

**ORDINANCE NO. 2022-2
INTRODUCED BY COUNCIL**

AN ORDINANCE VOIDING ALL PREVIOUS WATER SYSTEM ORDINANCES AND ESTABLISHING NEW WATER RULES, REGULATIONS, AND RATES AND DECLARING AN EMERGENCY

WHEREAS, the Village deems it necessary to change, revise, add, subtract, etc., certain sections of previous Ordinances relative to water rules, regulations, and rates;

WHEREAS, the Village deems it necessary to update and combine all Ordinances, Rules, and Regulations pertaining to the Water System;

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Jacksonville, Ohio in Athens County:

SECTION 1. RULES AND REGULATIONS

- (A) The Rules and Regulations hereinafter set forth shall be considered a part of the contract with every person, firm, company, or corporation that is supplied with water through the Jacksonville Public Water System, and every such person, firm, company or corporation, taking water shall be considered to have expressed his or their consent to be governed thereby. The Council reserves the right to alter, amend or add to the Rules and Regulations at any time.
- (B) The supply of water to all parties for any purpose whatever is subject to the following conditions: The Village does not guarantee to the consumer a fixed or continuous pressure, nor does it guarantee the water delivered as to quality, purity, or temperature, these being subject to the variable conditions which may arise in the operation and maintenance of the Water System.
- (C) In case of breaks in mains, services, pumping machinery, reservoirs, or other Water System equipment, and for the purpose of tapping, extending, repairing replacing or cleaning mains, the water may be shut off without giving notice and no claims shall be considered for damage of any nature whatsoever arising from such action. Under ordinary conditions, consumers shall be notified.
- (D) A copy of the form to be used for tap application for water service in the Village of Jacksonville is attached hereto as Exhibit "A".
- (E) A copy of the Water Agreement between the customer and the Village is attached as Exhibit "B".

SECTION 2. WATER METERS

- (A) All water services must be metered.

- (B) All applications for the use of water from the Village must be made in writing by the Owner of the premises on the form provided by the Village. See Exhibit A. An application must be obtained at the Water System Office or online. The application form and fee for the tap must be either: (1) mailed to the Village at PO Box 99, Jacksonville, Ohio 45740 (2) be taken to First National Bank, 26 Toledo Street, Glouster, Ohio 45732, or (3) hand delivered to the office at 34 South Sixth Street, Jacksonville, Ohio 45740.
- (C) There shall be only one meter on a service branch. The customer and/or property owner, whichever is applicable, for that meter shall be responsible for the bill for that service line.
- (D) Water for construction, maintenance and commercial cleaning, private or public, shall be furnished at rates determined by the Village Council Water Committee.
- (E) All meters are to be registered by service numbers, and apply to street number and lot numbers, and not to owner's name. Inquiries regarding meters should give street number, and if possible, service number.
- (F) On and after the effective date of this ordinance, all water meters of sizes up to and including 5/8 inch x 3/4 inch shall be furnished by the Village at its expense. For all meters of a size larger than 5/8 inch x 3/4 inch, re-registering or auxiliary connections shall be furnished at the expense of the person or persons applying for such non-standard meters and shall comply with the requirements or specifications prescribed by the Village and shall be of the make, type, model and design approved and adopted by the Village.
- (G) **RESPONSIBILITY FOR LOSS OR THEFT OF METERS.** Property owners shall be held responsible for and shall reimburse the Village for the loss or theft of any meter furnished and maintained as hereinbefore provided.
- (H) A meter shall be removed only by authorized employee of the Village Water System. Unauthorized persons removing or tampering with meters shall result in the assessment of a Fifty Dollar (\$50.00) penalty, unless it is determined that the removal or tampering with a water meter results in damages over Fifty Dollars (\$50.00). If the unauthorized persons removal or tampering with a water meter results in damages to the meter of over Fifty Dollars (\$50.00), then the Village may prosecute the unauthorized person responsible to the full extent of the law in lieu of the Fifty Dollar (\$50.00) penalty, if the Village so chooses. "Tampering" includes, but is not limited to, breaking of a meter seal from any cause and for whatever reason. If the meter is tampered with or damaged, then the Village reserves the right to turn off any water services until the Fifty Dollar (\$50.00) fee is paid for or until the case has been formally prosecuted in lieu of the Fifty Dollar (\$50.00) fee in accordance with this subsection (H).

