

ORDINANCE # 2014-~~16~~ 17
VILLAGE OF HIGGINSPORT SANITARY SEWER SYSTEM
SEWER SYSTEM REGULATIONS

AN ORDINANCE AMENDING AND RESTATING SEWER SYSTEM REGULATIONS FOR THE VILLAGE OF HIGGINSPORT SANITARY SEWER SYSTEM, REVOKING ORDINANCE 2009-10, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Higginsport, Brown County, Ohio (hereinafter "the Village" or "the Village of Higginsport"), has constructed a sanitary sewer system to serve the Village; and

WHEREAS, it is the intent of the Village of Higginsport to establish sewer system regulations to govern and regulate the Village of Higginsport Sanitary Sewer System.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF HIGGINSPORT, 2/3 of all members thereto concurring;

SECTION I: That Ordinance 2009-10 is hereby revoked effective on the date hereof and replaced in its entirety by this ordinance 2014-~~17~~. Ordinance 2010-09 shall be in full force and effect until the date of revocation

SECTION II: That the Village of Higginsport Sanitary Sewer System Regulations shall be amended and restated in their entirety and the following pages 1 through 28 hereof shall set forth the Village of Higginsport of Higginsport Sanitary Sewer Regulations which shall be effective on the date hereof


SECTION III: That the attached Appendix 1 – Amounts of Fees and Charges, is an integral part of these regulations and is hereby incorporated into same.

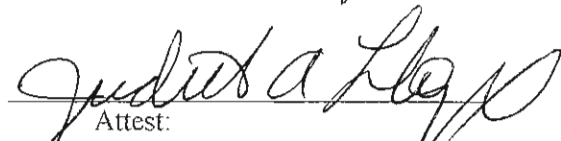
SECTION IV: That it is the intent of the Village to review, evaluate and if appropriate modify the Amounts of Fees and Charges included on Appendix 1 from time to time, and if the Village deems it necessary and prudent to modify any or all of the Amounts of Fees and Charges, the Village will revoke the then-current Appendix 1 and implement revised Appendix 1, at which time such revised Appendix 1 shall be the Appendix 1 applicable to these regulations.

SECTION V: That this Ordinance is hereby declared to be an emergency measure in that the same provides for the immediate preservation of the public peace, health, and safety and welfare of the Village of Higginsport, the financial stability of the Sanitary Sewer System; wherefore this Ordinance shall take effect and shall be in full force and effect from and after its passage.

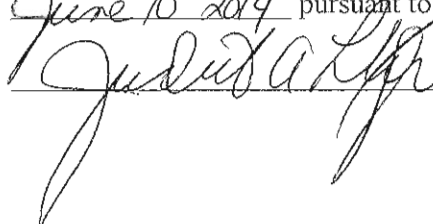
SECTION VI: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed by the Council of the Village of Higginsport, Brown County, Ohio this 9th day of June 2014.


Approved:
Eddie G. Crawford Jr., Mayor


Attest:
Judith A. Lloyd, Fiscal Officer

I hereby certify that this Ordinance was duly published by public posting at pre-designated posting places on June 10 2014 pursuant to Ordinance 2009-04.


Judith A. Lloyd, Fiscal Officer

1. STATEMENT OF PURPOSE

It is the purpose of these regulations to establish guidelines, policies, procedures, rates, and penalties for the safe, efficient, and sound fiscal operation of the sanitary sewer collection and treatment system owned by the Village of Higginsport.

The Sewer System Regulations are intended to protect and preserve the physical and financial integrity of the sanitary sewer collection and treatment system.

The sewer charges and other amounts set forth in the Sewer System Regulations are intended to recover from the properties served by the sewer system the costs of operation, maintenance, capital debt, repair, replacement and reasonable contingencies in a manner that (i) generates sufficient revenues to maintain the integrity of the sewerage system, and (ii) equitably distributes capacity costs in light of the high fixed cost component of operating the sewerage system and servicing the debt.

2. USE OF PUBLIC SEWERS REQUIRED

2.1. No person shall place, deposit or permit to be deposited, in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other matter which is or may become offensive, noxious, or dangerous to the public health.

2.2. No person shall discharge to the waters of the State within the area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of the EPA or the local health department.

2.3. Except as hereinafter provided, no person shall construct, maintain or fail to properly abandon any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

2.4. The owner of any house, building, properties or other structures used or usable for human occupancy, employment, operating a business, recreation, or other purposes, other than storage of the owner's personal property, (any such building, property or other structures hereinafter referred to as a "Sewer Requirement Structure") situated within the area under the jurisdiction of the Village and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable service sink and/or toilet facilities therein and to connect such facilities directly to the sanitary sewer, in accordance with the provisions of these regulations and applicable Ohio law, provided that such street, alley, or right-of-way is within 200 feet of the foundation walls of such house, building, or other property at all usable for human occupancy. Operating a business does not apply to a building or other structure that is occasionally used as the location for a "yard sale" or similar activity.

2.5. If any Sewer Requirement Structure is not properly connected to the sanitary sewer system within 60 days after date of official notice to do so, legal action may be taken at any time thereafter to cause such connection to be made at the expense of the owner and all costs to effect such connection, including but not limited to fees incurred by the Village to prosecute any legal action, plus an amount equal to 10% of such costs shall be assessed upon the property.

2.6. Where a public sanitary sewer is not available under the provisions herein, any Sewer Requirement Structure shall be connected to a private sewage collection system complying with the provisions of the regulations of the Brown County Health Department. The owner shall operate and

maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village. The type, capacities, location, and layout of a private sewage collection system shall comply with all provisions of the regulations of the Brown County Health Department.

2.7. At such time as a public sewer becomes available to a property served by a private sewage collection system, as provided herein, a direct connection shall be made to the public sewer in compliance with these regulations, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with sand or gravel at the time the connection to the public sewer is made and the owner shall comply with all applicable requirements of this Ordinance.

