

**ORDINANCE NO. 2010- 08**

AN ORDINANCE ADOPTING THE RATES AND CHARGES FOR THE PRODUCTS AND SERVICES OF THE FORT RECOVERY **WASTEWATER AND STORM SEWER SYSTEMS**, HEREBY AMENDING ORDINANCE NO. 2008-15, AND DECLARING AN EMERGENCY.

WHEREAS, the Fort Recovery Village Council has determined it to be necessary to modify the charges and fees for use of the Fort Recovery Wastewater and Storm Sewer Systems in order to meet current and future operating costs, and

WHEREAS, the Fort Recovery Village Council will make herein stated rate changes effective with the July, 2010 billing period which will appear on the August 1, 2010 statements, and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fort Recovery, Mercer County, Ohio, three-fourths of all members elected thereto concurring that:

**SECTION ONE:**

That Ordinance #2008-15 and any other legislation inconsistent herein be hereby amended to read as follows:

The rates and charges are established as follows for the following described users:

**Residential and Commercial Usage Rates:**

One User - One Meter:        \$7.50 for the first 2,000 gallons of water used and \$2.00 per thousand gallons of water for each thousand gallons of water used thereafter.

Two Users - One Meter:       \$15.00 for the first 4,000 gallons of water used and \$2.00 per thousand gallons of water for each thousand gallons of water used thereafter.

Three Users - One Meter:     \$22.50 for the first 6,000 gallons of water used and \$2.00 per thousand gallons of water for each thousand gallons of water used thereafter.

This above fee schedule will apply to all existing users in said categories. Hereafter, as per Ordinance #2008-14 , each unit in a multi-family structure is required to have its own water tap, meter and shut-off and therefore will fall in the One User – One Meter category.

**Industrial Usage Rates:**

To be determined depending upon volume, loading and nature of sewage being discharged to the Village but in no case less than that of residential users. It may also be required to obtain an Indirect Discharge Permit from the Ohio EPA under their guidelines and regulations.

**Sewer Improvement Fund:**

The sewer improvement fund is for the purpose of meeting expenses for repair and upgrading existing lines and treatment facilities and the rates charged for the user classifications are as follows:

**Residential and Commercial:**

One User – One Meter:	\$1.00 per month
Two Users – One Meter:	\$2.00 per month
Three Users – One Meter:	\$3.00 per month

**Industrial:**

To be negotiated depending upon volume and nature of sewage but no less than three dollars (\$3.00) per month.

**Debt Retirement Fund:**

The rates for the user classifications will be determined and adjusted as necessary by the Fort Recovery Village Council to adequately service the debt initiated for improvements to the sewage system as required by our approved Ohio EPA Separation Plan or to properly treat the wastewater as required by Ohio EPA laws.

The current rate of collection effective with the terms of this ordinance will be:

**Residential and Commercial:**

One User – One Meter:	\$11.00
Two Users – One Meter	\$22.00
Three Users – One Meter	\$33.00

**Industrial:**

To be negotiated depending upon volume and nature of sewage discharge but no less than twenty dollars (\$20.00) per month

**Sewer Line Tap Fees:**

The fee to be charged and paid by the property owner to tap into the sanitary and/or storm sewer system of the Village shall be as follows:

**Section A: Connection Permit Required**

No person, firm, corporation, public agency, partnership or association whatsoever shall connect, or cause to be connected, either directly or indirectly, any building or other structure with the sewerage systems for the purpose of discharging sanitary sewage, industrial sewage, or storm drainage there from without first securing from the Village a permit for such purpose in a form prescribed and available from the Village Administrator and, prior to the issuance of such permit, having paid the charge provided for in subsection B hereof, any applicable additional charges determined in accordance with any other provisions of this ordinance.

**Section B: Calculation of Permit Fee**

The Village shall not issue a permit for the purpose described in subsection A hereof until the applicant has paid a charge of four hundred dollars (\$400.00) and any additional charges required by this ordinance. This charge shall reimburse the Village for reasonable cost of inspection and other costs relating to the making of connections to the sewerage systems. If permits are requested for sanitary sewer tap-in and storm sewer tap-in, then a separate charge of four hundred dollars (\$400.00) shall be required for each service and permit.

