

**ORDINANCE NO. 586-2018**

**AN ORDINANCE: REPLACING ORDINANCE 554-2015 (FIXING RATES AND CHARGES FOR WATER SERVICE FOR THE VILLAGE OF PANDORA, PUTNAM COUNTY, OHIO, IT'S INHABITANTS AND OTHER USERS) AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.**

**WHEREAS**, it is deemed necessary and advisable to establish certain charges and rates for the use of the water system and water treatment plant services now rendered by the said Village to its inhabitants and other users, which will produce sufficient revenues to pay the operating and maintenance expenses of the system and plant, to provide for the payment of the principal and interest of any bonds the Village issued for the purpose of paying the cost of constructing and system and plan, and for the provision of additional funds for the construction of improvements and betterment to the said system, and;

**WHEREAS**, necessary for the current maintenance of the Village of Pandora Water System for the preservation of the health, safety and welfare of the citizens of the Village of Pandora, Ohio.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PANDORA, OHIO:**

**Section 1: WATER SERVICE CHARGE:**

That, in order to pay the expenses of conducting and managing the waterworks system of the Village of Pandora, and to finance the purchase of additional equipment as needed to provide for the proper operation of said system, the rates and charges for the product and services of the waterworks system of the Village hereinafter set forth.

The following rates for the product and services of the waterworks system are hereby established for metered water consumers:

	<b><u>Premises Located Inside Corporation Limits of the Village</u></b>	<b><u>Premises located Outside Corporation Limits of the Village</u></b>
<b>Base Rate Effective September, 2018 Billing</b>	\$18.00 per month	\$36.00 per month
<b>For the first 50,000 gals/mo. Effective September, 2018 Billing</b>	\$8.25 per 1,000 gals or part thereof	\$11.00 per 1,000 gals or part thereof
<b>For the next 50,000 gals/mo. Effective September, 2018 Billing</b>	\$4.95 per 1,000 gals or part thereof	\$4.95 per 1,000 gals or part thereof
<b>All over 100,000 gals/mo. Effective September, 2018 Billing</b>	\$2.48 per 1,000 gals or part thereof	\$2.48 per 1,000 gals or part thereof

Annual Increase of 1.5% effective with the January billing. First increase will be January, 2020. Village Council has the authority to suspend an annual increase if determined a significant surplus.

Water consumers are to receive forgiveness on an excessive water bill resulting from an undetected water leak once per calendar year in which consumers are to be billed the average of the prior eleven (11) months bills for the month of the undetected leak.

**Section 2: WATER REVENUE FUND PROVISION:**

That the funds received from the collection of the rates and charges shall be deposited as received with the Fiscal Officer who shall keep the same in a separate fund designated as the "Water Revenue Fund". Subject to the provisions of any Ordinance or Indenture of Mortgage Revenue Bonds for the system, monies in said fund shall be used for the payment of the cost and expense of operation, maintenance, repair and management of the system and for the payment of debt and other charges on bonds issued for improvements of, extensions to, the system, and any surplus in said fund over and above all requirements hereinbefore mentioned may be used for enlargements of, and replacements to, the system and parts thereof.

**Section 3: RESIDENCY:**

All consumers of water products and services of the municipal waterworks system of the Village of Pandora, Ohio, must be situated within the Village except as provided below. Sales of the water products and services of the municipal waterworks system of the village of Pandora, Ohio, to premises located outside the corporate limits of said village, shall only apply to those consumers who were non-resident consumers of the said waterworks products and services prior to the enactment of Ordinance No. 275-88, Village of Pandora, Ohio. Sales of water products and services of the municipal waterworks system to premises located outside the corporate limits shall be pursuant to Section 1 and Section 5 of this Ordinance.

**Section 4: INSTALLATION CHARGES:**

Commercial consumers shall be charged the cost of the water meter for all new meter installations. The Village shall furnish water meters to all other consumers for new meter installations. The consumers may be responsible for the proper installation of the water meter. Consumers shall not be charged for that section of the lateral water line and other water service materials that are situated on village property. Consumers shall not be charged for that section of the lateral water line and other water service materials extending from the curb stop. Consumers who are situated on the opposite side of the street or alley from the main water line shall not be charged for the lateral water line and other water service materials from the curb stop to the Village property line with the consumer.

All consumers of the municipal waterworks system shall install a connection to the main water lines of the village, to be made by the employees of the Village, or its agent upon application of the consumer, or his agent after paying the following charges:

3/4 inch water line	\$475.00
1 inch waterline	\$600.00

Over one (1) inch water line charge is to be established by negotiations between the owner and the Village Administrator.

