

# RECORD OF ORDINANCES

## VILLAGE OF MALTA

Ordinance No. 21-10 Passed the 6th day of May 2021

### AN ORDINANCE TO ESTABLISH WATER AND SEWER RATES

WHEREAS, IT IS NECESSARY FROM TIME TO TIME TO INCREASE WATER AND SEWER RATES TO PROVIDE SUFFICIENT FUNDS TO FINANCE THE OPERATION OF THE VILLAGE'S WATER AND SEWER SYSTEMS.

NOW IT IS THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF MALTA, MORGAN COUNTY, OHIO AS FOLLOWS:

**Section 1. Meters.** Each water tap shall be metered.

**Section 2. Rates.**

Effective May 6, 2021 water and sewer rates shall be as follows:

1. In-Town Single Units

Water: If the unit uses between 0 and 399 gallons of water, the rate shall be \$6.00 per month. For all other units the rate shall be \$26.00 per month for the first 3,000 gallons of water used then \$.30 per 100 gallons or \$3.00 per 1,000 gallons of water used in excess of 3,000 gallons.

Sewer: If the unit uses between 0 and 399 gallons of water, the rate shall be \$31.00 per month. For all other units the rate shall be \$71.00 per month for the first 3,000 gallons of water used then \$.60 per 100 gallons or \$6.00 per 1,000 gallons used in excess of 3,000 gallons.

2. In-Town Multiple Units

At locations, such as duplexes, where multiple units are serviced by one water tap and meter the water and sewer rates shall be:

Water: \$26.00 per month times the number of units serviced for the first 3,000 gallons of water used times the number of units then \$.30 per 100 gallons or \$3.00 per 1,000 gallons of water used in excess of the base amount.

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Sewer: \$71.00 per month times the number of units serviced for the first 3,000 gallons of water used times the number of units then \$.60 per 100 gallons or \$6.00 per 1,000 gallons of water used in excess of the base amount.

### 3. Out of Town Units:

All out of town sewer customers shall be charged \$74.00 per month times the number of units serviced for the first 3,000 gallons of water used times the number of units then \$.60 per 100 gallons or \$6.00 per 1,000 gallons of water used in excess of the base amount. If an out of town customer receives sewer service from the village and water service from any other water supplier, the village shall bill the customer for its sewer services based on the water usage of the other water supplier.

### 4. Bulk Water Rates

Bulk water shall be sold at a rate of twenty-five cents (\$.25) per forty (40) gallons of water purchased. All public bulk water purchases shall be made at the Village Bulk Water Station currently located on Front St. across from the village garage.

## **Section 3. Tap Fees**

### A. Sewer Taps

All requests for sewer taps shall be made by the property owner to the Village Administrator on a form authorized by the Village Administrator. The minimum amount to be charged for any sewer tap shall be \$900.00 and this amount shall be deposited with the village at the time of the request for the sewer tap. If the estimated installation cost of the sewer tap exceeds \$900.00, the property owner shall be required to deposit a sum equal to the estimated cost. After installation the property owner shall be charged the actual cost of installation plus ten percent (10%), less the amount of the deposit. Village personnel shall be billed out at fifty dollars (\$50.00) per hour and village equipment shall be billed out at eighty-five dollars (\$85.00) per hour.

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### B. Water Taps and Meters

All requests for water taps shall be made by the property owner to the Village Administrator on a form authorized by him. The Village requires that anytime a new tap is installed or a renovation occurs that requires a new service line, there be a ¼ turn ball valve installed in-line immediately after the service line enters thru the foundation wall. The minimum amount to be charged for any water tap shall be \$1500.00 and this amount shall be deposited with the village at the time of the request for the water tap. If the estimated material and installation cost of the water tap, water meter and any other mandatory devices, such as backflow prevention devices, exceeds \$1500.00, the property owner shall be required to deposit a sum equal to the estimated cost. After installation the property owner shall be charged the actual cost of installation and materials plus ten percent (10%) less the amount of the deposit. Village personnel shall be billed out at fifty dollars (\$50.00) per hour and village equipment shall be billed out at eighty-five dollars (\$85.00) per hour.

### Section 4. Due Date, Late Fees, and Other Penalties

Water and sewer billings based on the previous months meter reading shall be mailed to customers on or before the fifth (5) day of the month and shall be paid by the customer on or before the fifteenth (15) day of the month or shall be considered late. Late payments shall be penalized ten percent (10%) of the amount charged. In the event that the due date falls on a weekend, holiday or any other day that the Village Office is closed, the due date will automatically be extended to the next regular business day.

The Village Administrator has full authority to waive late fees at his/her discretion.

If a water and/or sewer billing is not paid in full by the last day of the month, the village shall discontinue services to the customer on the first working day of the following month. Water and sewer services shall not be recommenced until the customer pays all charges owed, including late fees, plus a reconnection fee of fifty dollars (\$50.00). Reconnection services due to non-payment will only take place during the regular business hours of the Malta Water Department which are 8:00am-3:30pm, Monday thru Friday. In the event that a payment takes place on a Friday after the water department

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has closed, reconnection may take place at a cost of one hundred dollars (\$100.00). This fee must be paid prior to reconnection taking place.

