

ORDINANCE NO. 2017-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1040 OF THE CODIFIED ORDINANCES OF THE CITY OF MONROE TO REPLACE THE WORDS MUNICIPAL OR MUNICIPALITY WITH CITY; INCREASE THE DEPOSIT FOR NON-OWNER OCCUPIED PROPERTIES; REMOVE THE PENALTY FOR NONPAYMENT; ESTABLISH A TRIP CHARGE FOR DISCONNECTION AND CONNECTION OF WATER SERVICE; AND CORRECT CERTAIN TYPOGRAPHICAL ERRORS. (SECOND READING)

WHEREAS, to remain consistent with this and future legislation, the term municipal or municipality should be changed to City when referring to the City of Monroe; and

WHEREAS, the increase in the deposit for non-owner occupied properties is necessary to avoid an increase in collections for unpaid utility bills; and

WHEREAS, certain typographical errors, such as capitalization, should be corrected.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Section 1040.01 of Chapter 1040 is hereby amended to read as follows:

“1040.01. - Definitions.

As used in this chapter:

Auxiliary water system means any water system on or available to the premises, other than the public water system, including the water supplied by the water system. Auxiliary water may include water from another supplier's public water system, water from a source such as wells, lakes or streams, process fluids or used water. Such water may be polluted, contaminated, objectionable or constitute a water source other than the intended source of the potable water supply.

Backflow means the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.

Backflow prevention device means any device, method or type of construction intended to prevent backflow into a potable water system.

Consumer means the owner or person in control of any premises supplied by, or in any manner connected to, a public water system.

Consumer's water system means any water system, located on the consumer's premises, supplied by or in any manner connected to a public water system. A household plumbing system is considered to be a consumer's water system.

Contamination means an impairment of the quality of water by sewage, process fluids or wastes, to a degree which could create an actual hazard to the public health through poisoning or through the spread of disease by exposure.

Corporation cock means a valve inserted or tapped into a water main, under pressure, for the purpose of regulating the flow of water into a service line.

Cross-connection means any arrangement whereby backflow can occur.

Curb box means a riser that fits over the curb stop, reaching to ground level, with a lid, that enables a key to be used to turn the curb stop off and on.

Curb stop means a valve installed on the service line to enable the water in the service line to be turned off and on by an authorized City employee only.

Health hazard means any condition, device or practice in a water system or its operation that creates, or may create, a danger to the health and well being of its users. "Severe," as used to qualify "health hazard," means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.

Manager means the City Manager of the City of Monroe.

Meter means a device for measuring the use and flow of water.

Meter spread or jumper means a length of pipe used to set the distance on a service line where a meter is to be installed.

Meter yoke means a device used for mounting a meter on the service line, in a meter pit, which provides the proper spacing for the meter setting.

City distribution system means the water system of the City, including the water treatment plant, standpipes, wells and mains.

Nonpotable water means water which is not safe for drinking, personal or culinary use.

Potable water means water which is satisfactory for drinking, culinary and domestic purposes and which meets the requirements of the Environmental Protection Agency.

Pressure regulator means a device connected to the service line before the meter for the purpose of regulating the pressure so that it does not exceed what the meter will withstand.

Service line means the water line which runs from the City water main to the consumer's unit.

Superintendent means the superintendent or person in charge of the water system for the City.

Tee means a device attached to the water main which allows for the placement of a water hydrant.

Water main means a pipe which is part of the City distribution system and the conductor of the water being delivered to consumers on the system.

Water tap means the intersection at which a service line is connected to the water main.”

SECTION 2: Section 1040.02 of Chapter 1040 is hereby amended and supplemented to read as follows:

“1040.02. - Supply; application for service; connections; service lines and maintenance.

(a) *Supply.* All premises intended for human habitation or occupancy shall be provided with a supply of potable water. Buildings in which water closets or other plumbing fixtures exist shall be provided with a supply of water adequate in volume and pressure for flushing purposes.

(b) *Application for water service.*

(1) All consumers desiring a supply of potable water shall first make application with the City for service. At the time of application for a building permit for a structure requiring water service, water tap connection fees shall be collected along with material and labor charges before the actual tap can be made. The water tap connection fees will be based on the size of the service line. The water tap charges may vary depending on whether assessments or revenues have been paid on the fronting main and according to agreements with persons who have financed the installation. A meter fee and an inspection fee shall also be collected at this time. The water tap connection fees and the inspection fee shall be as set forth in this chapter.

(c) *Connections.*

(1) The copper tubing between the main and the meter shall be of type K copper or ductile iron, the size to be specified by the City, but in no case less than three-quarter-inch inside diameter. The City reserves the right to designate the place at which any main

shall be tapped, and no such tap shall be made within four feet of an existing tap. The City reserves the right to disconnect the use of water on any property the owner or occupant of which is indebted to it in any manner or to refuse the right of service unless the proper application, installation and inspection have been made.

