

## **ORDINANCE 13-2016**

### **AN ORDINANCE AMENDING CHAPTERS 1040 WATER AND 1042 SEWERS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK**

**WHEREAS**, the Village of Minerva Park (the Village) contracts with the City of Columbus (Columbus) for water and sewer services; and,

**WHEREAS**, the Village owns and is responsible for the maintenance, repair, replacement, and improvement of the water and sewer lines within Village; and,

**WHEREAS**, the Village has enacted rates, known as surcharges, to be billed and collected in addition to the rates charged by the City of Columbus; and,

**WHEREAS**, in order to provide resources for the maintenance, repair, replacement, improvement, and any related debt service on the water and sewer lines the surcharge rates must be amended.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:**

**Section 1.** Chapter 1040 of the Codified Ordinances of the Village of Minerva Park shall be amended as follows:

#### **SECTION 1040.01 USAGE CHARGES AND SURCHARGES**

- (a) A surcharge and usage charge shall be added to the quarterly water bills of all households and businesses within the Village in order to provide the necessary funds for the maintenance, repair, replacement, improvement of the water lines and debt service.
- (b) A quarterly surcharge based on the usage of each householder or business and determined by the Village Council to be five dollars and fifty cents (\$5.50) per 1,000 cubic feet of water used PLUS a quarterly flat surcharge of eight dollars and seventy-five cents (\$8.75) per quarter shall be imposed.
- (c) the City of Columbus is hereby authorized, through the billing performed by the division of water of such city, to collect for the Village a local water surcharge and usage fees. the fees shall be collected as are other water charges.

#### **SECTION 1040.02 TAP-IN FEES**

- (a) Definitions. As used in this section:
  - (1) “Service connection” means the connection of all or any part of a water service line to a tap.
  - (2) “Tap” means the connection to a water main and the necessary pipes or lines extending from a water main to and including the curb stop or valve and box.
- (b) A water system capacity charge (tap-in fee) shall be charged for each service connection made by any property to a water main and shall be paid at the time a permit and a meter is issued for the water connection. No person shall make a water service connection or any part thereof, unless a permit and a meter has been issued therefore by the Columbus Division of Water. In the event that a tap is subsequently enlarged, the difference between the current charges for the two tap sizes shall be paid.

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- (c) The charge exacted pursuant to this section shall be a fee in accordance with the fee schedule adopted and approved by Village Council. The Water Tap-In Fee shall be paid to the City of Columbus and the City of Columbus shall collect and pay to the Village the Village's surcharge, pursuant to the Water Service Agreement between the Village and the City of Columbus.

**SECTION 1040.03 RECORDING AND USE OF SURCHARGE, USAGE AND TAP-IN FEES**

- (a) The amounts collected for surcharges, usage and tap-in fees shall be credited to the water line maintenance fund after allocations for debt service as determined by the Fiscal Officer.
- (b) The surcharges, usage and tap-in fees shall be used for the maintenance, repair, replacement, and debt service on the water lines and hydrants, including but not limited to feasibility studies, engineering, and any related activities within the Village.
- (c) The Fiscal Officer, as part of the annual budget process, shall adjust the amount of the surcharges and usage fees allocated to debt service so that it results in approximately equal amounts recorded in the debt service funds in each of the remaining years the debt is outstanding. A final adjustment may be made in the last year that the debt is to be retired.

**SECTION 1040.99 PENALTY**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred and fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 2.** Chapter 1042 of the Codified Ordinances of the Village of Minerva Park shall be amended as follows:

**SECTION 1042. USAGE CHARGES AND SURCHARGES**

- (a) A surcharge and usage charge shall be added to the quarterly sewer bills of all households and businesses within the Village in order to provide the necessary funds for the maintenance, repair, replacement, improvement of the sewer lines and debt service.
- (b) A quarterly surcharge based on the usage of each householder or business and determined by the Village council to be eighty-six cents (\$0.86) per 1,000 cubic feet of water used and a quarterly flat surcharge of six-teen dollars and twenty-five cents (\$16.25) per quarter shall be imposed.
- (c) The City of Columbus is hereby authorized, through the billing performed by the division of water of such city, to collect for the Village a local sanitary sewer surcharge and usage fees. The fees shall be collected as are other sewer charges.