2.8. Any Sewer Requirement Structure for which duly authorized connection to the sanitary sewer system has not been completed as of September 2012 shall be required to have installed a sewer disconnect valve approved by the Village of Higginsport so as to enable physical disconnection from the sewer system (hereinafter a "Shutoff Valve"). Any such Shutoff Valve shall be provided by the Village and the cost thereof shall be included in the calculation of the Tap Fee or Stub Fee, as the case may be, as set forth on Appendix 1 hereto, together with any other costs (including but not limited to legal fees) incurred by the Village in connection with the installation of said Shutoff Valve.

2.9. No person shall uncover, make connection with, or an opening into, use, alter, repair, or disturb any public sewer or appurtenance thereto without having first obtained an Administrative Permit as specified in Section 3 hereof.

2.10 Any person who shall continue any violation of this Section 2 beyond the time limit provided for in this Section 2, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount of no less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. SEWER CONSTRUCTION PERMITS

3.1. Before any building sewer or on-lot system is constructed, repaired or altered, or any building is connected to the sanitary sewer system, a Village Administrative Permit must be obtained in addition to the connection permit or any other permit required pursuant to applicable regulations which shall be obtained from the Brown County Health Department. All Administrative Permits issued hereunder shall expire one year from the date of issuance. No refund of the Administrative Permit fee shall be made even if the contemplated sewer connection does not take place. The fee for an Administrative Permit shall be the amount specified as such on Appendix 1.

3.2. All Village Administrative permits for sewer connections from the owner's building into the tap into the Village's sewer system shall be made on the form of Exhibit A, Sewer Connection Administrative Permit Form). The applicant for an Administrative Permit must furnish the following information:

- a. Physical Address of Building or Property
- b. Name of Owner
- c. Owner's Mailing Address
- d. Owner's phone number
- e. Owner must check residential, commercial, industrial, or other and list name
- f. Name of owner's contractor
- g. Phone number of owner's contractor

3.3 In addition to the Village Administrative Permit as contemplated by sections 3.1 through 3.2 hereof, before any building is connected to the sanitary sewer system, the owner of such building shall, at his own cost and expense, obtain all appropriate permits and inspections and comply with an applicable regulations as required by the Brown County Health Department.

3.4 All sewer connections shall be inspected and approved by the Brown County Health Department after installation but before covering with backfill. Upon inspection, and after the inspector has confirmed that the installation has been made according to the requirements of the Brown County Health Department, and that all possible sources of storm water have been eliminated from the sewer, the inspector shall complete, execute and retain such records as required by pertinent Brown County Health Department rules. Only after the inspector has signed the permit may the service line be connected to the sanitary sewer system and the trench filled.

4. CONNECTION FEES

4.1. Tap Fee means the fee paid to the Village for installing a new tap into the main sewer line of the Village. The amount of the Tap Fee is specified on Appendix 1.

4.2. Stub Fee means the fee paid to the Village for a permit to connect a structure to the sanitary sewer system utilizing a tap already in place as of December 2008. The amount of the Stub Fee is specified as item 4.2 on Appendix 1. The Stub Fee is payable for any structure (other than a building for which a Tap Fee is paid) that is connected to the sanitary sewer after December 8, 2008.

4.3. Except as hereinafter provided, no person shall connect any building or other structure either directly or indirectly to the sewage collection system without first paying to the Village a Tap Fee or a Stub Fee, as the case may be, at the time an Administrative Permit is issued.

4.4. No building or other structure shall be allowed to connect to the sewerage collection system until the owner thereof shall have deposited in cash, or by certified check payable to the Village, a Tap Fee or a Stub Fee, as the case may be.

4.5. In the event the Village ascertains that any property has been connected to the sewage collection system without a proper permit, the Village may disconnect such property until such violation ceases. In the event a property is disconnected and subsequently reconnected under this section, the owner shall be subject to the mandatory disconnection/reconnection charges provided herein. Such charges shall be added to the customer's sewer bill. The notice provisions for disconnection pursuant to this section 4.5 shall be as set forth in Ohio Administrative Code Section 4901:1-15-27 as such section may be amended from time to time. The provisions of OAC 4901:1-15-17 in effect as of October 19, 2012 are attached hereto as Appendix 2.

5. SEWER CONSTRUCTION AND MAINTENANCE

5.1. All building sewer connections must be made in accordance with the applicable sections of Ohio Administrative Code as may be in force at the time (currently Ohio Administrative Code: Chapter 4101:3 Board of Building Standards Ohio Plumbing Code) and any applicable regulations of the Brown County Health Department as may be in effect at the time. All building sewers shall be inspected and approved by the Brown County Health Department after installation but before covering with backfill. The connection to the sanitary sewer system shall not be made until approved the Brown County Health Department.

5.2. THIS SECTION INTENTIONALLY LEFT BLANK

5.3. The Village hereby adopts the International Code Council (ICC) Residential Plumbing Codes as adopted by the State of Ohio (as such code may be modified or replaced from time to time), and all building sewers and sewer connections must be in compliance therewith.

5.4. A separate and independent building sewer shall be provided for each residence, or building (other than a building in existence as of July 1, 2008); except where one building stands at the rear of another on an interior lot and separate building sewers cannot be made available to each building; thence one building sewer maybe extended to serve both buildings. A permit shall be obtained for each building or other structure connected to the building sewer.

5.5. Foundation drains shall not be connected, either directly or indirectly to the building sewer or public sewer. If any drains are installed, carrying surface or subsurface water, they shall be constructed to carry said water to the street or other natural watercourses.

5.6. Surface water which collects in basement or foundation excavations shall not be discharged at any time into the building sewer. If the building sewer is completed before the building plumbing can be connected thereto, the building or sewer tapper shall keep the end of the building sewer tightly closed at all times with a plumber's plug or other water tight plug in order to prevent said surface or ground water from entering the building sewer.

5.7. Water and gas service shall not be laid in the same trench as the building sewer.

5.8. The person to whom an Administrative Permit is issued shall be responsible for obtaining any required permits to open cut any street, road or alley from the appropriate political body, official or person having authority or jurisdiction over such work within the Village. All costs and expenses incurred to do the work for such open cut into a street, road or alley shall be the responsibility of the property owner.

