

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING UPDATED RATES, CHARGES, RULES, AND REGULATIONS FOR THE USE AND SERVICE OF THE WATER DELIVERY SYSTEM OF THE VILLAGE OF THURSTON, FAIRFIELD COUNTY, OHIO

WHEREAS, with Ordinance 9-24-89, Council for the Village of Thurston established regulations governing residential water customers and their accounts; and

WHEREAS, over the past thirty-two years, Council for the Village of Thurston has amended Section 1(A)(Metered Rates), Section 1(B)(Minimum Charges/Minimum Schedule of Rates), Section 1(F)(Temporary Users) and Section 1(F) (Bulk Water), *see* Ordinances 12-20-90, 2005-11, 2007-23, 2010-22, 2019-3, 2021-6, 2021-10; and

WHEREAS, Council for the Village of Thurston now wants to split the tap fees into a tap fee and a capacity charge. In addition, Council would like to introduce the concept of Long Service Line (LLS); and

WHEREAS, in order to avoid continued piecemeal legislation, Council for the Village of Thurston wants to adopt a complete and updated set of regulations governing residential water customers and their accounts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, FAIRFIELD COUNTY, OHIO THAT:

SECTION 1: Council for the Village of Thurston hereby creates, establishes, and adopts the following rates, charges, rules, and regulations governing residential water customers and their accounts.

There shall be, and there is hereby established, for the use of and service rendered by the water delivery system of the Village of Thurston, hereinafter referred to as “Village”, the following rates and charges, based on the use of water supplied by the water delivery system are hereby established:

A. Metered Rates:

0 - 1,500 gallons per month	the minimum rate set forth in Section 1(B)
1,501 or more gallons per month	\$15.91 per 1,000 gallons

Beginning on January 1, 2022 and then every year thereafter, these Metered Rates shall increase 3%.

B. Minimum Charges: Each user shall pay a minimum charge based on the size of the meter installed, said schedule is set forth below, for which the user will be entitled to use up to 1,500 gallons as set forth in the metered schedule of rates.

Minimum Schedule of Rate:

5/8- or 3/4-inch meter	\$26.53 per month
1 inch meter	\$31.83 per month
1 ¼ inch meter	\$37.14 per month
1 ½ inch meter	\$42.44 per month
2-inch meter	\$47.75 per month

Beginning on January 1, 2022 and then every year thereafter, these Metered Rates shall increase 3%.

- C. Water Debt Service Fee: To help pay off the water system debt, each account will be charged a \$15.00 debt service fee.
- D. Tap Fees and Capacity Charges: Each user, at the time the user is connected, shall pay a Tap Fee and a Capacity Charge based on the schedule set forth below, to cover the cost of connection, installation and usage impact on the water system. The Tap Fee and Capacity Charge can be amended, at the sole discretion of the Council for the Village of Thurston, depending on the individual and particular circumstances.

Line Size	Tap Fee *	Capacity Charge
¾ inch line	\$2,000	\$1,000
1 inch line	\$3,000	\$2,250
1 ½ inch line	\$3,500	\$6,500
2-inch line	\$4,000	\$15,000
3-inch line	\$10,000	\$30,000
4-inch line	\$25,000	\$50,000
6-inch line	\$60,000	\$100,000

* Long Service Line (LLS) is necessary and required when the water main line is on the opposite side of the street and must be extended to the edge of the opposite right-of-way. When an LLS is required, the user shall be charged the Tap Fee, plus the total cost and expense to engineer and construct the LLS, including but not limited to, the cost to bore under the roadway by a contractor, plus an additional 10% of that total.

- E. Reconnection Charges: Reconnection charge is \$50.00, and application is outlined in Section 2(E) below.
- F. Returned Check/Payment Charge: Returned Check/Payment charge is \$35.00, and the application is outlined in Section 2f below.
- G. Security Deposits: A security deposit of \$125.00 shall be required of all new users who apply for water service. Details of security deposit processing are detailed in Sections 2l, 2m and 2n below.
- H. Temporary Users/Bulk Sales: Water may be purchased on a temporary basis through a bulk water sale. All sales of bulk water shall be at the rate of \$14.00 per 1,000 gallons. All bulk water sales will be metered and made at the following hydrant locations:
- ❖ In the alley behind 2322 Main Street near 8036 Oak Street
 - ❖ 2215 Main Street
 - ❖ 8061 Broad Street

The Village will purchase and supply the meter on a monthly basis that must be used when purchasing bulk water. All bulk water sales shall be at the rate of \$14.00 per 1,000 gallons. However, even if the meter holder purchases less than 20,000 gallons in any month, he/she will pay \$280.00/month to have use of the meter.