- (2) All residential direct and indirect connections to water lines under one inch internal diameter under the control of the City shall be made by the City. All direct and indirect connections one and one-half inches internal diameter and above shall be made by a certified plumbing contractor under the supervision of the City. No further tap-ins to such water lines by private individuals or corporations shall be permitted.
- (3) Tap-in charges, for properties where no assessment has been previously paid and where the water line has not been previously installed by the developer, shall be established from time to time by Council. In addition to the standard fee as established by Council, additional fees shall be paid in certain areas, resulting from installation contracts entered into by the City over a period of time. They shall include the following:
 - a. Texas Eastern Water Line. A tap-in charge of \$220.00 shall be levied on all property owners on Britton Lane north of Lot 458 whose property abuts on such street; also, a tap-in charge of \$220.00 shall be levied on all property owners on Todhunter Road from Britton Lane to the west corporation limits at Yankee Road whose property abuts on such street, to be payable to Texas Eastern.
 - b. Hodapp Water Line. A tap-in charge of two hundred twenty dollars (\$220.00) shall be levied on all property owners on the north side of Todhunter Road between Britton Lane and Main Street whose property abuts on such street, to be payable to Dale Hodapp until November 14, 1991, at which time all assessments will be payable to the City.
 - c. Manchester Water Line. The tap-in charge on Main Street which is to be levied on all property owners between the north line of Lot 355 and the Manchester Machine Company whose property abuts on such street shall be as follows: For each three-quarter inch tap, \$250.00; for each tap greater than three-quarter inch and up to and including a one and one-half inch tap, an amount proportionately larger than \$250.00 as the cross-section of the tap bears to the cross-section of a three-quarter inch tap; for each two-inch tap, \$1,750.00; for each three-inch tap, \$2,000.00; for each four-inch tap, \$4,000.00 ; for each six-inch tap, \$6,000.00; and for each eight-inch tap, \$8,000.00.
 - d. M.V.I.P. Water Line. A tap-in fee of \$250.00 shall be levied on all property north of the State Route on Garver Road to the south property line of Wickes, except to M. V. I. P. The foregoing tap-in charge and charge for labor and material shall be paid by the applicant property owner prior to issuance of a tap-in permit by the Manager for connection to the waterworks system of the City.

Additional fees shall be as set forth in this Chapter.

- (d) *Service lines and maintenance.* Service lines shall be laid at least 42 inches below the finished grade and at right angles to the main. All service lines shall be inspected by the City after completion, and any installation inconsistent with these rules or with any rule hereafter adopted shall be corrected before water service is commenced. Service lines shall be two or more feet away from any gas lines in trenches to the building. Service lines shall be connected to the main with a brass corporation cock. All service lines shall be provided with a regulation iron or plastic curb box of an approved type, which curb box shall be located just outside and adjacent to the property to be served. The curb box shall protect and provide access to a brass curb stop which must be installed. Trees and shrubs must be planted a minimum of five feet from the curb stop. Any trench for the retention of any water pipe shall be inspected by the City or its designee before being backfilled. All service lines, cocks, valves and valve boxes must be maintained by and are the responsibility of the consumer. Whenever a leak or break occurs in a service line or any part thereof which is the consumer's responsibility, the consumer must have it repaired immediately. If the consumer refuses to repair the leak or break immediately or if water is permitted to flow unnecessarily due to negligence; the City may cut off the supply of water until the necessary repairs have been made. If the consumer continues to refuse to repair the break or leak, the City will order the necessary repairs made at the expense of the consumer. No service lines shall cross lots or be extended onto adjoining premises without first obtaining the written consent of the municipality and involved consumers. In no case shall more than one service line be extended from one tap where water is metered separately unless the service is installed in a manner approved by the City so that the service can be shut off separately.
- (e) *Excessive pressure.* In any area where excessive pressure exists, the property owner, at his expense, shall install a pressure regulator. The City is not responsible for any damages caused by excessive pressure.
- (f) *Shutting off mains.* The City reserves the right to shut off the water supply without notice in case of accidents or causes beyond its control, or for making repairs, connections or replacements, and shall not be held responsible in any manner for any consequences of such shut off. The City will give notice, so far as is practical, of any shut off of any water supply, but nothing in this chapter shall require the giving of such notice. The City will, in no way, be responsible for any water damage or for the loss of water on account of fixtures having been left open when water is ordered on at any service."

SECTION 3: Section 1040.03 of Chapter 1040 is hereby amended and supplemented as follows:

"1040.03. - Mains.

