

## ORDINANCE NO. O-16-81

AMENDING SECTIONS OF CHAPTER 923 SEWER CHARGES, CHAPTER 927 WATER RULES AND REGULATIONS AND CHAPTER 929 WATER RATES OF THE CODIFIED ORDINANCES OF THE CITY OF WILMINGTON

WHEREAS, Council wishes to amend sections of Chapter 923 Sewer Charges, Chapter 927 Water Rules and Regulations and Chapter 929 Water Rates of the Codified Ordinances of the City of Wilmington in order to institute new policies and procedures for the Wilmington Utility Billing Department.

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

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That Section 923.07 Adjustments and Appeal of the Codified Ordinances of the City of Wilmington be, and hereby is, amended to read in full as follows:

### **923.07 ADJUSTMENTS AND APPEAL**

In the event that inequities are believed to exist, by reason of the application of the schedules set forth in Section 923.04 or 923.05, to a particular property owner **or resident**, because of unusual circumstances, as where water as charged by the Waterworks Department is largely used on the premises and does not go into any stream or into the sewerage system, or other unusual circumstances, such property owner **or resident**, **may request an adjustment in writing on a form prepared by the Director of Public Service, setting forth the reasons why he deems an inequity to exist, may request an adjustment of the charge against him**, and the same shall be considered by the Board of Control, which is authorized to make necessary adjustments in the charge against such property owner **or resident** where an inequity is found to exist. ~~in comparison with other similar properties. In its discretion, the Board of Control may require the installation and use of a check meter by and at the expense of the property owner, whereby the quantity of water not reaching the sewerage system may be proven. In the event such property owner deems himself aggrieved by the findings and determination of the Board of Control, he may appeal such findings and determination to Council at the next regular meeting thereof, whereupon Council shall review such findings and determination and make disposition thereof.~~

Section 2. That Section 929.03 Billing, Payment and Assessment of Charges of the Codified Ordinances of the City of Wilmington, be, and hereby is, amended to read in full as follows:

### **929.03 BILLING, PAYMENT AND ASSESSMENT OF CHARGES.**

Charges for water service furnished to the City and its inhabitants and other users by the waterworks system shall be rendered monthly. The bill for any service rendered by the waterworks system shall be paid within fifteen **(15)** days of the rendition of the bill and such due date shall be noted thereon. If the water bill is not paid within that time a penalty of ten percent **(10%)** shall be added thereto and identified as the gross amount due and payable. If such water bill, together with penalties, is not paid within forty-five days after the rendition of the bill, then and in that event, the water service shall be discontinued and shall be resumed only upon payment of all fees and penalties described in Section 927.09. If such bill is not paid within sixty **(60)** days from its original due date, the Director of Public Service is authorized and directed to certify the delinquent bill to the County Auditor for collection as and at the same time that other taxes and assessments are collected.

Section 3. That Section 927.09, Billing Procedure; Discontinuance for Delinquent Bills of the Codified Ordinances of the City of Wilmington, be, and hereby is, amended to read in full as follows:

**927.09 BILLING PROCEDURE; DISCONTINUANCE FOR DELINQUENT BILL.**

(a) Under normal conditions meters shall be read monthly in units of 100 gallons and a bill based on such meter readings shall be rendered to the consumer, payable at the office of the Utility Billing Department, or such other places as the Utility Billing Department may from time to time designate. Such bill shall indicate the date of the meter reading, the quantity of water supplied, the amounts owed for water, sewer and refuse, and the last day on which such bill is payable "net" (i.e. before a delayed payment penalty will be added). There will be a grace period **ending at the close of two business days** following the date indicated on the bill. ~~as the last date on which such bill is payable "net" and within which period such payment will be accepted as within the net payment period.~~

(b) The Utility Billing Department may require that meters be read and bills for water, sewer and refuse service paid on a weekly, biweekly or other periodic basis, when, in its judgment, such a procedure is necessary or desirable. In those cases and during those periods of time when the Utility Billing Department exercises its right to read its meters and render its bills for water, sewer and refuse on other than a monthly basis, all bills for water, sewer and refuse service will be computed upon a monthly basis in accordance with the applicable rates for such service, due allowance and adjustments being made on meter readings obtained and adjusted to a monthly basis.