- (I) The Village reserves the right to remove a meter from any premises and substitute another meter in its place for the purpose of making repairs or testing.
- (J) The Village shall, on its initiative, undertake to test any meter, which in its judgment is registering incorrectly, without charge to the owner.
- (K) In cases where the property owner or consumer request the Village to test the meter owned by such property owner, the Village reserves the right to charge Fifty Dollars (\$50.00) for the cost of removing and testing the meter if the meter is found to be in proper working order. This charge can be waived by the Mayor.
- (L) Meters shall be kept freely accessible to meter readers and/or other authorized employees of the Water System. Meters shall not be covered, blocked, barricaded, or obstructed in any manner that prevents meter readers and/or authorized employees of the Water System. The Village reserves the right to shut off water when violations of this regulation are not corrected following due notice of such violation to the owner by the Village. "Due notice" for this subsection (L) only, means a seventy-two-hour period from a posting of notice on the premises describing the manner in which the meter is covered, blocked, barricaded, or obstruction. If the meter remains blocked after due notice, then the Village reserves the right to gain access to the water meter by any lawful means necessary.
- (M) All new meter installation shall be located as directed by the Water System.

SECTION 3. BILLING AND PAYMENT OF WATER BILLS

- (A) Charges for water used shall be based on the meter consumption at rates legally adopted by the Village.
- (B) The reading of meters shall be monthly. In cases where no meter reading is obtained or in the case of an inoperative meter or by three unsuccessful attempts to read the meter, the Village reserves the right to estimate and bill for the water consumed on the basis of preceding comparable monthly consumption.
- (C) Bills shall be sent out by the 26th day of each month.
- (D) **WHEN METERED WATER BILLS BECOME DELINQUENT.** Bills are due by the 15th day of the month. If the 15th day of the month falls on a weekend or a Holiday, it shall be due on the next business day. A 10% penalty shall post to the account on the next business day following the 15th of the month for any unpaid balances. A hang tag shall also be placed on the residence the next business day following the 15th explaining that the water will be shut off for non-payment and shall include the customer's name, address, account number, amount due, and date and time water will be shut off. Following placement of the hang tag, the customer shall have Five (5) business days to pay the account in full before it is shut off. If the water is shut off, the customer must pay the account in full along with an Eighty Dollar (\$80.00) disconnect fee.

- (E) If the home is occupied by a tenant, if possible, a notice of water shut off will also be mailed to the property owner.
- (F) All charges for water are assessed against the property to which the service is rendered, and are a lien against such property, collectible in the same manner as other taxes and assessments; it shall be the duty of persons purchasing property to ascertain if there are any unpaid water bills outstanding against the property.
- (G) The owner of any premises shall pay the water charges as they accrue. An owner may permit a tenant(s) or lessee(s) to be co-named or added to the account but is not thereby relieved of responsibility for payment and cannot themselves be removed from the account. Before new tenant(s) or lessee(s) can receive water service, the owner shall see that all bills are current, and that account is not delinquent. If account is delinquent service shall be terminated until paid in full.
- (H) Delinquent water accounts over One Hundred Dollars (\$100.00) shall be assessed to property taxes each September. A notice shall be on the August water bill. The owner of the property shall be liable for the delinquent accounts of a tenant or lessee.
- (I) The Water Department shall undertake to deliver bills for water by depositing the same in the Post Office as a matter of convenience to the owner or consumer; failure to receive bills shall not relieve any person from their obligations in the payment of such bills. Owners' and/or or customers' accounts and amounts billed/owed can be viewed and/or paid online.
- (J) When water is turned off on account of any delinquency, it shall not be turned on until all delinquencies have been paid, together with a disconnect charge of Eighty Dollars (\$80.00).
- (K) When a consumer has been notified of a leak on the customer side of the tap, and repair is not made withing fifteen (15) calendar days of notice, service may be shut off without notice.
- (L) When a payment is made by check to the Water Department and the check is returned by the bank for any reason, a thirty-five (\$35.00) dollar fee is assessed to the customer's account. No returned check shall be redeposited to the bank for any reason. When a payment is made by credit or debit card to the Water Department and the payment is returned from the bank for any reason, a thirty-five (\$35.00) fee is assessed to the customer's account. No returned credit or debit card payment shall be redeposited to the bank for any reason. When a payment is made by ACH to the Water Department and is returned form the bank for any reason, a thirty-five (\$35.00) dollar fee is assessed to the customer's account. No ACH shall be redeposited to the bank for any reason.
- (M) If a Village employee is summoned to a customer's residence or business, there shall be no charge for the first visit in a twelve (12) month period. There shall be a five (\$5.00)