5.9. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the property owner at such owner's expense and in a manner satisfactory to the Village.

5.10. The permit holder is required to repair or restore any drains or service lines damaged or disturbed by him during the construction of the building sewer.

5.11. Following construction of a building sewer, the property owner shall own, maintain, repair or replace the building sewer from the building foundation to the publicly owned sewer.

5.12. If the Village receives a service call for a property to investigate a sewage backup and performs services to clean a building sewer for which the owner is responsible, the Village may charge the owner for labor, material and equipment costs incurred. Such charges may be placed on the owner's sewer bill.

5.13. Property owners are responsible and required to properly abandon their existing septic tank or any other facility meant to collect sewage from the building by pumping the septic tank or facility, demolishing the top of the tank or facility, creating holes in the sides of the tank or facility, and filling the tank or facility with sand or gravel. Tanks or facilities cannot be filled with dirt.

5.14. The property owner is responsible for ensuring that all wastewater drains are properly plumbed into the building sewer, otherwise the Village or Brown County Health Department may order the owner to make said connection.

6. DISCHARGES TO THE PUBLIC SEWERS

6.1. No person shall discharge, allow or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer.

6.2. Storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the local authorities. Industrial cooling water or unpolluted processed waters may be discharged, on approval of the local authorities, to a storm sewer or natural outlet.

6.3. No person shall discharge, allow or cause to be discharged, directly or indirectly any pollutant or wastewater or any other substance, whether such substance is produced on site or trucked or hauled to the site, which will interfere with the operation or performance of the Village wastewater treatment facility. These general prohibitions apply to all users of the Village wastewater treatment facility whether or not the user is subject to National Categorical Pretreatment Standards (40 CFR Part 403) or any other National, State, or Local Pretreatment Standards or Requirements.

6.4. No person shall discharge, cause, allow or suffer to be discharged directly or indirectly any of the following described substances, waters or wastes into any public sewers:

a. Any wastewater having a temperature which will inhibit biological activity in the Village wastewater treatment facility resulting in interference; but in no case, wastewater with a temperature at the introduction into the Village wastewater treatment facility which exceeds 150 degrees F or causing the temperature at the treatment facility to exceed one hundred four degrees (104) F.

b. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of the Village wastewater treatment facility.

c. Any water or wastes containing free oils, emulsified oils and grease exceeding an average of one hundred parts per million (833 pounds per million gallons) of other soluble matter.

d. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including cyanides.

e. Any garbage that has not been properly shredded.

f. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood paunch, manure, hair and fleshings, entrails, lime slurry, lime residues, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance or debris of any

type or source capable of causing obstruction to the flow in sewers or other interference with proper operation of the sewage works.

g. Any waters or wastes containing Suspended Solids (SS) of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, or any substance which may cause the Village wastewater treatment facility's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

h. Any noxious or malodorous gas or substance capable of creating a public nuisance, or substances causing the release of noxious or poisonous gases after discharge into the public sewer system.

i. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

j. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits as may be established by the Village from time to time for such materials, and which might cause the Village wastewater treatment facility to violate its NPDES and/or other Disposal System permits.

k. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters, and which might cause the Village wastewater treatment facility to violate its NPDES and/or other Disposal System permits.

l. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

m. Any waters or wastes having a pH of less than 5.5 or in excess of 9.0.

n. Materials which exert or cause:

(1) Unusual concentrations of inert Suspended Solids (SS) such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual biochemical oxygen demand, Suspended Solids (SS), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined in section 12.1(b).

o. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

6.5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics which, in the judgment of the Village, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition in accordance with guidelines adopted herein for discharge into the public sewers;
- c. Require control over quantities and rates of discharge; and or
- d. Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges.

6.6. If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village as well as the Brown County Health Department and subject to the requirements of all applicable codes, Ordinances, and laws.

7 POWERS AND AUTHORITY OF INSPECTOR

7.1. A Village representative or the Brown County Health Department, as the case may be, bearing proper credentials and identification shall be permitted to enter all private properties upon which village owned equipment is placed, or through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.2. While performing the necessary work on private properties, the Village or authorized representative of the Village, shall observe all safety rules applicable to the premises established by the owner and the Village.

7.3. A Village representative bearing proper credentials and identification shall present them to the owner, agent or present occupant of properties within the Village before entering for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions contained herein. The Village representative shall also obtain and present a proper search warrant if the owner, agent or present occupant requests one. A request by the owner, agent or present occupant that the Village obtain a search warrant is an exercisable right of the requesting party and shall not constitute failure to cooperate nor shall it constitute a failure to comply with the provisions herein. The Village shall have no right to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point of having a direct bearing on the kind and source of discharge into the sewers or water ways to facilities for waste treatment.

8. LIMITING SEWER CONNECTIONS

8.1. The Village shall limit connections into sewer lines if sufficient capacity to handle and treat additional wastewater is unavailable in the system.

8.2. Any person applying for a permit to connect to a public sewer shall provide, with the application for said building sewer Administrative Permit, sufficient data, as required by the Village and/or the Brown County Health Department, as the case may be, regarding the location, type of wastewater and amount of flow to be conveyed to the public sewer.

8.3. Any costs associated with additional charges as provided herein or to comply with regulations of the Brown County Health Department shall be borne by the person applying for the building sewer permit.

9. INJURY AND DAMAGE OF SEWAGE WORKS

9.1 No unauthorized person shall maliciously, willfully or negligently break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage collection or treatment system. Any person violating this provision shall be subject to immediate arrest under a charge of criminal damaging and shall be required to make restitution for said damages.

9.2 No person shall cause, allow or suffer to enter the sewer system any waste, debris or any other substances that are capable of causing obstruction to the flow in sewers or interference with proper operation of the sewage works. Any expenses incurred by the Village as a result of a violation of this Section 9.2 may be billed to the person violating the provisions of this Section 9.2 or to the Tax Owner of the property from whence such waste, debris or any other substance originated, as the case may be.

