

revision 5-07-90
revision 5-29-90

In meeting minutes
on 7-2-1990

VILLAGE OF HAMERSVILLE

ORDINANCE NO. 1990-18

**AN ORDINANCE PROVIDING FOR GENERAL PROVISIONS RELATING TO
THE OPERATION OF UTILITIES WITHIN THE VILLAGE OF HAMERSVILLE**

BE IT ORDAINED, by the council of the Village of Hamersville, Brown County, Ohio, three-fourths (3/4) or more of all members concurring:

1.01 DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall apply:

(A) "Board" shall mean the Trustees of the Board of Public Affairs of the Village of Hamersville, Ohio

(B) "Commercial establishment" shall mean and include all non resident public and private, charitable or non-charitable, establishment or institutions served by the Village. The words "commercial service" shall mean utility services provided to a premises occupied by a commercial establishment.

(C) "Person" shall include individuals, partnerships, corporations and other forms of organization.

(D) "Premises" shall mean land or buildings (including mobile homes or house trailers, where applicable) or both, or parts of or both, receiving residence service and or commercial establishment. A premises may have one or more residential services and/or commercial services.

(E) "Resident" shall mean the head of a family and dependents or one maintaining his or her separated living quarters on premises and shall include owners, tenants and occupants of premises served by the Village. The words "residential service" shall mean utility services provided to a premises occupied by a resident.

(F) "Unauthorized service" shall mean connection, reconnection, or use of one or more utility services without authorization of the Village.

(G) "Utilities" shall mean those utilities services supplied by the Village of Hamersville, and shall include water, sewer, garbage collection and any subsequent services established by ordinance.

(H) "Utilities applicant" shall mean any person applying for one or more utility services provided by the Village.

(I) "Utilities customer" shall mean any residence or commercial establishment using utilities services provided by the Village of Hammerstein, Ohio.

(J) Village shall mean the Village of Hamersville, Ohio.

1.02 SEPARATE UTILITIES CUSTOMERS

(A) Each residence and each commercial establishment shall be considered a separate utilities customer notwithstanding that one or more utilities customers may occupy the same premises.

(B) Each resident shall be charged a residential rate for utilities services and each commercial establishment shall be charged a commercial rate for utilities services.

(C) Council, may establish minimum monthly rates for multiple utility customers served by a single utility line or meter.

1.03 APPLICATION FOR UTILITIES SERVICE

(A) Each applicant for utilities service shall make application for such service on a form to be furnished by the Board.

(B) The Board may require proof of identification of any applicant for utilities service and may require the applicant to furnish the identification of all persons residing in the residential premises to be served or all persons having an interest in the commercial premises to be served.

(C) The application shall be signed by the applicant or by a duly authorized representative of the applicant.

1.04 DENIAL OF UTILITIES SERVICE.

The Board may deny utilities service if:

(A) The premises to be served are subject to a delinquent utility bill owing to the Village incurred by the utilities applicant or by the owner of the premises subject to O.R.C. 735.29.

(B) The utilities applicant has a delinquent utility bill owing to the Village incurred at a prior premises;

(C) The Board determines, based solely on the Village's past experience with the utility applicant (or another adult resident of the utility applicant's household as listed on the application), that the utility applicant is not a good credit risk, provided, however, that the Board shall not deny utilities service to such applicant if the utility applicant:

(1) Makes an additional deposit for the utilities services sought in an amount not to exceed three times the regular deposit and/or

(2) Otherwise establishes, to the satisfaction of the Board that the applicant's credit history has substantially improved since the time of the past experience of the Board's basis for denial.

I.05 DEPOSITS FOR NEW UTILITIES CUSTOMERS.

(A) The Board shall charge each utilities customer a deposit for each utility service provided by the village.

(B) The deposit charged and collected by the Board shall be maintained as a separate identifiable account under the control of the Village Clerk-Treasurer.

(C) The deposit may be applied to the payment of any arrears in the utilities customer's account and, in the event the utilities customer is receiving more than one utilities service, the deposit may be applied to the payment of an arrears for a utilities service other than the specific service for which the deposit was made. The deposit may also be applied to cover any damage to any utilities equipment caused by the negligent or intentional act of the utilities customer or any person under his control.

(D) The deposits to be charged and collected by the Board shall be set by the utility rate ordinance.

