

ORDINANCE #12-09

**WATER AND SEWER RULES, REGULATIONS AND POLICIES
FOR VILLAGE OF MECHANICSBURG UTILITY DEPARTMENT**

WHEREAS, the Village of Mechanicsburg has a Utility Department that provides water and sewer service to the residents and customers, and

WHEREAS, policy must be set to operate the utility service in a fair and equitable way to service all the customers, making the policies clear for all users and employees,

WHEREAS, The rules and regulations for the water and sewer utility services are contained within several different ordinances, passed during a period of several years, and all are in need of updating and revision, and said ordinances should therefore be repealed;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MECHANICSBURG, CHAMPAIGN COUNTY, STATE OF OHIO, that;

SECTION 1: PURPOSE OF ORDINANCE

This Ordinance shall be considered a part of the contract of every person, company, or corporation that is supplied with water or sewer service by the Village of Mechanicsburg. Every such person, company or corporation by taking water shall be considered to express their consent to be governed thereby. This Ordinance may be altered, amended, or added to at any time.

SECTION 2: SUSPENSION OF SERVICE FOR SERVICE, OTHER

The Village shall find it necessary or convenient for the purpose of making repairs or improvements to its system, temporarily suspend delivery of water and shall not be liable for any loss or damage occasioned thereby. Repairs and/or improvements will be processed as rapidly as is practicable and so far as possible, at such times as will cause the least inconvenience to the customer. The Village shall, whenever possible and as time permits, make reasonable efforts to notify all affected customers prior to such shutdowns. The Village will not be responsible for interruptions, shortage or insufficient supply, or of any loss or damage caused by accident, act of God, fire strikes, riots, war or any other cause.

SECTION 3: INSPECTIONS

The officials and employees or agents of the Village may enter at reasonable hours into any house or building supplied with service to examine pipes, meters and connections

that are a part of the distribution system. Refusal by a customer shall result in immediate termination of service until the customer complies.

SECTION 4: APPLICATIONS AND DEPOSITS

1. **PURPOSE OF DEPOSIT:** As the provider of water and sewer service to the Village, the Village must prevent customers who terminate their services from absconding and leaving unpaid fees and charges that accumulated while the customer occupied the serviced property. Therefore, all new customers shall pay an initial deposit as determined by the current rates and charges ordinance pertaining to water and sewer service.
2. **USE OF DEPOSIT:**
 - a. **Refund of Deposit.** The deposit shall be applied to the customer's bill at the conclusion of two years from the initial commencement of service, provided the customer's service has never been disconnected for failure to timely pay during that two year period. Should service be disconnected for failure to timely pay current fees and charges at any time during that two year period, the deposit will be held in perpetuity until service is terminated.
 - b. **Application of deposit if service is disconnected for nonpayment.** The deposit may be applied to any outstanding balance if the service is terminated for nonpayment. If the deposit has been applied to an outstanding balance for nonpayment, an additional deposit shall be required. Service will not be reconnected until the additional deposit and all other outstanding amounts due are paid in full, even if the application of the deposit brings the account current. No payment plans are available.
3. **APPLICATION OF NEW CUSTOMER REQUIRED:** Application of new customers shall be filed at the Utility Collection Office upon a form supplied by the Village, to include the name of the customer, service address, name and address of property owner, phone number for customer and property owner (home, cell and work), e-mail address (if available), copy of driver's license, and emergency contact (optional). The application shall be accompanied by the deposit in order for service to be established. If the applicant is not the property owner, the application shall be countersigned by the property owner or agent of the owner.
4. **VOLUNTARY TERMINATION OF SERVICE; NOTICE REQUIRED:** Customers who wish to end their service shall notify the Utility Collection Office upon a form supplied by the Village, to include the name of the customer, service address, name and address of property owner, phone number for customer and property owner (home, cell and work), e-mail address (if available), and forwarding address. Said notice shall be given in advance of the customer's vacation of the premises. If the applicant is not the property owner, the application shall be countersigned by the property owner or agent of the owner. All deposits will be applied by the Village to any unpaid charges or fees which accrue for water and

sewer service upon voluntarily termination of service. The Village shall apply deposit to unpaid sewer charges first, then to the water charges. Utility service to the address will terminate on the day listed by the party giving notice, unless the next occupant prepares and files an application for new service to begin service.