9.3 In addition to the remedies set forth in Sections 9.1 and 9.2 hereof, upon the occurrence of any of the events set forth in such sections, the Village may disconnect the property from the Sanitary Sewer System until such violation ceases. Sewer Charges shall continue through the period of disconnection as a result of a violation of this Section 9.3. In the event a property is disconnected and subsequently reconnected under this section, the owner shall be subject to the mandatory disconnection/reconnection charges provided herein. Such charges shall be added to the customer's sewer bill. In the event of a disconnection pursuant to this Section 9.3, the notice provisions shall be as set forth in Ohio Administrative Code Section 4901:1-15-27 as such section may be amended from time to time. The provisions of OAC 4901:1-15-17 in effect as of October 19, 2012 are attached hereto as Appendix 2.

10. PROHIBITED NONRESIDENTIAL DISCHARGES

10.1. It shall be unlawful for any nonresidential user to discharge without a permit to any natural outlet within any area under the jurisdiction of the Village, any wastewater except as authorized by the Village and/or the Brown County Health Department, as the case may be, in accordance with these regulations.

10.2. In cases where the characteristics of sewage or industrial waste from any manufacturing or industrial plant, building, or premises connected to the sewerage system is such that it will damage the sewerage system or cannot be treated satisfactorily at the wastewater treatment plant, the Village shall compel such users to otherwise dispose of such waste and prevent it from entering the sewerage system.

10.3 In no event shall anyone discharge into the sanitary sewer system any trucked or hauled substance of any nature or kind.

10.3.1 In the event of a violation of this Section 10.3 by a sewer customer on said customer's property the Village may, in addition to other remedies, disconnect the property from the Sanitary Sewer

System until such violation ceases. Sewer Charges shall continue through the period of disconnection as a result of a violation of this Section 10.3. In the event a property is disconnected and subsequently reconnected under this section, the owner shall be subject to the mandatory disconnection/reconnection charges provided herein. Such charges shall be added to the customer's sewer bill.

10.3.2 In the event of a violation of this Section 10.3 by (i) any person who is not a sewer customer or (ii) by a sewer customer who discharges a trucked or hauled substance into the Sanitary Sewer System on property other than said person's own property, in addition to other remedies, such person shall be subject to immediate arrest under a charge of criminal damaging.

10.3.3 In addition to any other remedies, any person in violation of this Section 10.3 shall be required to make restitution for damages, including but not limited to costs and expenses (including legal fees) incurred by the Village as a result of such discharge.

10.3.4 . In the event of a disconnection pursuant to this Section 10.3, the notice provisions shall be as set forth in Ohio Administrative Code Section 4901:1-15-27 as such section may be amended from time to time. The provisions of OAC 4901:1-15-17 in effect as of October 19, 2012 are attached hereto as Appendix 2.

11. NEW NONRESIDENTIAL USERS

11.1. All new nonresidential users proposing to connect to or to contribute to the wastewater works must obtain a nonresidential discharge permit at least sixty (60) days prior to connecting to or contributing to the Village's sewage collection system.

11.2. Users required to obtain a nonresidential discharge permit shall complete and file with the Village, a permit application in the form prescribed by the Village, and accompanied by a fee set in accordance with the tap fee currently in effect. In support of the nonresidential discharge permit application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location (if different from the address);
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics as required by the Village as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation
- g. Description of activities, facilities and plant processes on the premises, including all materials which are to or could be discharged;

h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Village, State, or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

i. Each product produced by type, amount, process or processes, and rate of production.

j. Type and amount of raw material processed (average and maximum per day).

k. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

l. Any other information as may be deemed by the Village to be necessary to evaluate the permit application.

12. REGULATED NONRESIDENTIAL DISCHARGES

In cases where the character of sewage or industrial waste from any manufacturing or industrial plant, building or premises shows excessive flow rates or concentration of pollutants such that it imposes an unreasonable burden upon the sewage collection, pumping, or treatment works greater than that imposed by the average sewage entering the sewage system, the Village may:

a. Require the owner of such manufacturing or industrial plant, building, or premises to pretreat such sewage in such manner as specified by the Village before discharging it into the sewerage system;

b. Require flow control or equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, and/or;

c. Require payment of a surcharge on any excessive loadings discharged to the treatment works to cover the additional costs of treating such wastes.

13. PRETREATMENT INTERCEPTORS

13.1. All food establishments which maintain a kitchen or other facilities for the preparation of food are required by the Village to have a grease interceptor of sufficient capacity, except such interceptor shall not be required for private residential dwellings.

13.2. Other nonresidential users may be required by the Village to install grease, oil and sand interceptors of sufficient capacity if in the opinion of the Village, they are necessary to protect the sewerage system.

13.3. All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All interceptors shall be located as to be readily accessible for cleaning and inspection.

14. PRETREATMENT COSTS.

Any pretreatment facility or flow-equalizing facilities required by the Village shall be constructed, owned, maintained, repaired and replaced at the cost of the owner. Prior to construction of such facilities, the owner shall submit and receive the Village's approval of detail design plans for the facilities. Thereafter, such facilities shall be maintained continuously in satisfactory operation at the cost of the owner.

15. PRETREATMENT REPORTING.

Any nonresidential user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new user or new source, after commencement of the discharge, shall submit to the Village during the months of June and December, unless required more frequently in the pretreatment standard or by the Village, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Village and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc. the Village may alter the months during which the reports are to be submitted.

16. PRETREATMENT MONITORING

16.1. Each nonresidential user may be required to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes including domestic sewage.

16.2. Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring devices are to be permanently installed they shall be of a type acceptable to the Village. Plans for the installation of the control manholes or access facilities and related equipment shall be approved by the Village prior to the beginning of construction.

16.3. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with Standard Methods and in accordance with 40 CFR 136 entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants," and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole.

16.4. In the event that no special manhole has been required, the control manhole shall be considered to be the septic tank at which the building sewer is connected.