- (a) *Installation.* The City, upon written application to the City, may agree to extend its distribution system inside the corporate limits to serve new customers, provided that prior to

the signing of a contract for the furnishing of water in these extensions, the final plans and specifications for the proposed water mains shall be approved by the City Engineer.

The plans and specifications, as submitted to the Manager, shall be accompanied by a statement of compliance with this chapter. Prior to the beginning of construction of water mains, to be constructed according to approved plans as hereinbefore provided, the developer shall deposit in advance with the City an amount estimated by the Manager as sufficient to cover general office expenses and the costs of engineering, supervision of construction and testing of the water mains based upon the estimated time of construction as set out in the plans and specifications presented for approval. This deposit shall be known as the water main construction bond. If, for any reason, the time required for construction exceeds the estimated time, an additional water main construction bond will be required before construction may continue, or the Manager will refund to the party making the water main construction bond the amount by which the estimated cost exceeded the actual cost to the municipality for general office expenses and engineering.

(b) *Minimum standards.* Whenever an application for a permit for a developer to install water mains and services in a proposed subdivision is submitted, the following minimum standards shall apply, and only plans meeting or exceeding these specifications shall be approved:

(1) *Main sizes.* The minimum size main permitted to be connected to any main is eight inches in internal diameter. The maximum number of residential services which will be permitted to be connected to a main, unless paralleled or looped mains exist, shall be based on the following seven-sixteenths-inch flow per service formula:

8-inch main	-	330 services
10-inch main	-	525 services
12-inch main	-	740 services

(2) *Materials.* Materials for mains shall be:

- a. Ductile iron: Class 53 AWWA C-151;
- b. Copper curb and corporation stops: Ford, Mueller, Hayes or equal;
- c. Copper tubing: 3/4-inch type K from main to meter, with 150 psi rating;
- d. Fire hydrants: first line, traffic type 5-inch, National standard thread, 2 to 2-1/2-inch American Darling B-84-B or equal, plus 4-1/2-inch steamer valve;
- e. Valves: American Flow Control Series 2500 or equal closing in a clockwise direction with a 2-inch square stem;
- f. Valve boxes: cast iron roadway type with cover;
- g. Fittings: epoxy coated ductile.

Meters shall be furnished exclusively by the City, at cost.

(3) *Project engineering and installation of fire hydrants.* The project shall begin by installing a main valve to the existing main only if the main is large enough to serve

under the formula set forth in division (b)(1) of this section. Tees for fire hydrants shall be installed every 200 feet or closer in all industrial park and general industrial zoning districts. In all other areas in the City, fire hydrants shall be installed every 400 feet or closer. Curb measurement crosses with capped ends shall be installed at future street intersections. Valves shall be installed at such locations so that it will not be necessary at any time to shut off more than one block in an industrial district or two blocks in other districts to repair a single leak. Each fire hydrant shall have a six-inch watch valve.

No person shall tamper with any hydrant of the City.

- (4) *Excavation.* boring and backfill. All excavations shall be at a depth to allow 48 inches of cover on all installations of pipe, and bell holes shall be hand dug to allow pipe to have a continuous bearing. Installation under main thoroughfares or railroads shall be by boring and encasing. Rocks or boulders shall not be backfilled against pipe, and all backfilling shall be replaced and restored as before and maintained for one year.
 - (5) *Workmanship.* All work shall be completed under the direction of an engineer registered in the State. Skilled craftsmen shall perform work in an orderly manner, such as setting fire hydrants plumb and in a uniform line, mechanically securing valves and hydrants to prevent blowing off under pressure, tightening all fittings and blocking them to prevent contortion of alignment, and setting valves plumb and boxes to proper grade.
 - (6) *Testing.* A mechanical strength test shall be applied equal to 200 percent of available working pressure for six continuous hours. Approval is at the discretion of the City Engineer or designee.
 - (7) *Sterilization.* All mains and hydrants shall be flushed, and chlorine or hypochlorite shall be injected when refilling to a residual strength of 50 ppm and allowed to stand for 24 hours before flushing thoroughly.
 - (8) *Main tapping.* The City or an authorized representative shall perform all taps.
 - (9) *Service lines.* Service lines shall be installed from main to curb box before a street is finished.
 - (10) *Meter setting.* The City shall set all meters after application is made for water service and the water line has been inspected.
 - (11) *Turning on water.* Water shall only be turned on by the City or an authorized designee.
- (c) *Extensions.* The City reserves the right to add, at all times, additional customers to an extension and make new extensions to an existing extension under this chapter without

procuring the consent of any party contributing to the original construction costs, and without incurring any liability whatsoever.”

SECTION 4: Section 1040.04 of Chapter 1040.04 is hereby amended and supplemented to read as follows:

“1040.04. - Meters.