These tap-in fee charges are imposed on the consumer of water products and services as a privilege for using the main village line.

In addition to the charges provided in this Section, the consumer shall also bear the actual cost of the water connection to said property. All of the said charges shall be paid by the consumer to the Fiscal Officer of the Village of Pandora in advance of connection with the Village water system.

#### **Section 5: MULTI-UNIT CONSUMERS:**

All consumers, other than single family residential and nursing home unit consumers with two or more units in one building that are not metered separately, shall be charged \$18.00 per month for each unit effective with the September, 2018 billing, with an annual increase of 1.5% effective with the January billing. First increase will be January, 2020. Except for units which are strictly single family residential units, nursing home units or units which are strictly non-residential consumers, where a unit has a combined residential and business purposes, and where there are separate restroom facilities and/or water service for the business entity for the convenience of the business entity customers and/or operators, then the business entity is considered to be a separate unit from the residential unit and shall be charged separately from the residential unit. These rates shall be minimum rates and the meter rates as provided for in Section I herein shall apply. Each manufactured home situated in a manufactured home park as a consumer of water products and services of the municipal waterworks system of the Village of Pandora, Ohio, shall be considered a separate unit. Only one bill shall be sent to the owner of the manufacture home park for all consumers of water products and services of the municipal waterworks system within said manufactured home park.

#### **Section 6: DELINQUENCY:**

Bills for water service shall be rendered monthly and the due date for said bill for such service shall be paid by the 15<sup>th</sup> of the following month. If a consumer has not paid his or her water bill on or before the due date, a \$5.00 late charge shall be added to the water service charge.

Should the water service bill reflect a previous balance due, that remains unpaid on the last business day of the current billing month, the Village Administrator is hereby authorized to shut off such water service by whatever means necessary. Should water service have been discontinued because of the consumer being delinquent in paying his or her water service bill, the consumer shall be billed the cost of labor and materials in installing a water shut-off and a \$50.00 water turn on fee. Prior to the restoration of service, the consumer must pay all delinquent water service charges, the \$50.00 turn on fee and if deemed necessary any fees associated with installing a water shut-off.

The Village may seek collection from delinquent consumers for past due water service charges pursuant and to the provisions of the Ohio Revised Code Section 743.04. If such bill is not paid within (90) days after such due date, the Fiscal Officer is authorized and directed to certify the delinquent bills to the County Auditor for collection as and at the time that other taxes and assessments are collected.

Whether water services are provided to a consumer who is a Lessee, the Lessor and Lessee shall be jointly and severally liable for the payment of water service charges. No new Lessee shall be able to put water into their name without all outstanding/delinquent water bills being paid in full by the Lessee or Lessor.

#### **Section 7: EXTENDED WATER DISCONTINUANCE:**

Any consumer desiring extended water discontinuance may be entitled to such status by first paying a \$25.00 turn off fee. Water service shall resume upon said consumer first paying a \$25.00 turn on fee, and by becoming current on any delinquent water bills, if any.

Extended water discontinuation shall be defined as water service being discontinued to a consumer for a period of at least twelve (12) continuous months. All consumers who have complied with the provisions for extended water service discontinuance shall nonetheless be charged the base monthly water rate.

#### **Section 8: TEMPORARY WATER DISCONTINUANCE:**

Consumers desiring temporary water service discontinuance shall be charged \$10.00 turn off fee. Water service shall be resumed upon said consumer paying a \$10.00 turn on fee, and becoming current on any delinquent water bills.

Temporary water discontinuance shall be defined as water service discontinuance for a period of less than one (1) year. All water users who have complied with the provisions for temporary water service discontinuance shall nonetheless be charged the base monthly water rate.

Consumers desiring a resumption of water service shall be charged a \$50.00 turn on fee should the consumer desire the water to be resumed other than during normal business hours. Normal business hours are defined as being 7:30 am to 4:30 pm, Monday through Friday, except for holidays.

#### **Section 9: MAINTENANCE AND PROHIBITIONS:**

The consumer is responsible for proper care for all water service equipment situated on the consumer's property. The consumer shall also be responsible for the proper care of the water meter. The water consumer shall fully comply with the Ohio Environmental Protection Agency Back Flow Prevention Regulations as follows:

#### **BACKFLOW AND CROSS-CONNECTION PREVENTION OF WATER SUPPLY**

- (A) The Village Administrator or his designee have the right to deem necessary on all new and existing water service connections, which endangers or can endanger the public water supply from an existing or anticipated cross-connection to install an approved backflow preventer. The water consumer will be given notice to install an approved back flow preventer immediately. The water consumer shall, at his own expense, install an approved back flow preventer and shall have inspections and test annually and shall report the results in writing to the Village.

