

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2019-12

Passed _____, 20____

AN ORDINANCE RESCINDING ORDINANCE 2012-16 AND ESTABLISHING UPDATED GUIDELINES AND PROCEDURES FOR THE BILLING AND COLLECTION OF WATER AND SEWER FEES

WHEREAS, the Village of Thurston wishes to establish updated procedures for water and sewer billing and collection; and

WHEREAS, Ordinance 2012-16 needs replaced in order to allow for these updated procedures;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, FAIRFIELD COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: Council hereby establishes the attached procedures entitled "Guidelines and Procedures for Water and Sewer Billing and Collection" for the billing and collection of water and sewer fees.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.


SECTION 3: Ordinance 2012-16 and all prior Ordinances, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

First Reading: 8-14-19
Second Reading: 9-11-19
Third Reading: 10-9-19

Mary M. Boring
Mary Boring, Mayor

DATE OF PASSAGE: 10-9-19

EFFECTIVE DATE: 10-9-19

ATTEST: 
Aaron L. Reedy, Fiscal Officer

Guidelines and Procedures for Water & Sewer Billing & Collections
Ordinance 2019-12

1. Utility bills shall be prepared and mailed to customers on or before the first of each month. All utility bills shall be paid on or before the 15th of each month.
2. If a customer's utility bill is not paid by the 15th day of each month, a ten percent (10%) penalty shall be added to that month's bill (the 10% penalty shall not be added to any previous balance).
3. If a customer's payment for water and sewer service is not received at the Village Office by noon on the Friday preceding the second Tuesday of the month following the month the utility bill is due, a delinquent notice will be mailed to the customer warning the water service will be disconnected if the past-due amount is not paid in full. It is ultimately the customer's responsibility to pay all utility bills in a timely manner, regardless of whether the customer receives a delinquent notice. The Village of Thurston is not responsible for the timely delivery or pick-up of the customer's mail.
4. If the customer's utility bill is not paid by the second Wednesday of the month following the month the utility bill is due, the customer's water service will be shut off. (The Mayor and/or the Clerk-Treasurer have the authority to extend this "grace period" to 12:00 Noon of the Saturday following the second Wednesday of that month.)
5. Once the customer's service has been shut off, and the customer wishes to have the service reconnected, the customer must come into the office of the Village of Thurston, in person, during normal office hours, and pay in-full their past due bill, and pay in-full any current bill that has not yet been paid. The customer must also pay a \$50 Reconnection Fee. Reconnection will occur within 24 – 48 hours, and during normal operating hours. The person turning off the water service is not authorized to accept payments.
6. A) If a customer's check has been returned by the bank for non-sufficient funds or like reason, the customer will have to pay a \$35.00 returned check ("NSF") fee. As long as the account is not delinquent, the office will try to make contact with the accountholder and make arrangements for the check to be replaced. These payments must be made in cash or by money order.

B) If a customer's check has been returned by the bank for non-sufficient funds or like reason, and the check was used to pay a utility bill that would have otherwise caused them to be delinquent as stated in Paragraphs 4 and 5 above, the customer's water service will be shut off immediately, and be subject to the rules outlined in Paragraph 5 above. Additionally, the customer will have to pay a \$35.00 returned check ("NSF") fee. These payments must be made in cash or by money order.
7. At any time, if a customer has more than one check returned from the bank for non-sufficient funds (or like reason) within a 12-month period, the Thurston Water Department will no longer accept checks from that customer in the future. Such a customer must thereafter pay by cash or money order.

