ORDINANCE NO. 2019-02

ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE VILLAGE OF COOLVILLE WATER SYSTEM, AND DECLARING AN EMERGENCY.

 WHEREAS, after due deliberation and considerations, Coolville Village Council wishes to adopt the attached, Rules and Regulations for the Coolville Village Water System;

 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF COOLVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The attached Rules and Regulations for the Coolville Village Water System are hereby adopted and ratified.
2. Such Rules and Regulations supersede any previous Water Department Rules and Regulations, By-Laws or Policies.
3. It is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were conducted in open meetings of Council, and that all deliberations of Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Sec. 121.22 of the Ohio Revised Code.
4. This Ordinance is being passed as an emergency measure under suspension of the rules, to take effect immediately, pursuant to Ohio Revised Code Sec. 731.30 because it is necessary for the immediate preservation of the health, safety and welfare of the Citizens of Coolville.
5. Publication of this Ordinance shall be made by posting a copy of the same in at least 5 locations within the Village. (Hocking Valley Bank, Coolville Public Library, Coolville Village Hall, Coolville Post Office & Go-Mart)
6. This Ordinance shall become effective the earliest date allowed by law.

Duly enacted this 12th day of February 2019, under suspension of the rules, on third reading.

ATTEST:

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Council President Council Person

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Council Person Council Person

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Council Person Council Person

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Mayor

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Suspend second and third readings.

Accepted:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved as to form:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Richard H. Hedges

Village Solicitor

CERTIFICATION OF CLERK/FISCAL OFFICER

The foregoing is a true copy of the original Ordinance Number 2019-02

Publication of this Ordinance was made by posting a copy of the same in the following five (5) locations within the Village, beginning on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019, and concluding on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019 (at least 15 days later):

-Village Hall\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

-Coolville Public Library \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

-Go-Mart\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

-Hocking Valley Bank\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

-Coolville Post Office\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ATTEST:

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Fiscal Officer

VILLAGE OF COOLVILLE

BY-LAWS: VILLAGE WATER SYSTEM

**RULE 1 – GENERAL**

The Village of Coolville, for the purpose of maintaining and operating a system of Water-Works herein referred, to shall employ a Water Clerk, subject to instructions and directions of the Village Council and Mayor. The wages of said Water Clerk and other Village employees shall be fixed by Village Council, which reserves the right, with notice, to discharge or cause to be discharged the Water Clerk or any or all employees as may be in the best interest of the Water System. Such employees performing work on the Village Water and/or Sewer System, are “at will” employees of the Village and will serve the pleasure of the Village.

**RULE 2 – VILLAGE COUNCIL DETERMINES RATE AMOUNTS FOR WATER/SEWER SERVICE**

The Village Water System requires adequate cash flow to function properly and efficiently. Village Council reserves the right to evaluate cost/revenue ratios at any time. Water rates shall increase three percent (3 %) yearly unless otherwise determined by Village Council.

**RULE 3 – ONE METER PER RESIDENCE/ EXTRA MINIMUM BILL/ METERS REQUIRED/TURNING WATER OFF AND ON/FINE FOR VIOLATIONS**

 There shall be one meter per residence, which shall only be set or removed by authorized employees of the Water Department or by special order of the Water Department. Deviation from the requirement of one meter and separate connection charge for each residence may be made by Council for good cause shown. If no variance is granted by Council, and the Village learns that more than one customer are served by just one meter, and such property owner(s) refuse(s) to install an additional meter or meters and pay the separate connection charge, then such owner(s) must pay $80.00 per month, and be required to pay an additional minimum monthly water bill, every month, until the additional connection charge is paid and the additional meter(s) is/are obtained. At that point, separate billings shall begin.

 All water connections installed shall be supplied by meter only.

 Water shall only be turned on by authorized employees of the Water Department, provided, however that plumbers may turn water on to test their work, but must shut it off immediately after such test. No connection shall be made ahead of any meter.

 Meters shall not be tampered with or seals broken except by authorized employees of the Water Department.

 Whoever violates any of the provisions of these rules and regulations shall be subject to fine, not to exceed $150.00 per occurrence.

**RULE 4 – NEW SERVICE/EXTENSIONS OUTSIDE CORPORATION LIMIT**

 Any property owner desiring to become a water user shall make application therefore on forms furnished by the Village subject to the following conditions:

1. The owner shall pay a water connection charge of $1,000.00 for each separate dwelling unit or business to be served. The owner shall run suitable line to the meter box, service connections will be furnished to the nearest property line by the Village for customers within Village corporation limits. Property owners shall furnish all service lines from the meter box to the dwelling unit(s) or business.
2. The Village may, but is not required to provide water outside the corporation limits. Such decision shall be made based upon the facts and circumstances of each case. The cost for such extensions shall be paid by the property owner to be served, unless the Village agrees otherwise

**RULE 5 – CONNECTION CHARGES/PRIOR UNPAID BILLS/REFUSAL OF SERVICE**

 Water service connections will not be made at any premises until the property owner or his duly authorized agent has made application therefore, upon a form prepared for such purpose and without first paying the Connection/Tap charge of $1,000.00 per residence (each separate dwelling unit or each separate business served). If such is a new service, the newly purchased meter will be held at the Water Department until all plumbing work has been completed and inspected, and the water is ready to be turned on for use. The property owner shall be responsible for all water bills for such premises.

