

RATE ORDINANCE

ORDINANCE NO. 150

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF CHARGES FOR THE USE AND SERVICES OF THE MUNICIPAL SANITARY SEWERAGE SYSTEM TO BE CONSTRUCTED IN THE VILLAGE OF OTTOVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, in order to preserve and promote the public health, safety and welfare of the Village of Ottoville, this Council hereby finds and determines that it is necessary to construct, own and operate as a municipal utility a sanitary sewerage system (herein "System") for the collection and disposal of sanitary sewage originating therein; and

WHEREAS, this Council further finds and determines that it is necessary to construct sewage collection and treatment facilities as a part of the System in accordance with the reports and recommendations of Bender, Grindle, Raike, Inc., Consulting Engineers, Ashland, Ohio; and

WHEREAS, the Village has entered into grant agreements with the United States of America, Environmental Protection Agency, and the United States of America, Farmers Home Administration, and a loan agreement with the United States of America, Farmers Home Administration, for the purpose of paying costs of the construction of the System; and

WHEREAS, this Council finds and determines that it is necessary to establish charges for the use of the System for the purpose of providing revenues to pay costs of management, maintenance, operation and repair thereof, and the principal of and interest and other requirements on the bonds to be issued to finance the construction of such System; and

WHEREAS, such charges are necessary to distribute the costs of operation and maintenance of the System and debt service on the bonds as reasonably and equitably as possible among the users of such System;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Ottoville, County of Putnam, State of Ohio:

Section 1. That it is hereby declared necessary to establish sewer charges for the use of the System for every person, firm, corporation, partnership, association or other entity (herein "User") whose premises will be served by the System.

Section 2. That the management, conduct and control of the System shall be the duty of the Board of Trustees of Public Affairs of said Village (herein "Board").

Section 3. That the funds received from the collection of the sewer charges hereinafter established in this ordinance shall be deposited with the Clerk-Treasurer of this Village who shall keep the same in a separate fund designated as the "Sewerage System Fund Account." The moneys in said

Town Hall

Jerry's Barber Shop

Village Market

Ottoville Bank Co

Ottoville Telephone Co



fund shall be used for the payment of the cost of the management, maintenance, operation and repair of the System; provided that any surplus remaining therefrom shall first be used for the payment of principal of and interest and other charges on any bonds which may be issued for paying costs of constructing the System and thereafter for payment of costs of capital improvements, or for any lawful utility purpose, including, without implied limitation, the retirement of debt service requirements on revenue bonds hereafter issued for improvements to the System.

Section 4. All Users of the System are hereby required to install and maintain, at the expense of the User or other interested party, meters acceptable to the Board to measure the quantities of water consumed upon each lot, parcel of land or other premises having to it a connection available with the System, or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly into the System (herein "premise"). The Board shall charge in accordance with such measurement.

Section 5. For the purposes provided in Section 3 hereof, there is hereby levied and charged upon each premise a monthly sewer charge of Four Dollars and Sixty-Five Cents (\$4.65) per thousand (1,000) gallons of water consumed; provided that the minimum sewer charge in a month shall not be less than Nine Dollars and Thirty Cents (\$9.30); provided further that in the event water supplied to a premise is not measured by a Village water meter, either because such premise does not have a water meter or the meter is defective, there is hereby levied and charged upon such premise a minimum monthly sewer charge of Eighteen Dollars and Sixty Cents (\$18.60).

Section 6. That, over and above the charges established by Section 5 herein, there may be established in special instances and upon special agreement between the Village acting through the Board and the owner of any premises served by the System, such additional charges as may be determined to be fair and equitable for industrial wastes of unusual strength or composition which are accepted by the System for treatment; provided such additional charge shall be so computed as not to interfere with or violate any conditions of any grants of federal monies. Each such special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by the Council of the Village.

Section 7. The sewer charges shall be prepared by the Clerk-Treasurer, shall be billed monthly by the Clerk-Treasurer, and all bills shall be payable to the Village of Ottoville within ten (10) days from the date of the bill. In case of failure to pay any bill for sewer charges when due and payable a penalty of ten percent (10%) of such charge shall be added to such bill.