(E) Upon voluntary disconnect or termination of utilities services to a utilities customer, the deposit shall be refunded, upon surrender of the utilities customer deposit receipt, to the person in whose name the account is carried or to such person's duly authorized representative, upon satisfactory proof of identity, provided however, that the deposit shall be first applied to any arrears which may exist in such utilities customer's account and no refund shall be made until such time as it is determined that no such arrears exists. If a utilities customer is unable to produce a receipt, the Board may, upon satisfactory proof of identity, require the utilities customer to sign a statement that the utilities deposit receipt has been lost.

I.06 UTILITY BILLS - ITEMIZATION AND AMOUNT.

Each utility bill shall itemize the utility service provided and shall indicate an amount, known as the gross amount, which shall be the total amount for all utility services provided. Each utility bill shall also indicate an amount, known as the net amount, which shall be the total amount for all utility services less 10%.

I.07 UTILITY BILLS - BILLING AND PAYMENT DATES.

(A) Bills for utilities services shall be calculated and mailed monthly by the Board to the utility customers on or about the 1st day of each month.

(B) Each utility bill shall be clearly marked with a net payment amount which shall be due by the twentieth (20th) day of each month and a gross payment amount which shall be due after the twentieth (20th) day of each month.

(C) In the event it is not possible for the Board to mail such utility bills or provide for payment thereof in any given month as specified in subparagraphs (A) and (B) of this subsection, the dates and time periods specified therein may be altered or amended on a month by month basis by the Board. The Board shall exercise its discretion, to achieve the most equitable result given all of the circumstances known to the Board.

I.08 UTILITY BILLS, PAYMENTS, DISHONORED CHECKS

(A) Net payment of utility bills shall be made on or before the due date marked on the utility bill. If paid after such date, the gross amount shall be paid.

(B) Payment by check on or before the due date shall be considered timely subject to such check being honored by the drawer's bank.

(C) Any check not honored by the drawer's bank upon presentation thereof for collection shall result in a bad check charge being added to such utilities customer's account and, if such bad check charge is not immediately paid, it shall be considered an arrearage in such utilities customer's account.

I.09 UTILITY BILLS, PARTIAL PAYMENT - INTEREST.

(A) The Board may reject partial payments or payment for less than all utility services provided.

(B) In the event partial payment for utility services is made by any utilities customer and accepted by the Village such payment shall be applied to the account in the following order of priority:

- (1) Fees charged to the account for dishonored and returned checks
- (2) Reconnection and disconnection fees charged to the utilities customer including unauthorized connections.
- (3) Accrued interest charged to the account
- (4) To any arrearage for water service.

- (5) To the current billing for water service.
- (6) To any arrearage for garbage collection
- (7) To the current bill for garbage collection.

- (8) To any arrearage for electric service.
- (9) To the current billing for electric service.

(C) Upon written authority of the Board, the Village Clerk shall charge interest on unpaid utility bills beginning from the first day of the first month following the due date of such bill. Interest shall be uniformly charged on all past due accounts at the maximum allowed by Ohio law.

I.10 UTILITY BILLS, LIABILITY OF OWNER.

(A) The owner, as well as the lessee or tenant, of any premises to which utility services are provided by the Village of Hamersville shall be responsible and liable to the Village for all rents and charges for utilities services, including penalties, interest, disconnect and reconnect charges, in accordance with Section 735.29 of the Ohio Revised Code and when such rents and charges are not paid when due, the Board may certify them to the County Auditor to be placed on the duplicate and collected as other village taxes, together with interest and penalties, pursuant to the Ohio Revised Code.

(B) The owner, (or his duly authorized representative) as well as the lessee or tenant of any non-owner occupied premises shall be required to sign the application for utilities services provided by section I.03 of this ordinance prior to any utility service being supplied to such premises.

(C) The Board shall, at the request of the owner of any non-owner occupied premises, furnish such owner with a statement as to the current status of the utilities account of such premises. Such statements shall be furnished within a reasonable time after the request is made and may be given orally. The Board may charge for each report to offset the costs of preparation.

I.11 SERVICE DISCONNECT OR SHUT OFF - VOLUNTARY.

(A) The Board shall disconnect utility service to any premises only at the request of the person in whose name the account is carried or at the request of such person's duly authorized representative and upon satisfactory proof of identity.

I.12 SERVICE DISCONNECT - INVOLUNTARY.

(A) The Board may disconnect all utility service to any premises if the utilities account, or any part thereof, is more than 15 days in arrears, i.e., charges for the proceeding month have not been paid by the last day of the current month.