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**Section 1042.02 TAP-IN FEE**

- (a) For the purpose of providing funds to help finance and to more equitably distribute the cost of construction of necessary additions to the sewerage system, it is hereby determined and declared to be necessary to provide for the establishment, exaction and regulation of a sanitary sewerage system capacity and connection charge, as hereinafter determined. Such charges are to be an addition to any and all other fees which may be imposed with respect to the Village sewerage system.
- (b) The funds received from the collection of such charges shall be credited to the Sewer Maintenance Fund
- (c) A sanitary sewerage system capacity charge shall be exacted whenever:
  - (1) Application is made for the issuance of a sewer permit to provide sanitary sewer service to a new structure; and,
  - (2) An existing structure is enlarged or its use changed, which necessitates a larger water tap.
- (d) The charge exacted pursuant to this section shall be a fee in accordance with the fee schedule adopted and approved by Village Council.

**SECTION 1042.03 RECORDING AND USE OF SURCHARGE, USAGE AND TAP-IN FEES**

- (a) The amounts collected for surcharges, usage, and tap-in fees shall be credited to the Sewer Maintenance Fund after allocations for debt service as determined by the Fiscal Officer.
- (b) The surcharges, usage, and tap-in fees shall be used for the engineering, construction, management and repair of the sanitary sewerage system, regulator chambers, storm standby tanks and pumping stations and for the payment of the cost and expense of replacement, extensions to or enlargement of the same and for the payment of principal and interest on any debt incurred for the construction of such sewerage system, regulator chambers, storm standby tanks and pumping stations, and for the payment to the City of Columbus of its portion of the charge, pursuant to the sanitary sewer agreement between the Village and the City of Columbus.
- (c) The Fiscal Officer, as part of the annual budget process, shall adjust the amount of the surcharges and usage fees allocated for debt service so that it results in approximately equal amounts recorded in the debt service fund(s) in each of the remaining years the debt is outstanding. A final adjustment may be made in the last year that the debt is to be retired.

**SECTION 1042.04 INTRODUCTION OF DETRIMENTAL OR HARMFUL SUBSTANCES**

- (a) No user of the sanitary sewers of the Village shall introduce into the sewers any sewage or waste substance of such a nature as to be detrimental or harmful to the effective treatment or disposal of sewage and waste in accordance with accepted standards. So long as the city discharges its sewage, industrial waste, water and other liquid waste into the transportation, pumping and treatment system of the City of Columbus, all of the provisions of chapter 1145 and 1147 of the Columbus City Code, both as they exist and as

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they are hereafter amended, relating to the regulation of sewage use are hereby adopted by reference and made applicable to the city sewerage system. In the event of conflict between the provisions of this chapter and chapters 1145 and 1147 of the Columbus City Code, the provisions of chapter 1145 and 1147 of the Columbus City Code shall prevail. Officers and employees of the City of Columbus are hereby empowered to enforce such provisions of the Columbus City Code within the boundaries of the City.

- (b) Any person who violates subsection (a) hereof shall, upon order of the Mayor, immediately cease to discharge such detrimental or harmful substance into sewerage system of the Village.

**SECTION 1042.05 INCLUSION OF VILLAGE IN FRANKLIN COUNTY SEWER DISTRICT**

The Board of County Commissioners of Franklin County, Ohio, is hereby authorized to lay out, establish and maintain a sewer district within said County, so as to include all of the territory of the Village therein. (ORD. 42. Passed 3-14-56)

**SECTION 1042.99 PENALTY**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred and fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 3.** The previously enacted usage fees per 1,000 cubic feet of water used remain in effect without change. The change in previous \$25 flat rate surcharge to eight dollars and seventy-five cents (\$8.75) per quarter for water and six-teen dollars and twenty-five cents (\$16.25) per quarter for sewer shall be effective October 28, 2016.

**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 5.** This Ordinance shall be in full force and effect upon its passage.

**/S/ Lynn Eisentrout**

Lynn Eisentrout, Mayor

First Reading:           September 08, 2016  
Second Reading:       September 12, 2016  
Third Reading:         September 26, 2016  
Passed:                 September 26, 2016

**ATTEST**

**APPROVED AS TO FORM**

**/S/ Jeffrey Wilcheck**

Jeffrey Wilcheck, Fiscal Officer

**/S/ Eugene Hollins**

Solicitor