16.5. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids (SS) analyses are obtained from twenty-four hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

17. ACCIDENTAL DISCHARGES

17.1. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the Village for treatment, subject to payment there for by the industrial concern in proportion to cost and consistent with the sewer charge system.

17.2. Each nonresidential user may be required to provide protection from accidental discharge of prohibited materials or other wastes regulated by this regulation. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the cost of the owner. Detailed plans showing facilities and operating procedures to provide such protection shall be submitted for review by the Village, and shall be approved by the Village before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the nonresidential user from the responsibility to modify the facility as necessary to meet the requirements contained in this regulation.

17.3. If, for any reason, a nonresidential user does not comply with or will be unable to comply with any prohibition or limitations herein, the user shall immediately notify the Village that corrective action may need to be taken to protect the treatment plant. In addition, a written report addressed to the Village detailing the date, time, and discharge, and corrective action taken to prevent future discharges, shall be filed by the user within 5 days of the occurrence of the non-complying discharge.

18. DEFICIT PROHIBITED

18.1. A review of the financial status of the sanitary sewer system shall be conducted no less than once in any calendar year. As part of such annual review, the Village or other representative shall make an estimate of the revenues and expenses for the next year. After deducting (a) the estimated operation and maintenance costs, (b) the estimated debt service costs, and (c) the repair and replacement reserve payment from the total estimated revenues and net carryover from the previous year, the system shall maintain a positive working capital.

18.2. The Village shall provide to all Village residents no less than annually a report of the financial condition of the sanitary sewer system.

19. USE OF REVENUE

The funds received from the collection of the rates and charges provided in these regulations shall be deposited as received by the Village into a separate fund designated the "Higginsport Village Sewer Fund". Disbursements from the fund may be made for operation and maintenance costs, debt service costs, and payments to the "Repair and Replacement Fund", as well as for enlargement of the collection, treatment and disposal capacity of the system. The Fiscal Officer of the Village shall separately invest the funds of the system and pay any investment earnings to the "Higginsport Village Sewer Fund" and the "Higginsport Village Repair and Replacement Fund".

20. FREE SERVICE PROHIBITED

Service will be provided to the users of the system in accordance with the terms of these regulations. No user shall be provided service without payment of sewer charges in proportion to the service available to such user. No one, including the Village shall subsidize the cost of operating, maintaining or replacement of the sewage collection system.

21. SEWER CHARGES

The sewer charge shall be the amount specified as Sewer Charge on Appendix 1

22. BILLING PROCEDURES

22.1 This Section 22.1 outlines the billing procedures for billings administered directly by Village personnel.

22.1.1. The sewer charges established by these regulations shall be billed monthly. All sewer charges shall be the joint and several responsibility of the party billed and, if different, the owner of the property as shown on the tax map data maintained by the applicable agency of Brown County, such owner hereinafter referred to as the "Tax Owner".

22.1.2. Bills shall be mailed to the Tax Owner of the property at the tax mailing address of the property serviced unless the owner shall, in writing, request the bill be sent to a different mailing address of the owner. Unless otherwise provided herein, bills shall not be sent to a lessee, tenant or land contract purchaser of the property.

22.1.2.1 In the case of a building that has been sold on a land contract or a building for which the rental or lease agreement provides that the lessee shall be directly billed for such charges, the bill may, at the request of the Tax Owner thereof, be sent to such tenant, lessee or land contract purchaser, as the case may be, with a copy also sent to the Tax Owner, should the bill not be paid when due. The Tax Owner of a Sewer Requirement Structure who wishes to have the bill for sewer charges sent directly to a tenant, lessee or land contract purchaser of such structure shall submit such request in writing substantially in the form of Exhibit B.

22.1.2.2 All sewer charges billed to a land contract purchaser, tenant or lessee as contemplated by Section 22.1.2.1 shall be the joint and several responsibility of the Tax Owner of the property and the sewer user.

22.1.2.3 In the event that, at the request of the Tax Owner of a building, the monthly sewer bill is sent directly to the land contract purchaser, tenant or lessee, a copy of the billing statement shall also be sent to the Tax Owner of such building showing amounts due but unpaid by the land contract purchaser or lessee, as the case may be, if the charges so billed are more than 60 days past due.

22.1.2.4 Notwithstanding any other provision contained herein, sending the bill to the tenant, lessee or land contract purchaser shall not relieve the Tax Owner of responsibility for payment of any amounts billed but not paid by the land contract purchaser or lessee, and any legal action necessary to collect due but unpaid sewer charges shall be initiated against either or both the Tax Owner of the building and the party billed.

22.1.2.5 In the event that unpaid sewer charges and/or late fees or other assessments are assessed to taxes, the Tax Owner shall be the party responsible for payment to the Village all amounts so assessed.

22.1.3. Any building or structure connected to the sewage collection system after the beginning of a month shall be charged a per diem pro-rated amount based upon the applicable monthly charge.

22.2 Billing and collection procedures for billings performed by a water company or other such entity acting as Village's agent for billing and collection purposes (hereinafter the "Billing Agent") shall be as set forth in the contract between the Village and the Billing Agent.

22.2.1. Any Billing Agent is acting as the agent of the Village for the purpose of sewer billing and collection, and the amounts billed for sewer by such Billing Agent are amounts due to the Village pursuant to Ohio Revised Code 729.49 which, if unpaid, may be assessed to taxes.

22.2.2 Bills for sewer charges by a Billing Agent in the name of a tenant, lessee or land contract purchaser shall not relieve the Tax Owner of responsibility for payment of any amounts billed but not paid by such land contract purchaser or lessee and, (i) any unpaid amounts may be assessed to taxes for the property in question, and (ii) any legal action necessary to collect due but unpaid sewer charges shall be initiated against either or both the Tax Owner of the building and the party billed.

23. CHANGES OF ADDRESS OR OWNERSHIP

23.1. Upon the change of his or her mailing address, an owner of property served by the sewage collection system shall inform the Village or the Billing Agent, as the case may be, in writing, of the change. Failure to inform the Village or the Billing Agent of a change of address shall not excuse an owner from any late charges or penalties incurred because of the failure to report an address change.