- (B) The Village Administrator or his designee is authorized to discontinue water service to any connection where the back flow preventers are not properly maintained and tested or have not been provided for a cross-connection, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply. Water service will be discontinued to these properties until such conditions have been corrected or eliminated to meet compliance with this ordinance.
- (C) The Village Administrator or his designee have the right to enter any property served by a connection to the public water supply of the village for the purpose of inspecting the piping system and inspect all water uses on-site at any reasonable time. All service connections must have a physical separation between the public water system and the auxiliary water system.

#### BOOSTER PUMPS

- (A) For booster pumps not intended to be used for fire suppression, such booster pump shall be equipped with a low pressure cut-off designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less.
- (B) For booster pumps, or fire pumps, used for fire suppression installed after August, 8 2008, such booster pump, or fire pump, shall be equipped with one of the following:
  - (1) A low suction throttling valve on the booster pump discharge, which throttles the discharge of the pump when necessary so that suction pressure will not be reduced below ten pounds per square inch gauge while the pump is operating; or,
  - (2) The fire pump is equipped with a variable speed suction limiting control on the booster, or fire, pump. The speed control system must be used to maintain a minimum suction pressure of ten pounds per square inch gauge at the pump inlet by reducing the pump driver speed while monitoring pressure in the suction piping through a sensing line.
- (C) It shall be the duty of the water consumer to maintain the low pressure cut-off device, low suction throttling valve, or variable speed suction limiting control, in proper working order and to certify to the village, at least once every twelve months that the minimum pressure sustaining method in place is operating properly.

#### WATER EMERGENCIES:

The Mayor shall have the authority to declare a water emergency when in his opinion the available water resources to the consumers of products and services of the municipal water works system of the Village of Pandora, Ohio is severely diminished and presents an immediate hazard to the health, well being, and the safety of the residents of the Village of Pandora, Ohio. Therefore, during the term of a water emergency, it shall be a violation of this Ordinance for consumers to consume water products and services other than for necessary household usage, i.e. watering lawn, washing vehicles, filling a swimming pool. Failure to comply with this section of this Ordinance is punishable by a fine of up to \$100.00 for the first offense and a fine of up to \$500.00 for each subsequent offense.

The Village Council shall review provisions of this Ordinance concerning Consumer charges, rules and regulations on at least an annual basis

#### **Section 10: PERMANENT UNDERGROUND SPRINKLER SYSTEM PROVISIONS:**

A permanent underground sprinkler system shall be defined as a system whereby a consumer of water products and services of the municipal water system of the Village of Pandora, Ohio has installed a system of pipes, connections, and sprinklers for the main purpose of waterline lawn areas and garden areas to supplement the natural moisture accumulations. A permanent underground water sprinkler system shall not include temporary above ground hose connections made to spigots at the consumer's residence or permanent building to provide for sprinkled water on a temporary basis.

All consumers of water products and services of the municipal water works system in the Village of Pandora, Ohio, for purposes of permanent underground water sprinkler system must be situated with the Village.

In addition to the charges provided for in Section 4 of this ordinance, the consumer shall also bear the actual cost of the additional water connection to his property for purposes of supplying water products for permanent underground water sprinkler systems. All of the said charges shall be paid by the consumer to the Fiscal Officer of the Village of Pandora in advance of the connection with the Village water system.

All consumers of water product services for underground water sprinkler systems shall be charged a water service charge in the same manner provided by Section 1 and Section 5 of this Ordinance.

#### **Section 11: RETURNED CHECK OR ACH PAYMENT**

A fee of \$30.00 will be charged for all returned checks and ACH payments. Consumers who have their service discontinued due to a returned check/ACH payment, will not be permitted to write a check for payment of the past due billing. Payment for the past due billing and any other applicable fees must be paid by certified check, money order, or cash. Check writing or ACH payment privileges will be restored by the village after full payment .

#### **Section 12: INVALIDITY:**

Should any section of this Ordinance be determined to be invalid, the remaining section or sections shall remain in full force and effect, except to the extent that such remaining sections are wholly dependent upon the validity of the sections declared to be invalid.

#### **Section 13:**

That it is found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.



**Section 14:**


This Ordinance shall take effect with the September, 2018 Billing.

Passed and Adopted this 14<sup>th</sup> day of August, 2018, by the Council of the Village of Pandora, Ohio.

ATTEST:

  
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Kimberly D. Reese, Fiscal Officer

APPROVED:

  
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John C. Schlumbohm, Mayor