 It is the customer’s responsibility to determine whether an existing or previous owned of property owes a late water bill. If certified as a lien, such delinquency attaches to the property, and water cannot be re-provided to that property (if shut off) unless and until the outstanding bill is paid in full.

 A customer, who owes a water bill on one property, will not be provided with water for a new property until the first delinquency is paid in full.

**RULE 6 – NEW WATER ACCOUNTS/DEPOSITS/NON-SUFFICIENT FUNDS FEE**

 New Account fees:

1. A $40.00 deposit is required for anyone opening a New Account. This deposit is refundable if owner/renter vacate the property without any outstanding charges.
2. A $20.00 Service fee required for a New Account.

 A $35.00 fee will by imposed for any check returned with Non-Sufficient Funds (NSF)

**RULE 7 – AUTHORITY FOR CONNECTIONS**

 No person other than the properly authorized agent of the Water Department and acting thereunder, will be permitted to tap or make connections with the water main or distribution pipes of the Village Water System.

 Only the record Property Owner(s) shall initiate or discontinue Water Service with the Village.

**RULE 8 – PROPERTY OWNER’S SERVICE LINES**

 Property owners taking Village water must keep their service pipes and fixtures connected therewith in good repair and protected from frost at their own expense and must prevent any unnecessary loss of water.

**RULE 9 – BROKEN METERS AND BROKEN WATER LINES**

 If a meter becomes out of order and fails to register, the property owner will be charged by the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be paid for by the customer, whether used or not. The Water Department reserves the right to change meters whenever necessary for repair.

**RULE 10 – ACCESS TO PROPERTY**

 The authorized agent of the Water Department shall have free access at all reasonable hours of the day to all parts of the premises to which water is supplied, and upon discovery at any time of any irregularities in making attachments, the water may be shut off pursuant to notice until a remedy has been made satisfactory to the Water Department, and a fee of $20.00 shall be paid for the loss of time and labor spent in turning the water on and off.

**RULE 11 – PERMIT REQUIRED FOR WATER USE BY THIRD PARTY**

 No contractor shall use water from any service, unless the same is metered, for building purposes without first making application for same to the Water Department and securing a permit to use water. All owners or occupants are strictly prohibited from furnishing water as aforesaid or allowing the same to be taken from their service pipes unless the permit has been obtained from the Water Department. Any failure to heed this rule may result in having the water shut off, pursuant to these Rules.

**RULE 12 – PERMITS FOR PLUMBERS TO PERFORM WORK**

 Any plumber who wishes to make connections or attachments to the service pipes or the lines of the Village Water System must apply for and obtain a permit to do so.

**RULE 13 – PLUMBERS REQUIRED TO CLOSE METER STOP**

No plumber, after making any connection with a service pipe or line, while making repairs, or putting in any new attachments, shall leave a meter stop open and the water turned on, on any premises, without permission from the Water Department. If meter is left on, plumber is responsible for any loss of water or any unauthorized water use.

**RULE 14 – PLUMBERS REQUIRED TO TURN OFF WATER**

 Any plumber leaving water turned on without the permission of the Water Department shall be held responsible for all water used.

**RULE 15 – OWNER OF PROPERTY RESPONSIBLE FOR RENTALS/BILLS SENT TO PROPERTY OWNER(S)**

The Village requires the property owner to be responsible and sign for rental property, and the property owner shall be responsible for all charges for water service at such locations.

 Water bills shall be sent to the property owner(s). The Property Owner shall notify the Village of all rentals and change in occupancy in rentals. ***Property owners shall be responsible for any unpaid balance left when renters vacate the property and the amount shall be paid in full before the water is turned on for future renters.***

**RULE 16 - DELINQUENCY CHARGES**

 If a water bill or other charge is not paid when due, then a delinquency charge of ten percent shall be added thereto for each month that such bill or charge remains unpaid.

**RULE 17 - WATER WILL NOT BE PROVIDED IF SEWER BILLS ARE NOT PAID IN FULL, SEWER REGULATIONS ARE NOT COMPLIED WITH OR CONNECTION IS NOT MADE TO SANITARY SEWER**

 If water is received, it must be discharged and treated to prevent pollution and violation of local, state, and national laws. If sewer bills are not paid when due, if a property owner fails to connect to the sanitary sewer or otherwise fails to comply with the Sewer Use Regulations, water cannot be provided by the Village Water System. Such property owners and customers shall be subject to shut off of their water supply until the issue is corrected or definitive arrangements are made for connection to sanitary sewer. Advance notice and procedures for such shut offs shall be as follows:

