

## Walnut Creek Sewer District

### ORDINANCE NO.2018-11-1

AN ORDINANCE TO AMEND SECTION 1 OF ORDINANCE 2016-01, ADOPTED ON APRIL 21, 2016, AND THEREBY REDUCE THE ANNUAL INCREASE IN THE RATES TO BE CHARGED FOR SEWER SERVICE PROVIDED BY THE WALNUT CREEK SEWER DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, over the years, the cost to operate the Walnut Creek Sewer District has increased because of inflation and the District's obligations to the Ohio Environmental Protection Agency; and

WHEREAS, because of these increases, which were beyond the Board of Trustees of the Walnut Creek Sewer District's control, the Board was forced to increase the rate at which the District charges for sewer services; and

WHEREAS, the most recent increase came in 2016 with Ordinance 2016-01, adopted on April 21, 2016. With this legislation, the Board of Trustees created and adopted an annual increase of five percent (5%) per year on the usage portion on the minimal as well as the additional gallon usage rate; and

WHEREAS, the Board of Trustees recently learned that neither its loan documents nor the Ohio EPA require mandatory annual rate increases of a specific amount; and

WHEREAS, the Board of Trustees is cognizant of its customers' budgets that are affected by the current five percent annual increase; and

WHEREAS, the Board of Trustees has examined the financial reports related to the money collected for usage fees and believes, that while an increase is needed in 2019, a five percent increase is not.

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Walnut Creek Sewer District, County of Fairfield, State of Ohio that:

SECTION 1: Section 1 of Ordinance 2016-01, adopted on April 21, 2016 shall be amended to read as follows:

THE RATES TO BE CHARGED FOR SEWER SERVICE PROVIDED BY THE WALNUT CREEK SEWER DISTRICT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

Residential Users and Commercial Users shall include, but not limited to, the following: Commercial establishments, residential dwellings, multiple dwellings, apartment complexes, trailer parks, mobile home parks, and condominiums. Commencing on January 1, 2019, monthly rates shall be as follows:

(a.) Except as describe in Sections (d) and (e) below, if the owner of any property within the Walnut Creek Sewer District has a water meter installed and operating on the property, the owner shall be billed monthly, per residential or commercial unit located on the property, a Minimum Usage Rate of \$8.89 for the first 1,000 gallons of water, plus a Debt Service Fee of \$6.30, plus a Maintenance Fee of \$10.00.

For each additional thousand gallons of water (over the first 1,000 gallons), the owner shall be billed monthly, per residential or commercial unit located on the property, an Additional Usage Rate of \$8.89 per 1,000 gallons.

Commencing January 1, 2020 and continuing annually thereafter, the Minimum Usage Rate and the Additional Usage Rate shall increase three percent (3%) per year.

(b) In the event that any owner of residential property within Walnut Creek Sewer District does not have a water meter installed and operating on the property, the property owner shall be billed monthly, per residential unit located on the property, a Minimum Usage Fee of \$59.45, plus a Debt Service Fee of \$6.30, plus a Maintenance Fee of \$10.00.

Commencing January 1, 2020 and continuing annually thereafter, the Minimum Usage Fee shall increase three percent (3%) per year.

(c) In the event that any owner of commercial property within the Walnut Creek Sewer District does not have a water meter installed and operating on the property, the property owner shall be billed monthly, per commercial unit located on the property, a Minimum Usage Fee of \$395.65, plus a Debt Service Fee of \$6.30.

Commencing January 1, 2020 and continuing annually thereafter, the Minimum Usage Fee shall increase three percent (3%) per year.

(d) Within thirty (30) days of receipt of written notice from the Walnut Creek Sewer District, every commercial user which does not have a water meter installed to measure water consumption and sewage usage shall install, at their sole cost and expense, a flowmeter approved by the Walnut Creek Sewer District to measure the flow of sewage from the commercial unit into the Walnut Creek Sewer District Sewer System. Upon installation and inspection of the flowmeter by the Walnut Creek Sewer District, the commercial property shall be charged as in section (a) above. All gallonage shall be measured by the flowmeter which every commercial user shall install pursuant to this section. The commercial user shall be responsible for maintaining and repairing its flowmeter to guarantee the accuracy of the meter readings. In the event that the flowmeter is removed or is inoperable, the commercial unit owner shall be billed at the monthly rate determined as being the average monthly sewer usage during the past twelve (12) months when sewer usage was measured by the flowmeter or the average monthly rate for such shorter period of time during which a flowmeter was utilized to measure sewage output in the event that the flowmeter has not been installed for a twelve (12) month period of time.

(e) If a commercial or residential property owner elects to utilize a "master meter" for the measurement of water consumption and sewer usage for a single property with multiple dwelling units or commercial units located on said property, then the property owner shall be billed at the rate as provided in section (a) above for each dwelling unit or commercial unit located on the property served by the "master server". The minimum monthly usage shall be assessed as provided in section (a) above.

(f) If an owner of any residential or commercial unit within the Walnut Creek Sewer District refused, neglects, or simply fails to connect to the sewer system within ninety (90) days from the official notification to connect, the property owner shall be billed at the rate set forth in Sections (b) and (c) above.

SECTION 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent part thereof.

SECTION 3: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Board and that all deliberations of the Board and any of the decision making bodies of the Board of Trustees 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 4: The Board declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this District and the further reason that the Board needs this rate reduction to be effective on January 1, 2019. Wherefore, provided this Ordinance receives the required affirmative votes, it shall take effect and be in full force immediately upon passage.

This Ordinance passed this 15 day of November 2018, by a majority of its members. In witness hereof, the members of the Board of Trustees set their signatures hereto.

BOARD OF TRUSTEES:

President: [Signature] Trustee: [Signature]  
Vice President: [Signature] Trustee: [Signature]  
Treasurer: Penny K. Bell Trustee: [Signature]

ATTESTED:

Penny K. Bell  
Clerk-Treasurer  
Walnut Creek Sewer District