- (a) *Installation required.* Meters, of a size and kind determined by the City, shall be installed on all services. Meters shall be furnished at tap-in by the City at cost to the consumer and are subject to the monthly replacement fee, but will remain the property of the City. A deposit set by Council may be required on all meters. There shall be one residence or business on a service branch and each branch shall be metered. Each house, building, residence or business shall have a separate curb stop located outside the premises on the public right-of-way as directed by the City Engineer or his/her designee. Meters are not permitted to be installed in the driveway. Multiple dwellings are permitted one service line and a master meter with a curb stop placed outside the premises on the public right-of-way.
- (b) *No connections ahead of meter.* No water connections shall be made on the City side of the water meter, except for branch fire line connections that are likewise metered, either completely or by a detector check assembly.
- (c) *Second meters.* A consumer may purchase from the City a second water meter for uses outside the house, such as lawn and garden watering and swimming pools, and for purposes where water does not enter into the sanitary sewer. The consumer shall pay a certified plumber to install a tee in the meter pit. After installation of the tee, the consumer shall contact the City to set up an appointment for an inspection and meter install. If the consumer wishes to disconnect the second meter, an inspection will be required and a trip charge assessed.
- (d) *Manner of installation; protection.* Meters shall be installed in such a manner and place that will make them readily accessible for reading or replacement. All meters are to be installed outside, and applicants must install a meter box, cover and approved yoke. Drainage must be approved for all outside meter pits to prevent damage to the meter. All other meters previously installed inside must be located in a frost-free and dry place. They must not be connected directly to the stop and waste cock in connection with a steam or hot water boiler or heater so supplied. If free access to the meter is not made within a reasonable period of time, the water may be shut off and the rules governing the first application for service will apply.
- (e) *Maintenance.* The consumer shall be responsible for all damage caused by abuse or freeze-up. The City shall absorb the cost of repairs for normal wear. If it is found necessary, for any reason, to remove or change a meter from its setting, the expense in connection therewith

must be borne by the consumer. The City, at all times, reserves the right to change water meters at the determination of the City Engineer or designee.

- (f) *Broken or tampered-with meters.* If the City finds that a meter has been broken or finds evidence that the meter or seal has been tampered with, the water shall be shut off at the curb and shall not be turned on again until the consumer of the property pays for the estimated quantity of water that has been used and not registered, plus the cost to restore the meter to proper working order and any other necessary expense. In addition, the consumer shall be subject to prosecution and penalties. Penalties shall be as set forth in this Chapter.
- (g) *Readings: Estimated charges.* Residential water meters will be read once per month. Water bills will be sent monthly with estimates to be used between actual readings if an actual reading cannot be obtained.
- (h) *Testing.* When consumers are dissatisfied with bills and request a test of the water meter, they shall make such a request in writing and deposit with the request the amount as set forth in section 1040.11(d). If the meter certification is found to show greater variation from 100 percent accuracy than two percent fast or three percent slow, the deposit will be returned and the meter will be replaced at no cost to the consumer. However, if the meter is found to be within the allowable legal limits, the deposit will be forfeited to the City.
- (i) *Cost.* Prices of water meters shall be the actual cost paid by the City to the meter supplier.
- (j) *Temporary Meters.* Temporary fire hydrant meters are available for commercial use prior to the main meter being set. A deposit is required upon submittal of the application for such meter. The deposit for a one inch meter shall be \$1,000 and for a three inch meter shall be \$2,000. If the meter is not returned in the same condition, the deposit will be used to make repairs, and the remainder, if any, will be refunded. If the meter is not returned the City shall retain the deposit and may pursue legal action”

SECTION 5: Section 1040.05 of Chapter 1040 is hereby amended to read as follows:

“1040.05. - Cross-connection control and backflow prevention.

- (a) No person shall install or maintain a water service connection to any premises where actual or potential cross-connection to the City water system may exist, unless such actual or potential cross-connections are abated or controlled to the satisfaction of the municipality.
- (b) When, in the judgment of the Manager or designee, an approved backflow prevention device is necessary for the safety of the public water system, the manager will give notice to the water consumer to install such an approved device. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Manager or designee, and shall have inspections and tests made of such approved devices as required by the Manager or designee.

- (c) No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the City, may enter the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply has been approved by the Manager or designee and by the Ohio Environmental Protection Agency.
- (d) It shall be the duty of the Manager or designee to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Manager or designee deems necessary.
- (e) The Manager or designee shall have the right, at any reasonable time, to enter any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served shall furnish to the Manager or designee any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Manager or designee, be deemed evidence of the presence of improper connections as provided in this section.
- (f) The Manager or designee is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section.”

SECTION 6: Section 1040.06 of Chapter 1040 is hereby amended and supplemented to read as follows:

“1040.06. - Financial responsibility.