1. Written notice will be given to both the property owner and consumer at least five days before termination. This notice will indicate the amount which must be paid by the termination date.
2. Written notice will be given to property owner for mandatory connection to the sanitary sewer. This notice will indicate a time frame for connection to be made and include any fines associated with non-compliance within that time frame. Sewer charges set forth by Village Council will also be applied to water bills after the allotted time frame.
3. Notification by phone will also be attempted if a contact number is provided but is not a requirement before termination of water service.
4. The disconnection charge is $25.00 for the first trip and $50.00 for each trip thereafter within a twelve month period.
5. The re-connection charge is $25.00 each trip within a twelve month period.
6. If water is disconnected or reconnected outside of regular business hours due to private property repairs or requests, an additional fee of $25.00 will be due.
7. ***Service personnel who come to terminate service will be unable to collect money.***

**RULE 18 – DISCONNECTION PROCEDURES**

Adequate cash-flow is crucial to the functioning of the Village Water System. Water bills and other charges must be paid when due. Bills are due on the 20th of each month in full. Therefore, payments must be made by 4:30 p.m. on the due date to avoid paying a late charge of ten percent.

If the customer’s current bill shows an unpaid balance, that unpaid balance must be paid by noon on the 15th of each month or the service will be disconnected on the 16th. Advance notice and procedures for such shut offs shall be as follows:

1. Written notice will be given to both the property owner and consumer at least 5 days before termination. This notice will indicate the amount which must be paid by the termination date.
2. Notification by phone will also be attempted if a contact number is provided but is not a requirement before termination of water service.
3. The disconnection charge is $25.00 for the first trip and $50.00 for each trip thereafter within a twelve month period.
4. The re-connection charge is $25.00 each trip within a twelve month period.
5. If water is disconnected or reconnected outside of regular business hours due to private property repairs or requests, an additional fee of $25.00 will be due.
6. ***Service personnel who come to terminate service will be unable to collect money.***

***Failure to receive a bill does not relieve customers of payment due.***

**RULE 19 – UNPAID WATER, SEWER OR STREET LIGHT BILLS AS LIENS**

 Once a year, prior to the first Monday in September, any delinquent accounts will be tallied and sent to the County Auditor for inclusion as liens on the Real Property Tax Duplicate, for the property upon which the water bill is delinquent. “Delinquent” accounts are defined for this policy as accounts with an overdue balance $200 and above.

 Procedure for Inclusion as liens:

1. In July, the Water Clerk will print a list of all outstanding water, sewer, and street lighting fees (combined) that have an overdue balance of $200 or above.
2. A letter will be sent to all delinquent residents advising them that all unpaid amounts, plus a five percent collection fee, will be assess to their property taxes.
3. List will be presented at the August Council Meeting for approval of Council to include as liens on the Real Property Tax Duplicate.
4. Water Clerk will develop a spreadsheet with Account Number, Name of Person responsible for the overdue amount, Address of property, Parcel ID (from Athens County Auditor web page), and Amount to be assessed.
5. All amounts remaining unpaid by the first Monday in September will be compiled on a list and certified, by the Fiscal Officer, to the Athens County Auditor’s Office.

When the certified list has been delivered to the Auditor’s Office, no money can be collected on the delinquent amounts in the Water Department. Delinquent amounts turned into the Athens County Auditor as liens must be paid directly to the Athens County Auditor. ***No payment will be accepted at the Coolville Village Water Department for these amounts.***

**RULE 20 – USE BY FIRE DEPARTMENT**

 The Coolville Volunteer Fire Department or any other fire department shall have access to any fire hydrant within the Village without permission. However, no person except upon written permission of the Village Water Department shall damage or disturb any fire hydrant or any part thereof or take any water from said hydrants for any other purpose, other than fighting of fires.

**RULE 21 – WATER ABATEMENT/ABANDONMENT**

 If property owners desire to have their water service abandoned or abated, and are willing to commit themselves and future property owners to pay a new or additional connection charge at such time that water service is restored, they shall be required to execute a Water Service Abandonment/Abatement Agreement. Said property owners shall pay to have the agreement recorded at the Athens County Recorder’s office.

**RULE 22 – NO TRANSFERS OF WATER SERVICE**

 There shall be no transfer of water service from one property to another or to separate lots. A separate connection charge is required for each property. If more than one dwelling unit is located on that property, a separate connection charge is due for each separate unit or business.

**RULE 23 – RIGHT TO APPEAL**

 Any customer or property owner aggrieved by enforcement of these rules, may file a written appeal within five (5) days of any shut-off notice or any other action taken by the Village, upon which such appeal is based. The appeal shall be heard by the Village Council and the Water Clerk. Such appeal must be filed in writing, briefly stating the reasons for the appeal, the action which is being appealed, and must be filed with the Mayor of the Village. Village Council shall adopt policies for conducting such hearings, including provisions for transcripts, tape recordings, etc., to afford the aggrieved property owner or customer due process.

**RULE 24 – RIGHT TO ALTER OR AMEND RULES AND REGULATIONS**

 The Village Council reserves the right to add or amend any or all conditions pertaining to Water Service.

ATTEST:

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Council President Council Person

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Mayor

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Suspend second and third readings.

Accepted:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved as to form:

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Richard H. Hedges

VILLAGE OF COOLVILLE

BY-LAWS: VILLAGE WATER SYSTEM

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