23.2. Prior to the sale of a property, the present owner shall contact the Village or the Billing Agent, as the case may be to arrange for pro-ration of the final bill. The final bill shall be sent to the mailing address specified by the present owner. Failure of a previous owner to comply with this part shall not excuse the new owner from responsibility for any and all delinquencies certified pursuant to the Ohio Revised Code, current charges or penalties remaining unpaid by the previous owner.

23.3. Prior to the sale of a property, the purchaser shall contact the Village or the Billing Agent to arrange for a pro-ration of the first bill and to inform the Village or the Billing Agent of the mailing address of the new owner. Failure to comply with this part shall not excuse the new owner from responsibility for any and all delinquencies certified pursuant to the Ohio Revised Code, current charges or penalties remaining unpaid by the previous owner.

24. PAYMENTS AND PENALTIES

24.1 This Section 24.1 outlines the payment and penalties for billings administered directly by Village personnel.

24.1.1. The sewer bill shall be due on the last day of each month. If the last day of the month falls on a Sunday or holiday, the sewer bill shall be due the previous business day.

24.1.2. Checks and money orders shall be paid to the Village of Higginsport.

24.1.3 Payments sent by mail and postmarked by the last day of the month will be accepted without the imposition of late fees. If the last day of the month falls on a Sunday or holiday, the payment sent by mail must be postmarked no later than the previous business day.

24.1.4. Any sewer bill for which payment is not received by the Village by the due date shall incur a penalty in the amount of 5% per month on the outstanding balance.

24.2 The payment dates and penalties for billings performed by a Billing Agent shall be as set forth in the contract between the Village and the Billing Agent.

24.3 If payment for unpaid sewer charges is not received by the Village when due, then the Village may, at its discretion, do any or all of the following;

(a) send letter by ordinary U.S. mail demanding payment of all past due charges and indicating a notice of intent to file a lien substantially in the form of Exhibit D may be sent to the Tax Owner (and if applicable, the occupant) of the property, and/or

(b) install a Shutoff Valve, and/or

(c) disconnect the property from the Sanitary Sewer System. In the event that the Village elects to disconnect the property from the Sanitary Sewer System for non-payment, then the disconnection provisions of Ohio Administrative Code Section 4901:1-15-27 as such section may be amended from time to time shall apply. The provisions of OAC 4901:1-15-17 in effect as of October 19, 2012 are attached hereto as Appendix 2

24.4 Each sewer charge (including penalties and other charges) billed by or pursuant to this ordinance (whether billed directly by Village personnel, or by a Billing Agent acting on behalf of the Village) is hereby made a lien upon the corresponding lot, land or premises for which such bill is rendered, and if the same is not paid when due, it may be certified to the Auditor of Brown County, Ohio and collected in the same manner, with interest and penalties allowed by law, as other taxes are collected pursuant to Ohio Revised Code 729.49.

24.5 All payment arrangements outside the scope set forth in this Section 24 shall be made

(i) in the case of billings administered directly by Village personnel, through the Village Administrator, or if there is no Village Administrator, the Village Fiscal Officer if the amount due but not paid is less than \$150.00, and if the amount due but not paid is greater than \$150.00, such arrangements shall be made only after review and approval of such arrangement by Village Council, and

(ii) in the case of billings performed by a Billing Agent, directly with such Billing Agent.

24.6 The right to file liens provided for herein exists in addition to any rights otherwise available at law or equity to the Village to collect accounts.

24.6. Any unpaid amounts due but not received by the Village as of August 30 of each year, or other such date on which the Village may certify delinquent sewer charges to the Brown County Auditor may be certified to the Brown County Auditor to be collected, together with any late fees, penalties or other charges, on the real estate taxes as a special assessment. Any amounts so assessed taxes shall be subject to an additional penalty of 10% of the amount assessed.

24.7. If a bank should return a check for insufficient funds, an account will be subject to an insufficient funds charge (i) in the case of billings administered directly by Village personnel, in the amount set forth as item 24.7 of Appendix 1, and (ii) in the case of billings performed by a Billing Agent, in accordance with the policies of such Billing Agent.

24.8. In the case of billings performed directly by Village personnel, if a person has two checks returned for insufficient funds, the Village may require all future payments to be made in cash or money order.

24.9. In the case of billings performed directly by Village personnel, upon the claim of a person that the return of a check for insufficient funds was a bank error, the Village may waive an insufficient funds charge and/or accept payment by check if the bank supplies adequate documentation of its error.

24.10. In the case of billings performed directly by Village personnel, generally, a person should contact the Village if he or she fails to receive a bill by the 15th day of each month. Upon a claim of a person that a bill was not received:

a. If the records of the Village show the bill was duly mailed to the last reported mailing address, the person shall be responsible for timely payment of the bill.

b. If the records of the Village show the bill was not duly mailed to the last reported mailing address, the Village may either:

i. Issue a bill due ten (10) days from the date of mailing; or

ii. Add the unpaid charge to the following month's bill without a penalty.

24.11. In the case of billings performed directly by Village personnel, if utilizing the U.S. Postal Service for delivery of their payment of a sewer charge, the users assume responsibility for any failure of the U.S. Postal Service to deliver the payment to the Village. Accordingly the Village shall not waive payment penalties or late fees for any person claiming that the U.S. Postal Service failed to deliver a payment.

25. DELINQUENCIES

Any due but unpaid account balance, together with accrued penalties and/or late fees may be certified no less than annually to the Brown County Auditor, pursuant to the Ohio Revised Code, who shall place such delinquencies upon the real property tax duplicate for the property for which sewerage service is billed pursuant to the terms of this ordinance. Such delinquencies shall be a lien upon the property from the date the delinquency is placed upon the real property tax duplicate and shall be collected in the same manner as other real estate taxes. Failure to pay delinquencies certified may result in a foreclosure of the property by the Brown County Prosecutor. This part shall be in addition to all other collection remedies provided by law including but not limited to an action in small claims court. In the event that legal action is taken to collect amounts billed but unpaid, then the sewer user and the Tax Owner shall also be jointly and severally responsible for payment of all expenses and charges incurred by the Village as the result of such action, including but not limited to attorney fees. No separate resolution of council shall be required in order to certify past due amounts to taxes as contemplated by this Section 25. Such certification shall be substantially in the form of Exhibit E. Notwithstanding any other provision of this Ordinance, the Village may, in its sole and absolute discretion enter into a payment plan agreement for installment payments of past due sewer charges.