- (a) *Generally.* There is hereby assessed against all premises supplied with water a charge to be set by Council. Such charges are hereby declared to be necessary for the purpose of paying the expenses of conducting or managing the waterworks system and of making the necessary additions, extensions and repairs.
- (b) *Billing.*
 - (1) Assessments for water usage at any premises shall be sent to the occupant/consumer. All water assessments based on meter readings and billing procedures are due and

payable at the place designated in the City, without notice, on or before the net due date of the month the bill was sent for both owner occupied and non-owner occupied structures.

- (2) Water account deposits for non-owner occupied structures. When application is made by a non-property owner (occupant) for water service to be provided by the City, the property owner shall also agree to be financially responsible for any outstanding water account balance for said property. The occupant and property owner shall jointly submit a completed water service application on a form provided by the water department. A deposit of \$200.00 shall be charged to the non-property owner (occupant) of the structure for which application for water service is requested at the time the application is submitted. Said deposit shall be placed in the water utility guarantee deposit fund. The deposit of \$200.00 shall be applied to the final water bill with any balance refunded, or a bill for any balance due to the City shall be rendered to either the non-property owner (occupant) or property owner as identified in the county auditor property tax records database. Should the owner(s) refuse to enter into the joint service agreement or require the occupant to do so, the City will consider the owner(s) the "Primary Liable Customer" and bill the owner(s) directly for all services rendered. If the occupant has a prior outstanding balance with the City from a previous residence, service cannot be placed in their name until that outstanding balance has been paid in full. When a final bill remains outstanding for 60 days from the mailing date of the final bill, any unpaid balances will become the financial responsibility of the owner(s). Failure of the owner(s) to pay the outstanding balance will result in the balance being certified to the County Auditor pursuant to Section 236.03 of the Administration Code.
- (c) *Delinquent bills.* When water assessment payments are not made by the net due date designated on the bill, a penalty of ten percent will be added. If the water assessment is not paid within 15 days thereafter, the water may be shut off after notice has been given by the City to the consumer. When water is turned off for nonpayment at the curb cock, the consumer shall pay a trip charge for disconnection and reconnection of services, in addition to all overdue assessments. However, the Manager may set policy with regard to the minimum payment the City is willing to receive for the continuation of water service. The amount of the trip charge shall be \$35.00 . The water may be turned off for a violation of any of the water rules as well as for nonpayment of the water usage or other applicable charges. If water is turned off for nonpayment and payment is made after the regular working hours of the City personnel responsible for turning on the water, service will not be restored until the next regular working period. Any utility bill that has been delinquent for more than ninety (90) days shall be certified to the County Auditor and shall become a lien against the property served and shall be collected as are other general taxes.
- (d) *Sealing of curb cock.* When water has been turned off for nonpayment of water usage or for any other reason, the City may cause the faucet or curb cock to be sealed or removed, and if at any time the water is found to be turned on without proper authority, the person using it

shall be held responsible and shall pay for the water from the time it was turned off. No person shall tamper with the curb cock and obtain water illegally from the City. If water service is obtained illegally, the consumer shall be subject to prosecution and penalties. Additional fees to be set forth in this Chapter.

- (e) *Discontinuance of service.* Consumers desiring water turned off for any temporary period for any cause shall request the same in a letter to the City. The consumer will be subject to a trip charge fee for such temporary shut-off. Consumers wishing to transfer real estate from one party to another upon which there are waterworks fixtures shall not fail to give proper notice to the City immediately, and all charges against the same must be paid in full. The service must be paid for the entire period, whether or not the premises are occupied, unless the consumer provides written notification to the City of such fact immediately upon the vacancy and requests the City to turn off the water at the curb and remove the meter. On all premises where water has been supplied, service will be deemed to be in effect until notice has been given to the contrary to the City. If a consumer moves from one service location to another service location in the City, charges at the first service location must be paid in full before service will be allowed at the second service location.
- (f) *Service charge for Insufficient Funds.* Any individual tendering an insufficient fund check or other commercial paper or electronic payment which fails to clear the bank and is returned to the City shall be assessed a service charge as determined by Council. Such charge shall be due each time such check or instrument is returned. The City will attempt to contact such individual regarding the returned check or instrument and will permit the consumer five days to make payment in cash, credit card or money order. If the check is not made good, any receipts for payment shall be void, the indebtedness shall be restored to the account and the status of the account shall be as before the payment.
- (g) *Tenants rights to obtain water service.* The City shall not be a party to forced eviction by accepting a request from the owner or consumer or his agent to discontinue or disconnect water when the account is not delinquent. Even when the account is delinquent, if the circumstances appear that the owner is trying to force eviction, water service will be maintained, at the discretion of the City.
- (h) *Bankruptcy.* Where premises are in arrears for payment of water bills and become subject to a bankruptcy or insolvency proceeding, the Manager may permit the supply of water to such premises to be continued or restored without previous payment of the water bill accrued under the bankrupt or insolvent owner. However, owners of property are liable for all water and service charges assessed against their premises.
- (i) *Refunds.* Persons claiming a rebate for any purpose must make a written request therefore to the Manager. The Manager will then investigate the matter and make a joint and equitable settlement. In case of any dispute, the decision of the Manager may be appealed to Council.