Section 8. The sewer charges established herein shall commence when the premises are connected to the System and the Consulting Engineer has certified to the Board that the System has been completed and placed in operation, or, if such System is in operation, as of the date of connection.

Section 9. Each sewer charge levied pursuant to this ordinance is hereby made a lien upon the premises charged therewith, and if the same is not paid within ninety (90) days after billing, it shall be certified to the Auditor of Putnam County, who shall place the same on the tax duplicate, together with interest and penalties allowed by law, and the same shall be



collected as other municipal taxes are collected. The Village shall also have the right, in event of non-payment as aforesaid, to proceed to collect such delinquent charges in a civil action, or, upon reasonable notice to the user, to discontinue water service supplied by the waterworks system of the Village to such premises until such unpaid sewer charges have been duly paid.

Section 10. In the case of leased lots, parcels of land or premises having a connection with the System, the lessor and lessee shall both be liable for the payment of the sewer charges herein provided and the Village may proceed to collect such charges from either the lessor or the lessee or it may certify delinquent charges to the Auditor of Putnam County as provided in Section 9 of this ordinance.

Section 11. The discharge of non-acceptable industrial wastes, as hereinafter defined, into the System, whether directly or indirectly, is hereby prohibited. Where investigation reveals the presence in the System of non-acceptable industrial wastes emanating from any lot, land, building or premises, located within or without the corporate limits of the Village, the owner, lessor, renter or occupant of said lot, land, building or premises, shall be required to treat, neutralize, or in other ways prepare the noxious substance therein, to the satisfaction of the Board, in order to convert the same into acceptable industrial wastes.

Section 12. That the Board shall make and enforce such rules and regulations as it may deem necessary for the enforcement of the provisions hereof, for the proper determination and collection of the charges herein provided, and for the safe, efficient and economical management and protection of the System; and, in the event that the Board shall find that the rate of discharge of acceptable and industrial wastes from any premises to the System is subject to such substantial variations as to interfere with the safe, efficient and economical management and protection of the System, the Board shall make recommendations to the Council for the Village for the purpose of eliminating such variation, and the Council shall have authority to establish rules and regulations to equalize such rate of discharge, including authority to require that suitable regulating devices be installed for that purpose.

Section 13. That for the purpose of this ordinance the terms "sanitary sewage", "acceptable industrial wastes" and "non-acceptable industrial wastes" shall be defined as follows:

"Sanitary sewage" is hereby defined as the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips and drinking fountains, and any other water-borne waste not constituting an industrial waste.

"Acceptable industrial wastes" are herein defined as being liquid organic waste materials not containing toxic or explosive elements or other substances injurious to sewers or sewage treatment processes, which result from any commercial, manufacturing or industrial operation or process.



"Non-acceptable industrial wastes" are hereby defined as being liquid wastes in which are incorporated minerals, oil, acid, toxic metallic or chemical substances, resulting from any commercial, manufacturing or industrial operation or process.

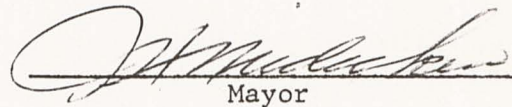
Section 14. The Clerk-Treasurer of this Village shall have the authority to make provisions for the payment of the sewer charges levied pursuant to this ordinance through conveniently located branches of such banks as have been designated as depositories for public funds of the Village of Ottoville and to enter into agreement with such depository banks for such purpose.

Section 15. The Clerk-Treasurer of this Village is hereby authorized and directed to forward a certified copy of this ordinance to the County Auditor of Putnam County.

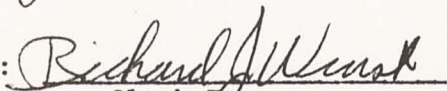
Section 16. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 17. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this Village and for the further reason that this ordinance must be immediately effective in order to permit timely delivery of the bonds to be issued to pay costs of constructing the sanitary sewerage system of the Village, which is urgently required to eliminate existing hazards to the health of the residents of the Village; wherefore, this ordinance shall take effect from and immediately upon its passage.

Passed: June 6, , 1977

  
Mayor

Attest:

  
Clerk-Treasurer