8. It is the responsibility of the landowner to which the water/sewer service is connected to pay any outstanding utility bills within the timeframes set forth above. Failure to do so will result in the outstanding bills being assessed to the property owner's taxes through the County Auditor's office. This is authorized through Ohio Revised Code Section 735.29.
9. "Property" as set forth in Paragraph 8 above also includes any properties on which a lot exists that allows another person to attach their trailer and/or modular home to the utility services. The taps are located on the real estate property; therefore, it is the real estate property owner's responsibility to make certain that utility bills are paid as stated herein.
10. In the event that a multi-family dwelling contains only one shut-off valve for the entire building, and the utility account for any of the separate dwellings becomes delinquent, a notice by the Village will be sent to the property owner requiring the owner to install separate shut-off valves for each dwelling unit within sixty (60) days from the date of the notice. The notice shall also state that the outstanding bill must be paid within seven (7) days of the date of the notice. In the event of non-payment of the utility bill within this timeframe, the water service to the entire dwelling will be shut off. In this event, procedures set forth in Paragraph 5 must be followed in order to reconnect the service. Alternatively, if the property owner does not install separate shut-off valves for each dwelling unit, the property owner must put all water and sewer accounts related to that property in the property owner's name; and therefore the owner will be responsible for making all utility water and sewer payments.
11. In the event that a house or apartment(s) on a property is being rented to a person other than the property owner, the service to said property shall stay in the name of the property owner. However, the service may be registered in the name of the renter, subject to the requirements set forth in Paragraph 10 herein.
12. When an individual wishes to establish water and sewer service, said individual must come into the office of the Village of Thurston, in person during normal office hours, and complete the appropriate paperwork. The individual must also pay a water deposit and a sewer deposit in the amount in effect at the time of establishing service. The Walnut Creek Sewer District controls the policies for the amount charged for sewer deposits.
13. The Village of Thurston shall return security deposits for water utility accounts held in the name of the property owner who lives in the property for which the water utility account has been established after two years of faithful payment of water bills on a timely basis and the account is in good standing. The Walnut Creek Sewer District controls the policies for the return of sewer deposits.
14. The Village of Thurston will not refund any security deposits for water utility accounts held in the name of a lessee who resides at the property for which the water utility account has been established until the occurrence of both of the following events: 1) the account is closed; and 2) payment in full of all water utility charges due on said account has been received. Alternatively, the security deposit can be used to pay on the account's final bill. The Walnut Creek Sewer District controls the policies for the return of sewer deposits.

15. In the event that property is sold that is serviced by the Village of Thurston, it is required that the office of the Village of Thurston be notified in writing of the transaction so that the information on the account can be changed, and a final meter reading can be performed. Once a final bill has been created, any deposit that has not yet been returned to the old account holder will be so returned, minus any outstanding bills. Also, the new property owner must complete the requirements set forth in Paragraph 12 herein.
16. In the event that the utility meter and/or shut-off valve have been tampered with in order to restore utility service that was shut off by the Village of Thurston or any of its agents, for any reason, the Village will remove the meter (or other devices) so that service cannot flow into the property, and the account will be assessed a \$500 tampering fee. A police report shall also be filed, and the matter prosecuted to the full extent of the law.
17. In the event that the Village of Thurston, or any of its agents, are unable to read the meter due to the meter being blocked by a car, other vehicle, obstacle, or any other material, the account holder will be notified by the Village to move the item(s) and warned not to block the meter in the future. Failure to follow these instructions will result in the Village, or any of its agents, having the items removed from the property.
18. In the event that the Village of Thurston, or any of its agents, are unable to read the meter due to a dog or other animal(s) running loose on the property, the account holder will be notified by the Village to restrain such animal(s) and warned to keep the animal(s) restrained so that the meter can be read in the future. Failure to follow these instructions will result in the Village estimating the water meter and a fine of \$25.00 being added to the account holder's bill.
19. When the Village of Thurston, or any of its agents, are forced to move any object(s), including vehicles, in order to perform actions stated in Paragraph 16, 17, and 18 herein, the expenses incurred by the Village to move the item(s) will be the responsibility of the account holder, and the expenses will be added to the account holder's bill.
20. In the event that any of the expenses outlined in these procedures are incurred by a renter, or someone other than the actual property owner, the property owner will be responsible for all charges incurred. These expenses can only be waived by majority approval of the Council of the Village of Thurston.
21. In the event that an account has its service turned off more than twice in a 12-month period, the Clerk-Treasurer and/or Mayor may require the account holder to make another deposit equal to two (2) times the average monthly bill, based on the account holder's previous 12-month history. This deposit will be refunded once the account has been in good standing for a period of 24 months, or the account holder moves from the Village.
22. In the event that the account holder falls on bad times, hardship cases may be made to the Village Council, or Mayor. Proof of hardship MUST be supplied. In such cases, the decision can be made to "forgive" some or all of the penalties in this document. Special reasonable payment arrangements may also be made. However, no water/sewer charge may be "forgiven" unless approved by a majority of members of the Village Council.