- fee for each subsequent visit. If it is found that the meter is not working, the five (\$5.00) dollar fee may be waived.
- (N) There shall be no pool credits provided.
 - (O) Payment plans shall only be considered in cases involving a significant water leak, and must be approved by the Mayor.
 - (P) The Mayor has the authority to make adjustments to a customer's water bill up to one-hundred (\$100.00) dollars.
 - (Q) Following a six (6) month period of inactivity and non-payment by a customer, the Village may pull the customer's water tap. In the event the customer's water tap is pulled in accordance with this subsection (Q), the customer shall incur a \$1,500.00 tap fee and must pay any delinquent bill in full prior to re-installation of the water tap.

SECTION 4. DEFINITION OF TYPES OF SERVICE.

- (A) Residential Service – service requiring 5/8 inch x 3/4 inch meter and which is not a place of business.
- (B) Commercial Service – places of business and services requiring greater than 3/4" meter. Also includes those services consisting of more than one family unit, apartment, trailer or other user.
- (C) Industrial Service – same as commercial service.

SECTION 5. WATER AND STORM SEWER RATES; PRICES FOR WATER TAPS

- (A) Water Rates for services inside the Village Corporation limits shall be as follows:

Water Base Charge: \$36.00 per month for the first 2,000 gallons
Water Volume Charge: \$1.20 per hundred gallons after base rate

Water rates for services outside the Village Corporation limits, a sum of 50% of the combined water rates shall be added to the above rates.

- (B) There shall be an annual across-the-board increase of 3% in Village water rates reflecting costs to the Village for supply and maintenance taking effect during the July billing cycle commencing July of 2022. For 2022 only, the across-the-board increase of 3% will be waived for services outside of the Village Corporation limits.
- (C) There shall be a flat five (\$5.00) dollar fee added to each monthly bill for customers living within the Village corporation limits for storm sewer maintenance commencing on January 15, 2022.

- (D) Customers shall be charged \$1,500.00 for a new tap fee for a standard size tap. Anything larger than a normal size tap will cost \$1,500.00 plus any additional costs incurred by the Village to accommodate the non-standard tap.
- (E) All water taps that need the following will have actual costs incurred on: Road Cuts; Road Borings, Fittings, Piping, Labor, Concrete Overlay, Asphalt Replacement, Meter, Meter Setters, Meter Pit/Vaults, Equipment, etc.

If a new tap is requested by a customer that requires any of the above listed in subsection (E), then the Village shall obtain a minimum of two construction quotes for the boring under the roadway in an effort to try and find the best price for the customer. The Village shall use its best efforts to choose the lowest priced construction project as long as it guarantees current and future roadway safety and holds the construction company chosen for the project liable to the Village in the event something happens to the bored roadway in the future. The customer shall owe the Village the actual costs of the construction, boring, and water tap prior to construction. The Village shall then use the monies paid by the customer to enter in the contract with the construction company.

If the contract needs more money, then the customer shall pay the additional actual cost amount owed to the Village in a timely manner to ensure that the project can proceed. If the customer fails to pay the Village extra actual costs to complete the project, the Village may pay the bill to complete the project. In the event that the Village foots the bill to complete the project for the customer, then the Village may assess a lien on the property for the amount of money the Village paid to complete the construction and boring process.

If money is not used during the construction, then money not used shall be held in trust and reimbursed to the customer as soon as legally possible, unless the customer owes the Village money for any other reason. Then that money held in trust on behalf of the customer may be applied to the amounts owed to the Village.

- (F) All water taps shall be performed by a qualified plumbing contractor at the expense of the property owner and/or customer. All taps must be inspected and approved by an authorized employee of the Village Water/Sewer Department prior to backfilling.

SECTION 6. WATER LINE EXTENSIONS

- (A) Property owners desiring the installation of new water lines or line extensions in the Village must present a petition requesting such lines or extensions to the Village Council. The cost of such lines shall be borne by the property owners so petitioning, at the rate per lineal foot as legally prescribed by the Water Department.
- (B) The size and kind of water line installed shall be decided by, and the work of insulating said line, shall be done under the supervision of the Water Department.