(B) The Board may disconnect all utility service to a premises if it is determined that the utilities customer has supplied false, inaccurate or misleading information on the application for utilities services.

(C) The Board may disconnect all utility service to any non-owner occupied premises upon written request of the owner thereof, subject to the provisions of notice set forth in section 1.13(E).

1.13 NOTICE OF UTILITIES DISCONNECT.

(A) Prior to disconnecting any utilities service pursuant to subsection 1.12 of this ordinance of the Village of Hamersville, the Board shall serve a Notice of Disconnection on the utilities customer.

(B) The Notice of Disconnection shall be deemed properly and timely served:

(1) By mailing a copy thereof, by regular U.S. mail, postage prepaid, to the utilities customer at the address maintained by the Board for billing purposes, not less than ten (10) days prior to the proposed service disconnect date; or

(2) By delivering a copy thereof personally to the utilities customer, by leaving a copy thereof with a person of suitable age at the premises, or, if no person of such description is at the premises, by leaving a copy thereof at a conspicuous place at the premises, not less than ten (10) days prior to the proposed service disconnect date.

(C) A copy of the Notice of Disconnection may also be sent, by regular U.S. Mail, to the owner of any non-owner occupied premises at such address as may be provided to the Board by such owner.

(D) Each Notice of Disconnection shall clearly state:

1. The reason for the proposed disconnection, including the amount due, if applicable, to be paid at the Utility office of the Village

2. The date after which utilities service is to be disconnected unless the utilities account for such premises is brought current (if termination is the result of non-payment)

3. The date after which utilities service is to be disconnected unless the current charges are paid (current month) and the utility customer agrees to pay all future charges including, if applicable, a deposit (if termination is the result of non-payment by the non-resident owner or by order of a non-resident owner of the premises)

4. That the utilities customer may seek review of the disconnect order by filing a Request for Review with the Village Clerk or Village Collector not later than 1:00 p.m. of the last business day prior to the proposed service disconnect date

and if a review is requested no disconnection shall occur until after said review.

(E) Prior to disconnection of any utilities service to any non-owner occupied premises made upon the written request of the owner thereof (pursuant to Section I.11) the Village Clerk shall serve a Notice of Disconnection on the utilities customer in accordance section 1.13(B) of this ordinance. The notice shall advise the utility customer that the utility service shall be terminated unless the utility customer make application for service in his or her own name.

I.14 SERVICE RECONNECT CHARGE.

(A) The Board or Council may establish a schedule of charges for reconnection of utility services.

(B) The Board or Council may establish a schedule of charges for unauthorized reconnection of service. Such charges shall not preclude criminal prosecution for theft of services.

I.15 REQUEST FOR REVIEW.

(A) The Board hereby designates the village collector as its representative to have the authority to review charges to utility customers and to have final authority to settle or compromise disputed accounts of less than \$100.00 as a result of errors, omissions or other related matters.

(B) The Board, when requested by the utility customer, shall review disputed accounts over \$100.00 and other causes for termination at the next regular Board meeting, or at a special meeting which shall be not later than the next regular meeting date.

(C) The utility customer shall have a right to be represented at any review, have reasonable access to the records of the village, have a right to personally address the Board or its representative

(D) All hearings shall be completed not less than five days nor more than fourteen days from the date a utility customer requests a review or appeals a disconnection notice. The Village shall deliver notice of its decision, if adverse to the utility customer, in writing three days prior to any disconnection of service.

1.16 DISCONNECTION PROCEDURES

(A) Disconnection of utility services shall be made before 12:00 noon of the designated disconnection date. No disconnection shall occur on any day preceding a weekend or holiday.

(B) The employee authorized to disconnect service for water and or electric shall, prior to disconnecting, attempt to personally contact the utility customer to advise of the disconnection and to verify the propriety of the same.

(C) At the time of disconnection the Board shall deliver to the utility customer either personally or by posting the same on the premises a notice of disconnection which shall include

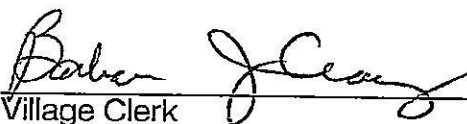
1. The date, time and reason for disconnection
2. The amount which must be paid, including any reconnection fee, to reestablish utility service if termination is for nonpayment.
3. The name, telephone number, business hours, and address of the Board representative which may be contacted for payment to obtain reconnection.

adopted:



Mayor

Attest:



Village Clerk