5. **UNCLAIMED FUNDS:** Should a customer move, leaving no forwarding address, the Village shall apply the deposit, of any, to the final bill into an unclaimed money fund maintained by the Village. No refunds shall issue if the balance remaining on the account is less than \$5.01.

SECTION 5: PROPERTY OWNER RESPONSIBILITY

Owner responsible for all costs of services. The property owner of the premises served shall be liable for the cost of water and sewer service provided to said premises, regardless if the property is rented to a lessee who has contracted with the Village for service. The Village reserves the right to assess a lien upon property taxes of the subject property as permitted by ORC §729.49 (for unpaid sewer accounts) and ORC §743.06 (for unpaid water accounts). The Village will assess an additional five percent (5%) of the total amount owed to offset costs of processing and filing said lien.

Responsibility to repair; no tampering. The property owner shall maintain and repair the service line from the curb stop to the premises (excluding the meter). The curb stop and the meter are the property of the Village and tampering with this property is a criminal offense. Any such tampering will be dealt with accordingly as provided by ORC §73.10. No spigots shall be installed on the line before the meter; such an act will be considered theft of a public utility. Costs that arise as the result of any act that causes damage to any meter or other Village property due shall be the responsibility of the property owner.

Responsibility to report leaks and defects. Any defects or leaks must be reported to the Utility Collection Office immediately. Village employees will not connect service under any circumstances, without the customer, property owner or their representative present, to check for leakage inside of premises.

SECTION 6: PAYMENT

Bills will be mailed by the first business day of each month and will be due in full on the 15th of each month. Anytime the 15th of the month falls on a Saturday, Sunday, or a Holiday the bill will be due on the following business day by 5 p.m. All bills not paid by the due date will be charged a ten percent (10%) penalty on the water and ten percent (10%) on the sewer charges. No penalty is applied to the surcharge if applicable. Failure to receive a bill does not relieve a customer of penalty charges.

All accounts not paid in full by the 25th day of the following month shall be shut off.

SECTION 7: VACANT PREMISES FEE.

The Village shall charge the minimum rate to any vacant premises until notified by the customer/property owner that service is terminated. Temporary vacant charges for the utilities will be allowed only if service is shut off at the curb stop by the Village at the customer's request. If service is terminated with no water or sewer charges to the property, the meter will be pulled from the property and the owner will be charged for installation and a one-time rental fee of the price of the new meter and its components to resume utility service at that location.

SECTION 8: CONTESTING A BILL

All contested bills must be presented as soon as possible after receipt to the Utility Collection Office. A Village employee will check readings and meters for accuracy. Plumbing will be checked if requested by property owner in writing. If human error is found, the bill will be adjusted immediately. If no reason can be found the customer must present problem to Village Council at the next regular meeting. After all possible error has been eliminated, the bill shall stand.

SECTION 9: NEW OR EXISTING SERVICE

All new service will require installation of a new meter for a one-time rental fee of the price of the new meter and its components. All existing services requiring replacement with a new meter will be charged a one-time rental fee of the cost of the meter and its components.

SECTION 10: EFFECTIVE DATE

This Ordinance shall take effect the earliest period allowed by law. Council hereby deems this Ordinance to be of necessity for the proper running and management of the Water and Sewer Systems.

SECTION 11: PRIOR WATER/SEWER RATE AND POLICY ORDINANCES AND RESOLUTIONS

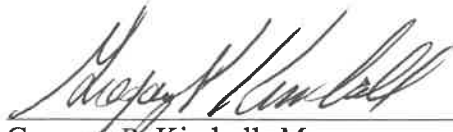
This ordinance shall supersede all prior water sewer rate and policy ordinances or resolutions whose rates have been established herein, including, but not limited to: 98-8, 01-12, 07-09. Any future changes in rates, rules or regulations to operate the Utility shall be approved by Council before implementation.

First Reading: December 3, 2012

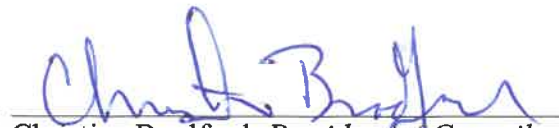
Second Reading: December 19, 2012

Third Reading: January 7, 2013

Adopted February 7, 2013




Gregory P. Kimball, *Mayor*



Christian Bradford, *President of Council*

Approved as to Form by
Victoria Stone Moledor
Solicitor Village of Mechanicsburg



Wendy Simpson, *Clerk of Council*

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