

**VILLAGE OF NEW RICHMOND**

***Ordinance No.1990-10***

***As amended by Ordinance 1995-15***

***As further amended by Ordinance 1996-18***

***As further amended by Ordinance 2001-5***

***As further amended by Ordinance 2002-36***

***As further amended by Ordinance 2004-28***

***As further Amended By Ordinance 2005-52***

***As further Amended By Ordinance 2007-52***

***As further Amended By Ordinance 2008-28***

***As further Amended By Ordinance 2008-33***

***As further Amended By Ordinance 2009-13***

***As further Amended By Ordinance 2009-20***

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

BE IT ORDAINED, by the Council of the Village of New Richmond, Clermont, Ohio, three-fourths (3/4) or more of all members concurring:

1.01 DEFINITIONS:

For the purpose of this ordinance, the following definitions shall apply:

- a. The "Administrator" shall mean the Administrator of the Village of New Richmond.
- 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 premise occupied by a commercial establishment.
- c. "New Construction" shall pertain to the placement of a new residential or non-residential structure on a parcel within the Village of New Richmond requesting the utilization of the Village's Water and or Sewage service".
- d. "Person" shall include individuals, partnerships, corporations and other forms of organization.
- e. "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.
- f. "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 word "residential service" shall mean utility services provided to a premises occupied by a resident.

- g. "Unauthorized service" shall mean connection, re-connection, meter tampering or use of one or more utility services without authorization of the Village.
- h. "Utilities" shall mean those utilities services supplied by the Village of New Richmond and shall include water, sewer, garbage collection and any subsequent services established by ordinance.
- i. "Utilities applicant" shall mean any person applying for one or more utility services provided by the Village.
- j. "Utilities customer" shall mean any residence or commercial establishment using utilities services provided by the village of New Richmond, Ohio.
- k. Village shall mean the Village of New Richmond, Ohio.

#### 1.02 SEPARATE UTILITIES CUSTOMERS

- a. Each residence and each commercial establishment shall be considered a separate utilities customer notwithstanding that both 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 rates for multiple utility customers served by a single utility line or meter "Multiple Use Customer" for the purposes of this ordinance and any rate ordinance shall include but not be limited to apartment buildings, schools, mobile home parks, churches, hospitals, commercial buildings with more than one use within a building.
- d. Each premises as defined herein shall require separate utility connections. Said provision shall be in effect even for units located on the same parcel.

#### 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 Administrator.
- b. The Administrator 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 Administrator may deny utilities service if:

- a. The premises to be served has as an outstanding utility balance to the Village of New Richmond.
- b. The utilities applicant has a delinquent utility bill owing to the Village incurred at a prior premises.
- c. The Administrator 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 Administrator 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 Administrator that the applicant's credit history has substantially improved since the time of the past experience of the Administrator's basis for denial.

#### 1.05 DEPOSITS FOR NEW NON-OWNER OCCUPIED UTILITIES CUSTOMERS.

- a. The Administrator shall charge each non-owner occupied utilities customer a deposit for each service provided by the village.
- b. The deposit charged and collected by the Administrator shall be maintained as a separate identifiable account under the supervision and control of the Fiscal Officer.
- 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 Administrator shall be set by the utility rate ordinances.

- 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 Administrator may, upon satisfactory proof of identity, require the utilities customer to sign a statement that the utilities deposit receipt has been lost.

#### 1.06 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%.

#### 1.07 UTILITY BILLS -BILLING AND PAYMENT DATES.

- a. Bills for utilities service shall be calculated and mailed monthly by the Administrator 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 15th day of each month and a gross payment amount which shall be due after the 15th day of each month. All bills which are in arrears will be stamped "Service will be discontinued unless paid in full by the 15th".
- c. Residents of the Grays Lane/Robin Hill service area shall be billed bi-monthly with a due date of the 25<sup>th</sup> of each month. All other conditions of section 1.07.b remain applicable.
- d. In the event it is not possible for the Administrator to mail such utility bills or provide for payment thereof in any given month as specified in sub-paragraphs (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 Administrator. The Administrator shall exercise its discretion, to achieve the most equitable result given all the circumstance known to the Administrator.

#### 1.08 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 arrears in such utilities customer's account.

#### 1.09 UTILITY BILLS, PARTIAL PAYMENT -INTEREST

- a. The Administrator 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. Re-connection 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 sewer service.
  - 9. To the current billing for sewer service.
  - 10. Upon written authority of the Administrator, 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.