Should a current sewer connection be re-tapped in a different location within the same sanitary or storm main line due to service line upgrades or remodeling, the fee shall than be one hundred dollars (\$100.00) for each connection replaced. Should an additional tap-in be made in addition to any existing tap-in for a sanitary or storm service, each new or additional tap will require a fee of four hundred dollars (\$400.00) as specified in this section

**Out-of-Corporation Users Fee:**

A seventeen dollar and fifty cent (\$17.50) fee will be charged per month to all current out-of-corporation users of sewage. Should said user have both water and sewage connections, this rate shall be thirty five dollar (\$35.00) total per month, thus providing seventeen dollars and fifty cents (\$17.50) for each of the water and sewage funds.

It is also hereby declared that based on the long-term operation of the Village water and sewage systems that connections will no longer be allowed to those users outside the corporation limits, unless as determined by the County Auditor’s Map Department that there is no annexation point and said connection is in the best interest of all parties involved, with said agreement being made between the User and the Village Administrator. The User must hereby agree in writing in said circumstance to annex to the Village of Fort Recovery should there ever be a legal annexation point to the serviced property in the future. This agreement shall contain a clause setting forth that such agreement shall be attached to any annexation petition and shall

serve as a signature to said petition. These agreements shall be in the form of a covenant and shall run with the land and upon its execution shall be recorded in the Official Records of the Mercer County Recorder at the expense of the person receiving sewer service.

**Sewer / Water Deposits Required:**

An initial deposit for new sewer and/or water service to any applicant in a rental unit or for all units located within the mobile home park located at 117 E. Broadway Street shall be fifty dollars (\$50.00) per account. Anyone that was found to be delinquent for past sewer or water service or anyone determined to be a repayment risk based on previous credit history shall be required to pay a one hundred dollar (\$100.00) deposit as determined by the billing clerk and the Village Administrator in order to have service restored in their name at a later date.

**Meter Readings, Payments and Misc. Fees:**

The monthly fees for sanitary sewerage usage will be based upon a monthly meter reading of the water usage for said property and read as near the same date of the month as possible and be mailed on approximately the first day of each month. Payments are due no later than the 16<sup>th</sup> day of each month or they will be subject to a one-time 10% late fee assessed to the net amount of each past due utility bill. This due date shall be extended to the first business day after the 16<sup>th</sup> if said date falls on a Sunday or Holiday. Payments not made for sewerage use by the 25<sup>th</sup> day of the month will be subject to a shut-off notice for the water service to said property. Any accounts remaining delinquent after the 30<sup>th</sup> day of the month shall be subject to have said water service turned off until the account is paid in full. Should a meter be shut-off for any reason, a ten dollar (\$10.00) shut-off and a ten dollar (\$10.00) turn-on fee will be incurred by the account holder and must be paid prior to restoring said service. Should the Village have a check payment for water/sewer services returned from the Bank for insufficient funds, closed account or any other reason, a fee of \$15.00 or actual costs, whichever is higher, will be charged to the account for each incident. Should a delinquent account go unpaid for sixty days, the Village reserves the right to certify said delinquent amount to the Auditor of Mercer County, Ohio, who shall place the same on the Real Estate Tax Duplicate, with interest and penalties as allowed by law, and be collected as other Municipal Taxes are collected. The Village reserves the right to withhold utility service to any property or previous account holder that has any delinquent amounts owing for sewer or water service until such amounts are paid in full.

**SECTION TWO:**

That this Ordinance is necessary for the preservation of the health, safety and welfare of the residents of the Village of Fort Recovery, Ohio, and implementation is necessary beginning with the July, 2010 billing cycle in order to maintain the sound financial condition of the sewage systems, and therefore, shall go into effect immediately upon its passage and approval by the Mayor.

Passed this \_\_\_\_\_ day of July, 2010.

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Roger M. Broerman, Mayor

ATTEST:

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Roberta Staugler, Fiscal Officer

APPROVED:

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David Wm. Bruns, Village Attorney