### **Section 5. Discontinuation of Service.**

If water and sewer service is discontinued temporarily for any reason other than non-payment, there shall be no fee charged for the service call to shut off or turn on the water and sewer services if said call occurs during regular business hours.

If water and sewer service is discontinued temporarily during non-business hours for any reason other than non-payment, there shall be a fifty dollar (\$50.00) service fee charged, per trip, to shut off and turn on the water and sewer services. These charges will be assessed to the customer's next water and/or sewer billing.

The village reserves the right to discontinue water and sewer service to any customer that is experiencing a water or sewer leak until such time as the customer causes the leak to be repaired.

### **Section 6. Laterals**

The property owner shall be responsible for maintaining water and sewer laterals from the structure to the village water meter or sewer line tap at the curb.

### **Section 7. Landlord-Tenant Liability**

In the case of a leased premise, both the Landlord and the Tenant shall be liable for the payment of water and sewer charges. The village at its option may collect the charges from either the Landlord or the Tenant or both.

### **Section 8. Other Rules and Regulations**

The Village Administrator may make from time to time such rules and regulations as are necessary in his opinion to effectuate the intent of this ordinance, to collect the fees set forth in this ordinance, and to ensure

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compliance with all the rules, regulations and statutes of the United States, the State of Ohio and Morgan County Department of Health.

### Section 9. Tampering

Ohio Revised Code Section 4933.18 prohibits any person from knowingly, without the village's consent to tamper with a water meter, conduit or other attachment of the utility. Ohio Revised Code Section 4933.19 makes it a criminal offense for any person to knowingly consume any water that has not been correctly registered because a meter, conduit or attachment has been tampered with or that a service has been discontinued by the village is reconnected without the village's consent. Ohio Revised Code Section 4933.19 makes it a criminal offense for any person to maliciously open, close, adjust or interfere with a fire hydrant, valve, regulator, gauge, gate, disc, curb cock, stop cock, meter or other regulator, operating or measuring device or appliance in or attached to the wells, tanks, reservoirs, conduits, pipes, mains, service pipes or other pipes of the village's water and sewer systems.

### Section 10. Special Situations

There may be special situations such as a customer with unusually large quantities of sewage or unique sewage treatment requirements. In such situations, when permitted by Ohio law and regulation, the Village Administrator may enter into an agreement with the customer to accept the sewage at a rate to be determined by the Village Administrator.

### Section 11. Leak Forgiveness Program

In the event that a customer experiences a water leak and said leak results in an unusually large water/sewer bill, the customer may petition council to request forgiveness of the excess usage amount. Customers may request this leak forgiveness once every 24 months. If council grants forgiveness the water/sewer bill will be recalculated by taking an average of the prior 6 months usage and this will be the amount billed. All requests must be made in writing on the approved village form.

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In the event that a customer experiences a water leak that causes a larger than usual bill and the customer does not desire to use the leak forgiveness program but can provide sufficient evidence that the water used as a result of the leak did not enter the sewer system, the customer may petition council to request forgiveness of the sewage portion of the bill. If council grants forgiveness, the sewer portion of the bill will be recalculated by taking an average of the prior 6 months usage and this will be the amount billed. All requests must be made in writing on the approved village form.

### **Section 12. Excessive Water Usage**

In the event that a customer has an excessive amount of water usage during a month but the water is not used for a purpose that would result in said water entering the sewer system, the customer may petition council to have the sewer portion of that usage forgiven. This could take place during an excessively dry period when customers may need to use large amounts of water for the purpose of watering their lawns or gardens. This could also take place when a customer has a large item such as a swimming pool filled or if a customer takes on a project that requires a large quantity of water be used, given the customer can verify that the water will not enter the sewage system. It is the responsibility of the customer to petition council for the forgiveness and if granted the sewage portion of the bill would be recalculated using the prior 6 month average. There shall be no guarantee that every request will be granted. Each request will be judged on a case by case basis. All requests must be made in writing on the approved village form.

### **Section 13. Repealed Ordinances**

Ordinance No. 19-20 is repealed.

### **Section 14. Water and Sewer Connections**

Pursuant to the authority granted by Ohio Revised Code Section 729.06 every occupied structure or temporary habitation is required to install and maintain connection to the Village's water and sewer systems and shall pay to the Village the charges, rents, assessments and fees set forth in this and other applicable ordinances.

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### Section 15. Assessments


Pursuant to the authority granted by Ohio Revised Code Section 729.49, water and sewer charges, rents, assessments and fees shall constitute a lien upon the property served by such connection and if not paid when due shall be in the same manner as other municipal corporation taxes.

First Reading: \_\_\_\_\_ April 1, 2021 \_\_\_\_\_

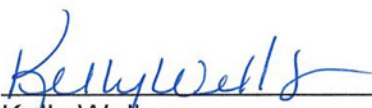
Second Reading: \_\_\_\_\_ April 15, 2021 \_\_\_\_\_

Third Reading: \_\_\_\_\_ May 6, 2021 \_\_\_\_\_

Passed this 6th, day of May 2021.

  
\_\_\_\_\_  
Terry McGrath  
Acting Mayor

Attest:

  
\_\_\_\_\_  
Kelly Wells  
Fiscal Officer