#### 1.10 UTILITY BILLS, OWNER LIABLE.

- a. The owner, as well as the lessee or tenant, of any premises to which utility services are provided by the Village of New Richmond shall be responsible and liable to the Village for all rents and charges for utilities services, including penalties, interest, disconnect and re-connect charges, in accordance with section 735.29 of the Ohio Revised Code and when such rents and charges are not paid when due, the Administrator may certify them to the County Auditor to be placed on the duplicate and collected as other villages,

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 1.03 of this ordinance prior to any utility service being supplied to such premises.
- c. The Administrator 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 statement shall be furnished within a reasonable time after the request is made and may be given orally. The administrator may charge for each report to off set the costs of preparation.

#### 1.11 SERVICE DISCONNECT OR SHUT OFF -VOLUNTARY.

- a. The Administrator 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.

#### 1.12 SERVICE DISCONNECT -INVOLUNTARY.

- a. The Administrator may disconnect all utility service to any premises if the utilities account, or any part thereof, for the proceeding month have not been paid by the due date of the current month as indicated per section 1.07(B) of this ordinance.
- b. The Administrator 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 service.
- c. No utility service shall be terminated by the village on any day preceding a weekend or holiday. No utility service shall be reactivated during non-village business hours.
- d. Once a service has been disconnected the full account balance, and reconnect charges must be paid in full before services will be reconnected.

#### 1.13 SERVICE RE-CONNECT CHARGE

- a. The Administrator may establish a schedule of charges for re-connection of utility services.
- b. The Administrator may also establish a schedule of charges for unauthorized re-connection of service. Such charges shall not preclude criminal prosecution for theft of services.

#### 1.14 UTILITY BILL EXTENSIONS

Extensions will not be granted to any delinquent utility account.

#### 1.15 UTILITY BILL ADJUSTMENTS

- a. The Administrator may grant or deny any request for an adjustment to a utility bill. Adjustments must be made by written request and submitted along with the proper proof of the repairs that have been made to the Administrator for review.
- b. Adjustments will only be made to the current charges; no prior charges will receive an adjustment.
- c. Adjustment requests need to be made by the 5<sup>th</sup> of each month and will be denied or granted by the 7<sup>th</sup> of each month. Any requests received after the 5<sup>th</sup> will be reviewed the following month.
- d. Lawn watering sewer adjustments shall be granted to single family residential structures through the use of outdoor faucets meters only. Adjustments are based upon the total usage indicated on the outdoor faucet meters through the period of May 1<sup>st</sup> thru October 30<sup>th</sup>. All meters shall be read during the first week of November and an adjustment to the sewer usage will be credited to the account.
- e. The outdoor faucet meter remains property of the Village of New Richmond. Improper use of the outdoor faucet meter shall result in the meter being returned by the village without a refund.

#### 1.16 REQUEST FOR REVIEW

- a. The Administrator or person designated, in writing, by the Administrator, shall 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 Administrator shall, when requested by the utility customer, shall review disputed accounts over \$100.00 and other causes for termination.
- c. The utility customer shall have a right to be represented at any review, have reasonable access to the records of the village and have a right to personally address the Administrator or their representative.

#### 1.17 UTILITY CONNECTIONS

- a. All new utility connections shall be charged a utility connection fee per the current rate schedule adopted by Village Council at the time of their application as defined in section 1.01 "New Construction" within this ordinance.

- b. Special payments provisions may be arranged with the Village Administrator and the concurrence of Village Council.
- c. Multiple units now utilizing single water meters are encouraged to be separated so that each unit is placed on an individual meter. Applicants requesting separation of units are required to complete a utility connection application and will be charged for materials only and will not be charged a connection fee.
- d. Existing sanitary sewer connections may be utilized without the required connection fee provided that it is determined by the Utility Foreman that all connections and corresponding piping are satisfactory. All required upgrades requested by the Utility Foreman shall be at the sole expense and responsibility of the customer. The Utility Foreman may request videotaping or whatever method he deems necessary in determining the integrity of the existing connections. The customer will also be required to purchase a new water meter at the pre determined rate of the Village's utility office if the previous connection was un-utilized for a period of greater than three years or if the previous meter was removed. Reutilized utility connections can not be expanded beyond the number of units previously located at the property and can not be converted from residential usage to commercial.
- e. All utility service discontinued for a period greater than six (6) months, shall require the replacement of the metering device. Replacement requires the payment of the metering replacement fee per the current utility department fee schedule.
- f. All new and replacement fire hydrants shall be equipped with one (1), five inch (5") Storz quick connect fitting and two (2), two and one-half inch (2-1/2") threaded fittings having National Standard Thread (NST). Appropriate protective caps shall be provided.
- g. When service has been disconnected or shut off to any Village of New Richmond utility customer the service may not be restored if the property is the subject of any Village orders including nuisance resolutions or designation as an unfit dwelling place, without the approval of the Village Administrator.

ORIGINALLY ADOPTED: June 11, 1996