- (j) *Water for private use.* No connections will be permitted with any private water supply. Water for tank trucks shall be furnished from the meter bay at the water treatment plant at a charge as set by Council. No person shall take water for private use from any public building, hydrant, draw cock or hose pipe, except for fire purposes, or in any way take water for private use which is supplied by the waterworks, without first paying for the same. Persons using steam boilers and receiving their supply directly from the mains shall have a tank large enough to contain sufficient water for any emergency. House boilers for domestic or other use must, in all cases, be provided with vacuum valves to prevent collapsing when the water supply is shut off. However, the City will not be responsible for any accident or damage that may result from the absence of such valve, from the imperfect action of such valve or from any other cause.
- (k) *Foreclosed Properties.* When a property is in foreclosure the property owner must contact the City to have the water disconnected. The property owner will continue to receive a minimum bill for the water administration fee, sewer flat charge, trash, storm water, and street lights until the property is no longer in their name according to the Butler or Warren County Auditor's website or when a certified copy of the recorded deed is presented. These charges will continue to accrue and will be assessed on the property taxes if not paid."

SECTION 7: Section 1040.07 of Chapter 1040 is hereby amended to read as follows:

"1040.07. - Nonliability of municipality.

The City does not guarantee the water delivered as to quantity, quality, purity or temperature, these all being subject to the variable conditions which arise in the operation and maintenance of the City water system, nor does it guarantee any fixed pressure or continuous supply as these are all subject to such conditions. The department will, in case of an accident causing shortage or shut-off of the supply, endeavor to notify the consumers affected thereby. If no notice is given, the City shall, in no manner, be held responsible for any consequences of such shut-off."

SECTION 8: Section 1040.08 of Chapter 1040 is hereby amended to read as follows:

"1040.08. - Determination of water waste or improper use; tampering with facilities.

The Manager reserves the right to decide what shall constitute waste or improper use of water when it is deemed necessary. No person shall remove, obstruct or in any way injure any fire hydrant, valve, valve box or cover, stop cock, box or cover, meter or meter box or cover; injure any building, machine or machinery; carry off any tool; or injure any pipe, appliance, apparatus, fixture or other property of the utilities department."

SECTION 9: Section 1040.09 of Chapter 1040 is hereby amended to read as follows:

"1040.09. - Amendments; special contracts.

Council reserves the right to alter or amend this chapter, to change the rates for the use of water and to make special rates or contracts in any case. Any amendment to this chapter, when regularly adopted and entered upon the minutes of the Clerk of Council, shall be effective and binding and shall be applicable to all consumers, regardless of whether such amendments are otherwise published or reduced to printed form.”

SECTION 10: Section 1040.09 of Chapter 1040 is hereby amended to read as follow:

“1040.10. - Rates.

(a) The rates for water furnished by the City within the corporate limits are hereby fixed and charged as set forth below. Usage is based on monthly meter readings.

June 1, 2014

When the usage during a billing cycle reflects 20,000 gallons or less, the rate for the total usage shall be \$5.78 per 1,000 gallons, or part thereof.

When the usage during a billing cycle reflects 20,000 gallons or more the rate for the total usage shall be \$6.69 per 1,000 gallons, or part thereof.

Effective January 1, 2015 and every January 1 thereafter the water rates shall increase by three and two-tenths (3.20) percent.

(b) The rates charged to consumers located outside the City are hereby established at 165 percent of the rates charged to consumers located in the City, except as outlined in the water supply agreement with the Board of County Commissioners of Butler County dated February 23, 2004, and amendment subsequent to its adoption.

(c) A fee of \$50.00 shall be charged for the inspection of the installation of the service line and the meter set. In the event two services are installed at the same time, domestic use and water only, the inspection fee above will cover the installation of both services.

(d) A fee of \$3.00 per month shall be charged for each residential account to be used for the replacement of meters and reading equipment.