(c) If any person supplied with water, sewer or refuse collection neglects or refuses to pay the amount due therefore on or prior to the date indicated on the Utility Billing Department bill as of the last date on which such bill is payable "net", the Utility Billing Department may disconnect the service to the premises after notice to the consumer. ~~and after the time provided for to request a hearing has expired if no hearing is requested. If a hearing is requested, then the Utility Billing Department may disconnect the service to the premises only after such hearing and upon a finding and determination by the Service Director adverse to such consumer.~~

Service which has been discontinued because of nonpayment of bill when due and/or for violation of these rules and regulations shall be resumed only after full payment of any arrearage and any other fee or charge due under these rules and regulations and only upon the advance payment by the consumer of an additional fee of ~~thirty-five dollars (\$35.00)~~ **fifty dollars (\$50.00)** for residential service and ~~fifty dollars (\$50.00)~~ **one hundred dollars (\$100.00)** for commercial service. The balance due on the bill and the additional fee for reconnection must be paid in cash, money order, **credit card**, or cashier's check. ~~Reconnections will be done between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday (holidays excepted). For same day service, payment must be received in the Utility Billing Office by 3:00 p.m.~~ **The water service will be turned on the next regular working day after payment is received and during normal working hours. No exact time can be promised except that the utility will try to schedule work within reason but cannot be responsible for delays. Service will not be restored unless the premises are occupied or written authorization is provided by the property owner to the Water Billing office. This action is for the protection of the customer since plumbing fixtures may have been turned on while the service was off. An additional service charge will be made when the service worker has to make more than one call to turn on service. Only property owners may sign a water turn on authorization form for waiver of this requirement.**

(d) All moneys received by the Utility Billing Department for water, sewer and refuse bills will be credited to the appropriate accounts in the following manner:

- (1) The refuse bill will be credited in its entirety if there are sufficient moneys to pay it in full.
- (2) Any balance will be credited to the amount of water that is owed.
- (3) Any amount remaining will then be credited to the sewer amount due.

(e) The Utility Billing Department will charge a fee of thirty dollars (\$30.00) for failed debits or checks issued in payment of water, sewer and refuse services and returned to the Department unpaid by the bank for any reason.

Section 4. That Section 927.38 Consumer Right to Pre-Termination Hearing of the Codified Ordinances of the City of Wilmington, be, and hereby is, renamed and amended to read in full as follows:

**~~927.38 CONSUMER RIGHT TO PRE-TERMINATION HEARING.~~**

~~Prior to any water service being disconnected or terminated, the Director of Public Service, or his designee, shall cause a notice to be given to the consumer either~~

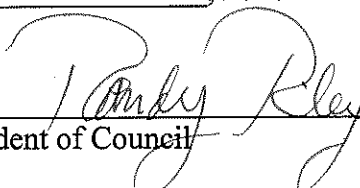
by ~~certified~~ mail, return receipt requested, or personal service indicating the intent of the Waterworks Department to disconnect or terminate said service. Said notice shall indicate that the consumer has a right to a hearing before the Director of Public Service of the City regarding said disconnection or termination of water services. Said notice shall further indicate that the consumer must request, in writing, such hearing and that such request must be made no later than five days after receipt of such notice by the consumer. If the consumer request a hearing within the five day period, the Director of Public Service shall set a time and place for said hearing which shall be not less than five days after receipt of the hearing request from the consumer. Upon filing a request for hearing, the consumer shall be responsible to ascertain the time set for hearing. Parties of interest so requesting shall be given a reasonable opportunity to be heard at such hearing. The Director of Public Service shall make all findings and a determination upon the facts and evidence presented during said hearing.

—In the event the Director of Public Service determines that the water service should be disconnected or terminated, the Waterworks Department shall not terminate or disconnect said water service until after three days after notice of the determination by the Director of Public Service has been delivered in writing to the consumer by either ~~certified~~ mail, return receipt requested, or personal service.

Section 5. That each and every section of Chapter 923 Sewer Charges, Chapter 927 Water Rules and Regulations, and Chapter 929 Water Rates of the Codified Ordinances, except those sections identified and amended in Section 1 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

Section 6. That this ordinance shall be effective from the earliest period allowed by law.

Passed this 15th day of December, 2016.

  
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President of Council

ATTEST:

  
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Clerk of Council

Approved by me this 15th day of December, 2016.

  
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Mayor