26. OTHER CHARGES BY AGREEMENT

The Village may, in special cases, establish additional charges for wastes of unusual strength or composition which are accepted for treatment.

27. DISCONNECTION OR RECONNECTION

27.1 In addition to the disconnection provisions set forth in Sections 4.5, 9.3, 10.3 and 24.3 hereof, the Village may install a Shutoff Valve and/or disconnect the property from the Sanitary Sewer System for any of the following reasons.

(a) For use of the Sanitary Sewer System for any purpose or premises other than as permitted by this Ordinance 2014-15.

(b) For willful misrepresentation in the service application as to the premises to be connected or the use to be made of sewer service supplied or any other material fact.

(c) For tampering with or molesting any plant, main, sewer, line, connection or service line under the control of or belonging to the Village.

(d) For connecting a sewer, water line, service line or any line or pipe directly or indirectly with any other source of waste water or use of water other than that which results from the normal activities of the premises served or with any apparatus which may, in the opinion of the Village, endanger the quality or integrity of the Village's sewer service.

(e) For denial of the Village of reasonable access to the premises

(f) For any material violation of or failure to comply with Sewer Ordinance 2014-15

27.2 In the event of a disconnection pursuant to Section 27.1 hereof, the notice provisions prescribed by Ohio Administrative Code Section 4901:1-15-27 as such section may be amended from time to time shall apply. The provisions of OAC 4901:1-15-17 in effect as of October 19, 2012 are attached hereto as Appendix 2.

28. CHARGE FOR MANDATORY DISCONNECTION AND RECONNECTION

If as a result of the events contemplated by Section 4.5 hereof, a violation of Section 9 hereof, a violation of Section 10.3 hereof, or non payment of amounts due pursuant to Section 24.3 hereof or any of the reasons set forth in Section 27 hereof, the Village installs a Shutoff Valve and/or disconnects the property from the Sanitary Sewer System, then the charge to install such Shutoff Valve and/or disconnect and reconnect the service shall be the amounts specified as Mandatory Disconnection and Reconnection Charges on Appendix 1.

29. LIBERAL INTERPRETATION

These regulations shall be interpreted liberally to effectuate its broad remedial purpose of protection of the public health, safety and welfare. Absent a showing of actual abuse of discretion, the Village's interpretation of these regulations shall have a strong presumption of validity.

30. GRIEVANCES AND APPEALS

30.1. Any user aggrieved by a decision of the Village under these regulations may file a written grievance with the Village. The written grievance shall set forth the substance of the Village's decision and the basis of the user's complaint.

30.2. The Village shall investigate the grievance and issue a written determination. The determination should include the following:

- a. Name, address and location of the premises of the user;
- b. A summary of the user's claim;
- c. A summary of the facts revealed by the Village's investigation;
- d. An interpretation of any applicable regulation, law or policy;
- e. A notice of the user's right of appeal to the Village.
- f. A copy of this grievance and appeal procedure.

30.3. No legal action in the courts of the state or federal government shall be initiated by any user until completion of this administrative remedy.

31. ENFORCEMENT AND PENALTIES

31.1. Upon the violation of any provision of these regulations, the Village shall serve written notice by actual delivery or certified mail upon the user. Such written notice shall adequately state the nature of the violation and provide at least ten (10) days for the correction of the violation, unless the Village finds a shorter period is required to protect the public health, safety or welfare.

31.2. Upon failure to correct the violation within the specified time limit, the Village may, in addition to other remedies and/or penalties as provided herein, file in any court of competent jurisdiction an action for injunctive relief, civil damages and/or penalties, including but not limited to the issuance of citations for violations of this Ordinance.

31.3. The following civil penalties shall apply for the violation of the following provisions of this regulation:

31.3a. Twenty-five dollars (\$25) for each day of violation after the time limit specified by the Village in its notice for each of the following sections:

SEWER USE REGULATIONS, Section 6, DISCHARGES TO THE
PUBLIC SEWERS Sub-Section 6.1

31.3b. Fifty dollars (\$50) for each day of violation after the time limit specified by the Village in its notice for each of the following sections:

SEWER USE REGULATIONS, Section 2, Sub-Sections 2.1 through 2.10

31.3c. One thousand dollars (\$1000) for each day of violation after the time limit specified by the Village in its notice for each of the following sections:

i. SEWER USE REGULATIONS, SECTION 6, DISCHARGES TO THE
PUBLIC SEWERS, Sub-Section 6.3

ii. SEWER USE REGULATIONS SECTION 15, PRETREATMENT
REPORTING

iii. SEWER USE REGULATIONS, SECTION 6, DISCHARGE TO THE
PUBLIC SEWERS, Sub-Section 6.4.

iv. SEWER USE REGULATIONS, SECTION 10, PROHIBITED
NONRESIDENTIAL DISCHARGES, Sub-Sections 10.1 and 10.3.

31.4. In addition to the foregoing civil penalties, the Village may recover civil damages for any expense, loss or damage, including attorney's fees, occasioned by a user's violation of these regulations.