(e) In addition to the rates set forth in subsection 1040.10(a), there shall be a \$5.00 monthly administration fee charged for each single-family residential account. There shall be a monthly administration fee charged for each multi-family residential, commercial and industrial account based on the meter size as follows:

Meter size (inches)	Administration fee
¾	\$5.00
1	26.25
1½	33.50

2	38.00
3	51.00
4	87.50
6	116.50
8	145.75
10	229.00

“

SECTION 11: Section 1040.11 of Chapter 1040 is hereby amended and supplemented to read as follows:

“1040.11. - Surcharges; fee for meter certification.

- (a) A trip charge shall be assessed for each trip made to disconnect or restore water service due to shut off for non-payment or for temporary disconnection of service for vacations, etc (Section 1040.06(c) and (Section 1040.06(e).
- (c) The penalty for a check that fails to be covered by sufficient funds (section 1040.06(f)) shall be assessed at \$30.00 per incident.
- (d) The fee for meter certification requested by the consumer (section 1040.04(h)) shall be assessed at \$24.00 for three-quarter-inch meters, \$32.00 for one to one-and-one-half-inch meters, and \$60.00 for two to three-inch meters, plus whatever certification costs are charged to the City. There is no charge if the meter proves to be faulty.”

SECTION 12: Section 1040.12 of Chapter 1040 is hereby amended to read as follows:

“1040.12. - Violations.

No person shall, without proper authority from the City, make connections with the mains or distributing or supply pipes of the waterworks system, turn on or shut off water from any premises or otherwise violate any of the provisions of this chapter.”

SECTION 13: Section 1040.13 of Chapter 1040 is hereby amended to read as follows:

“1040.13. - Curtailing or banning use when supply inadequate.

- (a) *Authority of Manager.* The Manager is hereby empowered to enforce the following rules, regulations and criteria to limit water usage at any time should the supply be inadequate to meet the demand, due to low pressure, water main breaks or emergency situations.
- (b) *Criteria.*
 - (1) A voluntary curtailment shall be declared if demand is such that recovery of the water system to average capacity is not probable within the next 24 hours, as determined by the Manager.

- (2) A mandatory ban shall be declared if the Manager determines that anticipated demand or actual demand exceeds the capacity of the water treatment or distribution system, so that depletion of supplies could endanger the peace, health, safety and general welfare of the City.
- (c) *Priority schedule.*
- (1) Voluntary curtailment or a mandatory ban shall be declared by the Manager, and that declaration shall identify usages that are being controlled or precluded as part of the ban or curtailment, according to the following priority schedule. The schedule identifies the order of ban or curtailment, with the lowest priority listed first and highest priority listed last:
- a. Bulk water;
 - b. Swimming pools or any similar use;
 - c. Lawn sprinkling, flower gardens, car washing or any similar use;
 - d. Public recreational facilities and privately owned shrubs, trees and vegetable or fruit gardens or any similar use;
 - e. Light and heavy industrial use or any similar use;
 - f. Commercial business, retail or any similar use;
 - g. Residential usage, such as laundering, bathing, drinking and cooking water or any similar use;
 - h. Hospital, nursing home, critical care units, schools and licensed day care or any similar use; and
 - i. Fire department and emergency services or any similar use.
- (2) Any clarification or determination of a similar use under division (c)(1) of this section shall be made by the Manager.
- (d) *Discretionary action by Manager.* At the discretion of the Manager, a mandatory ban or curtailment may be declared according to the criteria set forth in division (b) of this section.
- (e) *Notification of declaration.* Upon declaration of a mandatory ban or curtailment, the Manager shall notify the Mayor, Council and the news media, and post a notice of the ban or curtailment in a public place. The Manager shall also notify all higher priority uses of a voluntary curtailment.
- (f) *Citation of violators.* The Chief of Police shall be directed by the Manager to issue warning citations to first offenders and to issue citations in the case of any additional violations of any declared mandatory ban on water usage.
- (g) *Penalties on monthly bill.* Penalties for violations of the ban shall be added to the violator's monthly water bill.

- (h) *Report to Council.* The Manager shall report to Council on the condition of the City water system at the next Council meeting following the declaration of a mandatory ban or voluntary curtailment.
- (i) *Lifting of curtailment or ban.* A voluntary curtailment may be lifted at the discretion of the Manager upon the determination by the Manager that recovery of the water system to normal capacity is probable within the next 24 hours. A mandatory ban may be lifted at the discretion of the manager upon the determination by the Manager that anticipated demand or actual demand does not so exceed the production capacity of any portion of the water treatment or distribution system that the depletion of supplies could endanger the peace, health, safety and general welfare of the City. Those parties previously notified of the imposition of the ban or curtailment shall be notified of the lifting of the ban or curtailment.
- (j) *Moratorium on new expansions of use.* Upon declaration of a mandatory ban or curtailment, Council shall have the authority to impose a moratorium on all new expansions of water use until the mandatory ban or curtailment is lifted.
- (k) *Variiances.* Upon declaration of a mandatory ban or curtailment, any water user may petition the Manager for a variance from the rules and regulations for individual circumstances.
- (l) *Surcharge and injunctive relief.*
 - (1) Whoever violates a mandatory ban or curtailment shall receive a warning upon the first occurrence. "Occurrence" means a violation, along with subsequent actual notice of such violation. On second and subsequent occurrences, the violator shall be assessed on his or her water bill the sum of \$100.00 for each occurrence. Once actual notice of a violation is received, the party is subject to an additional charge for another violation, even if it is an uninterrupted improper use of water.
 - (2) Imposition of the surcharge provided for in division (l)(1) of this section does not preclude the right of the City at any time to pursue injunctive relief to seek strict adherence to the provisions of this section."

