welfare, and safety of the citizens of the Village of West Lafayette, Ohio, the emergency being the necessity of providing proper revenues and orderly administration of the water utilities, and shall take effect immediately upon passage by Council.

SECTION IV: WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

First Reading: _____ Date

Second Reading: _____ Date

Third Reading: _____ Date

PASSED IN COUNCIL ____ day of _____, 2011

Jack L. Patterson, Mayor

ATTEST:

Lisa M. Stiteler, Fiscal Officer