When a water line has been installed along a street in the manner herein-above set forth, any property owner or occupant on the street along the line, who has not joined in the petition nor paid on the line and who desires to secure water from the line, shall pay to the Village the same rate based upon the front footage of his or her property along said line.

- (C) Petitions for water line extensions outside the Village limits will be accepted at the option of the Village and the entire construction costs of the same shall be borne by the petitioners. All construction plans specifications and installations shall be subject to approval and supervision of the Water System.
- (D) The Mayor shall approve all extensions and taps in and out of the Village only upon approval of Village Council.

SECTION 7. SERVICE CONNECTIONS

- (A) No person except the Mayor, the Village Administrator or an authorized designee of the Mayor shall be permitted to tap or make any connection with the mains or distribution line of the Jacksonville Water System. Any person who violates this section shall be prosecuted.
- (B) No arrangements shall be allowed whereby there may be any possibility of rain, river or other water flowing into the Jacksonville water supply. No service pipe connected with the Jacksonville water supply shall be connected with pipes supplied with water from any other source.
- (C) When any premises are supplied with water from two or more standard services, such service must be provided with check valves so that water can flow into the premises but cannot flow out through either of the services.
- (D) Only the Mayor, Village Administrator or a designee of the Mayor are permitted in the water pits. An authorized plumber making repairs to the service is an exception to this section. Any person found violating this section will be subject to a \$50.00 fine that will be added to their water bill.
- (E) Only Authorized Village Employees are permitted to turn Off or On or Maintain fire hydrants. Any unauthorized person found tampering with fire hydrants will be prosecuted to the full extent of the law.
- (F) In order to have water service, all customers must have a signed a mandatory water agreement with the Village.

SECTION 8. ORGANIZATIONAL EVENTS

If an organizational event is held in the Village of Jacksonville and the organization desires to use the Village's water, the organization shall apply to use the Village's water system. Once approved standard rates shall apply and an authorized employee of the Village's Water Department shall come hook up the water for the organization to use. No non-standard equipment shall be hooked up to the Village's water meter pit, water line, and/or hydrant. No non-authorized person shall access and/or use the meter pit, water line, and/or hydrant. Violators shall be prosecuted.

SECTION 9. LIEN UPON PROPERTY

Each charge levied by or pursuant to this ordinance, or by previously enacted water ordinances, is made a lien upon the corresponding lot, parcel of land or premises served by a connection to the water system of the Village and if the same is not paid within thirty days it is due and payable, it shall be certified to the Athens County Auditor who shall place the same on the tax duplicate of the County with interest and penalties allowed by law and be collected as other taxes are collected.

SECTION 10. LIEN PROCEDURES

- (A) The Ordinances and/or Resolutions enacted by the Village of Jacksonville are applicable to and enforceable against the property owner at the location of the violation, and that violations by tenants shall be enforceable against the landlord of the property.
- (B) When fines, penalties, and fees shall be assessed for the violation of the Ordinance and/or Resolutions which is subject to enforcement by this section, the Village of Jacksonville shall certify all fines and penalties to the Athens County Auditor and shall record with the Athens County Recorder a notice of lien on the premises, as a lien against the property in the amounts of fines and penalties outstanding in accordance with Ohio R.C. 743.04.

SECTION 11. PREVIOUS WATER ORDINANCES

All previous Ordinances before said date become null and void, unless otherwise specified in this Ordinance. All fines, penalties, fees and any other amounts owed or outstanding from prior water ordinances remain due and payable. This Ordinance does not vacate those. Customers and/or property owners still owe existing amounts owed.

SECTION 12. EMERGENCY MEASURE

This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the citizens of the Village of Jacksonville, Ohio and shall be effective upon passage or at the earliest date allowed by law.

SECTION 13. EFFECTIVE DATE

This ordinance shall take effect from the earliest period allowed by law.

Passed on First Reading:



Council President

APPROVED:



Mayor

CERTIFICATION

I, Heather Rockwell, Fiscal Officer for the Village of Jacksonville, Athens County, Ohio, certify that the foregoing is a true and correct copy of the Ordinance adopted by the Village Council of the Village of Jacksonville, and appears in the Village records as Ordinance No. 2022-2.

ATTEST:



Clerk of Council