SECTION 14: Section 1040.14 of Chapter 1040 is hereby amended and supplemented to read as follows:

"1040.14. - Tap-in fees for new residential and nonresidential developments.

- (a) The water system tap-in fee for each residential dwelling unit located within R-1, R-2, and R-3 zoning districts shall be:

\$2,200.00 per dwelling unit.

Effective April 1, 2010

\$2,266.00 per dwelling unit.

Effective April 1, 2011

Effective April 1, 2009

\$2,333.98 per dwelling unit.

Effective April 1, 2012

\$2,567.38 per dwelling unit.

- (b) The water system tap-in fee for residential developments located within R-4 and R-5 zoning districts and for all non-residential developments is based upon the size of the water meter utilized for the facility, as follows:

Effective Date	Meter Size (Inches)	R-4-R-5 Fee Amount	Non-Residential Fee Amount
April 1, 2009	¾	\$2,530.00	\$3,300.00
April 1, 2010	¾	\$2,605.90	\$3,399.00
April 1, 2011	¾	\$2,684.10	\$3,500.97
April 1, 2012	¾	\$2,952.48	\$3,851.07
April 1, 2009	1	\$3,080.00	\$3,850.00
April 1, 2010	1	\$3,172.40	\$3,965.50
April 1, 2011	1	\$3,267.57	\$4,084.47
April 1, 2012	1	\$3,594.33	\$4,492.91
April 1, 2009	1½	\$3,850.00	\$5,500.00
April 1, 2010	1½	\$3,965.50	\$5,665.00
April 1, 2011	1½	\$4,084.47	\$5,834.95
April 1, 2012	1½	\$4,492.91	\$6,418.45
April 1, 2009	2	\$6,600.00	\$11,000.00
April 1, 2010	2	\$6,798.00	\$11,330.00
April 1, 2011	2	\$7,001.94	\$11,669.90
April 1, 2012	2	\$7,702.13	\$12,836.89
April 1, 2009	3	\$14,300.00	\$28,600.00
April 1, 2010	3	\$14,729.00	\$29,458.00
April 1, 2011	3	\$15,170.87	\$30,341.74
April 1, 2012	3	\$16,687.96	\$33,375.91
April 1, 2009	4	\$22,000.00	\$44,000.00
April 1, 2010	4	\$22,660.00	\$45,320.00
April 1, 2011	4	\$23,339.80	\$46,679.60
April 1, 2012	4	\$25,673.78	\$51,347.56
April 1, 2009	6	N/A	\$110,000.00
April 1, 2010	6	N/A	\$113,300.00
April 1, 2011	6	N/A	\$116,699.00
April 1, 2012	6	N/A	\$128,368.90
April 1, 2009	8	N/A	\$165,000.00

April 1, 2010	8	N/A	\$169,950.00
April 1, 2011	8	N/A	\$175,048.50
April 1, 2012	8	N/A	\$192,553.35

- (c) All fee charges are based upon calculations provided by Arcadis.
- (d) The water system tap-in fee shall be paid in full prior to the issuance of a building permit by the City.
- (e) There shall also be a tap installation fee in the amount of \$1,637 for all residential accounts. The tap installation fee is assessed for taps made by the City.”

SECTION 15: Section 1040.99 of Chapter 1040 is hereby amended to read as follows:

“1040.99. - Penalty.

- (a) Whoever violates or fails to comply with any of the provisions of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor and shall be fined not more than \$100.00 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) In addition to the penalty set forth in division (a) of this section, whoever violates or fails to comply with any of the provisions of this chapter shall become liable to the City, to Butler County or to the City of Middletown, as the case may be, for any expense, loss or damage occasioned the municipality, Butler County or the City of Middletown by reason of such violation or noncompliance. “

SECTION 16: This Ordinance shall be effective September 1, 2017.

SECTION 17: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: July 11, 2017

ATTEST:

APPROVED:



Clerk of Council

First Reading June 27, 2017



Mayor

I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.



Clerk of Council
City of Monroe, Ohio