23. All attempts to collect past due money will be made, including, but not limited to, property tax assessment and the use of professional collection agencies.
24. In the event a property owner desires to have service turned off and the property is occupied, the property owner must request the service shut-off in writing or by fax to the Thurston Water Department, or in person at Village Hall. The Request must: state clearly that the service is to be shut off; include the property address; identify the desired shut-off date; and be signed and dated by the property owner. Before a shutoff notice is given/posted, the property owner shall pay a \$25 Service Fee to the Village. The Thurston Water Department can not and will not act as, or otherwise serve as, a liaison or mediator between the property owner, landlord, renter, tenant, and/or any other party. Upon receipt of the Request and Service Fee, the Thurston Water Department will determine the next available day and time for shutoff and try to coordinate this date with the property owner. Once service is shut off, a \$25.00 Trip Fee will be charged to the property owner's account. If anyone requests service be restored or turned back on, a \$25.00 Trip Fee will be charged, at the time service is restored to the property owner's account. This Trip Fee will be in addition to any other fees that may apply in order to restore service.
25. In the event that a property is vacant or abandoned and the service has been turned off for any reason, and a realtor, bank or any other party who is responsible for the property, needs to show the property or test the water system, all past due amounts and fees must be paid in full before service will be turned on. A \$25.00 Trip Fee will be charged for each trip to turn the service on and/or off. All Trip Fees must be paid in-full before the service is turned on and/or off.
26. No person (property owner, landlord, renter, or occupant) shall supply, deliver, or otherwise provide water to another property which is not in his/her name. Each property must maintain its own water and sewer service, unless both properties are owned by the same person. Whenever the Village believes someone is violating this Section, it will notify the person and order he/she to immediately cease and desist. The Thurston Water Department shall shut off water to anyone supplying water in violation of this Section, if the violation is not cured within 24 hours of receiving the notice to cease and desist. A \$25.00 Trip Fee will be charged to the property owner's account each time service is shut off and/or restored under this Section.
27. "Starter Checks" will not be accepted for payments to establish new service, reconnect/restore service, or pay for a utility deposit. "Starter Checks" are defined as generic checks, with no pre-printed demographic information, given by banks when a new account is opened.
28. If a property owner wishes to have the water meter removed, there will be a \$50 Removal Fee charged to the account. If the property owner wishes to have the water meter put back in place after having it removed, there will be a \$50 Re-install Fee charged to the account.
29. Except for multi-family dwelling units with separate shut-off valves for each dwelling unit, as described in paragraph 10, all water shut-off valves must be installed outside the building or structure which it services.

30. The “minimum charge”, as outlined in current and future water rates legislation (currently set forth in Section 1(A) (Metered Rates)) shall apply to all water accounts whether or not a meter is installed on a property. The minimum charge takes into consideration expenses for the water system that must be borne by all accounts in order to make the entire system function efficiently. Failure to charge every account a minimum charge puts undue stress on the financial stability of the water system.
31. If the meter on a customer’s property is damaged due to abuse or neglect, including allowing the meter and surrounding pipes to be un-insulated resulting in the freezing and breaking of the meter, it will be the responsibility of the customer and/or property owner to pay for the cost of the replacement of that meter. The cost will be assessed to the water account, and ultimately the property taxes, if not paid.