The number of meters, which are supplied by the Village on a monthly basis, will be limited at the sole discretion of the Village. The Village, at its sole discretion, can ask a meter holder to return a meter. Customers must return a meter immediately upon request.

Customers must provide their own means and manner to haul the bulk water. An important thing to remember is that a gallon of water weighs approximately 8.30 lbs. This means 500 gallons of water weighs 4,150 lbs., or more than two tons. Please remember to consider the weight of the water you will be hauling.

- I. Single Users on Single Service Line: The users shall install and maintain, at their own expense, a service line which shall begin at the Village's water line and extend to each place of use/dwelling unit. Each place of use shall be metered and charged by separate account at the single user rate schedule set forth in Section A above. The Village shall not accept responsibility for maintenance of service lines installed on private property. All future installations of multiple users on a single service line shall require the user to pay the tap fee set forth in Section 1D, and the Village shall install and service the meter for each multiple-user location.

Multiple users on a single service will not be approved unless the Village Council approves the application for installation. The Village Council may, in its sole discretion, approve such application, when it determines such approval to be for the benefit of the Village. The application shall be considered by the Village Council within sixty (60) days of the receipt by the Village office of all information requested of the party making such application.

SECTION 2: Guidelines and Procedures for Water & Sewer Billing Collections

- A. Utility bills shall be prepared and mailed to customers on or before the 1st day of each month. All utility bills shall be paid on or before the 15th of each month.
- B. 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).
- C. 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.
- D. 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 Fiscal Officer have the authority to extend this "grace period" to 12:00 Noon of the Saturday following the second Wednesday of that month.)
- E. Once the customer's service has been shut off, and the customer wishes to have the service reconnected, the customer must pay, in-full, their past-due bill, and pay in-full any current bill that has not yet been paid by coming into the office of the Village of Thurston in person, during normal office hours; or providing a credit card payment reference number validated by the municipal office. The customer must also pay a 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.
- F. Returned Check/Payments:
 1. If a customer's check/payment has been returned by the bank for non-sufficient funds or like reason, the customer shall pay a Returned Check/Payment Fee (as outlined in Section 1f above). If the account is not delinquent, the office will try to contact the accountholder and arrange for the check to be replaced. These payments must be made in cash or by money order.
 2. 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 Sections 2d and 2e above, the customer's water

service will be shut off immediately, and be subject to the rules outlined in Section 2e above. Additionally, the customer will have to pay a Returned Check/Payment Fee (as outlined in Section 1f above). These payments must be made in cash or by money order.

- G. 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.
- H. 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.
- I. "Property" as set forth in Section 2h 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.
- J. 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 Section 2e 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.
- K. 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 Section 2j herein.
- L. 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.
- M. 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 24 months 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.
- N. 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.

- O. 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 Section 2l herein.
- P. 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 may also be filed, and the matter prosecuted to the full extent of the law.
- Q. 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.
- R. 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.
- S. 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 Sections 2p, 2q and 2r 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.
- T. 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.
- U. 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 a second utility 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.
- V. 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.
- W. 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.
- X. 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 cannot 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.

- Y. 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.
- Z. 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.
- AA. "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.
- BB. 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.
- CC. Except for multi-family dwelling units with separate shut-off valves for each dwelling unit, as described in Section 2j, all water shut-off valves must be installed outside the building or structure for which it services.
- DD. The "minimum charge", as outlined in current and future water rates legislation (currently set forth in Section 1(A)) 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.
- EE. 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.

SECTION 3: All records, monies, and accounts of the water delivery system will be kept in accordance with state law, and subsequent State Auditor recommendations. The Fiscal Officer shall establish the proper systems of accounts and shall keep proper records, books, and accounts of all transactions relative to the water delivery system. The Water Fund shall be regularly audited as required by state law.

SECTION 4: All revenues and monies derived from the operation of the water system shall be paid to and held by the Fiscal Officer separate from the other funds of the Village. All funds incident to the operation of said system delivered to the Fiscal Officer shall be tracked in the separate fund, designated "Water Fund", and the Fiscal Officer shall administer this fund in a manner provided by the laws of the State of Ohio and all other laws pertaining thereto.

SECTION 5: It is hereby 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 Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Thurston which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 6: All prior legislation, or any parts thereof, which relate to the above-mentioned rates, charges, rules, and regulations governing residential water customers and their accounts are hereby repealed and replaced with this Ordinance.

SECTION 7: This Ordinance shall become effective at the earliest time allowed by law.

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Passed in Council this _____ day of _____, 2021.

Mary Boring, Mayor

ATTEST: _____

Aaron L. Reedy, Fiscal Officer

APPROVED:

Approved as to form this 9th day of June 2021:



Brian M. Zets
Village Solicitor