31.5 Unless otherwise specified herein, whoever violates the provisions of this Ordinance is guilty of interference with a public utility, a minor misdemeanor and shall be subject to such fine as provided at Ohio Revised Code Section 2929.21. Whoever violates the sewer regulations set forth in this Ordinance shall additionally be liable and responsible for any and all monetary damages incurred as a result of the violation. Any violation of any Section of this Ordinance for which no penalty is specifically provided herein shall be punishable by a fine of no less than \$10.00 and no more than \$100.00. Each day or act of violation of this Ordinance is considered a separate offense

32. INVALIDITY AND SEPARABILITY

Invalidity of any section, clause, sentence or provision in this Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance or subsequent Ordinances

33. NO WAIVER

The failure of the Village to require performance of any provision shall not affect the Village's right to require performance at any time thereafter, nor shall a waiver of any breach or default of these regulations constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

34. REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances, or regulations or parts of regulations, in conflict with this Ordinance are hereby repealed.

Appendix 1

Village of Higginsport Sanitary Sewer Regulations Amounts of Fees and Charges

These amounts in effect as of: June 2014 billing cycle

3.2 Administrative Permit Fee \$50.00

4.1 Tap Fee - The Tap Fee shall be the actual costs of providing the connection to the sanitary sewer system, including the cost of any extension of the sewer main or other expenses that may be required in conjunction therewith, plus 5%. The amount of the Tap Fee shall include any legal or other costs incurred by the Village related to such connection.

4.2 Stub Fee – the Stub Fee shall be the actual cost incurred by the village in connection with connecting a Sewer Requirement Structure to a tap in existence as of December 31, 2008 plus 5%. The calculation of the actual cost of a Stub Fee shall include any legal or other costs incurred by the Village related to such connection.

21.1. Sewer Charges for each Sewer Requirement Structure shall be calculated as the sum of (a) the Sewer Minimum Charge and (b) the Water Based Charge

Sewer Minimum Charge – The monthly Sewer Minimum Charge shall be:

A. For any single-use Sewer Requirement Structure \$55.00 per month. If a single property has more than one single-use Sewer Requirement Structure, then the \$55.00 per month charge shall apply to each Sewer Requirement Structure on such property, irrespective of whether each such Sewer Requirement Structure is served by a single water meter.

B. For any multi-use or multi-unit Sewer Requirement Structure with more than one water meter, an amount equal to \$55.00 per month for each separate water meter serving such structure.

C. For any master-water-metered multi-use or multi-unit Sewer Requirement Structure, an amount equal to the sum of

(i) \$55.00, plus

(ii) \$17.50 per month for each unit in excess of 1, and

D. For each Unused Sewer Tap, a minimum charge of \$15.00 per month.

Water Based Charge: shall be the product of (a) actual gallons of water as metered by Brown County Rural Water for such month in excess of 2,000 gallons, and (b) \$2.00 per 1,000 gallons of water used.

24.7 – returned check/insufficient funds charge \$30.00

28. Mandatory disconnection charge shall be equal to the greater of (a) actual cost to effectuate the disconnection and/or installation of a Shutoff Valve plus 5%, and (b) \$500.00.

Mandatory reconnection charge shall be equal to the greater of (a) actual cost to effectuate the reconnection plus 5%, and (b) \$500.00.

APPENDIX 2

Ohio Administrative Code Section 4901:1-15-27 Disconnection procedures Effective as of 10/19/12.

(A) Service may not be refused or disconnected to any customer or refused to any applicant for service unless the company complies with all of the disconnection procedures contained in this rule. Service shall not be disconnected to any customer unless the disconnection conditions in this rule may be specifically applied to that customer.

(B) Service may be refused or disconnected to any customer or refused to any applicant for service as stated in this paragraph. In an instance where a customer's service could be disconnected under more than one of the following conditions, the minimum notice provision (which includes no notice) will be provided.

(B)((1) No notice is required in any of the following instances:

(B)(1)(a) For tampering with any main, service line, meter, curb stop, curb box, seal, or other appliance under the control of, or belonging to, the company.

(B)(1)(b) For connecting the service line or any pipe directly or indirectly connected to it with any other source of supply or with any apparatus which may, in the opinion of the company, contaminate the company's water supply or threaten the integrity of the system.

(B)(1)(c) For any other violation of or failure to comply with the regulations of the company which may in the opinion of the company or any public authority, create an emergency situation.

(B)(2) The customer must be given not less than twenty-four hours written notice before service is disconnected when any of the following conditions exist:

(B)(2) (a) For the use of water for any purpose not stated in the application, or for the discharge of any type of sewage not stated in the application, or for the use of either service upon any premises not stated in the application.

(B)(2) (b) To prevent waste or reasonably avoidable loss of water.

Personal delivery of the notice to the customer's premise shall first be attempted. If personal service cannot be accomplished at that time, then the notice shall be securely attached to the premises in a conspicuous manner.

(B)(3) The customer must be given not less than fourteen days written notice before service is disconnected when any of the following conditions exist:

(B)(3) (a) For nonpayment of any tariffed charges when due or within any additional period for payment permitted by the company, or for not making a deposit as required. Disconnection of service for nonpayment may not occur prior to fourteen days after the due date.

(B)(3) (b) For any violation of, or failure to comply with, the regulations of the company other than stated in paragraph (B)(1) of this rule.

(B)(3) (c) For misrepresentation in the application as to any material fact.

(B)(3) (d) For denial to the company of reasonable access to the premises for the purpose of reading, inspection, replacement, or maintenance of the meter.

(B)(3)(e) For violation of federal, state, or local laws or ordinances where such violation affects the provision of utility service by a waterworks company and/or sewage disposal system company.

(C) Service may not be refused or disconnected to any customer or refused to any applicant for service for any of the following reasons:

(C)(1) Failure to pay for service furnished to a customer(s) formerly receiving service at the premises, unless the former customer(s) continues to reside at the premises.

(C) (2) Failure to pay for a class of service different from the service provided for the account in question.

(C) (3) Failure to pay any amount which, according to established payment dispute and resolution procedures, is in bona fide dispute.

(C) (4) Failure to pay any charge not specified in the company's tariff.

(D) A notice of disconnection shall clearly state all of the following:

(D) (1) The earliest date when disconnection could occur.

(D) (2) The reason(s) for disconnection.

(D) (3) The action the customer must take in order to avoid the disconnection.

(D) (4) The total amount required to be paid, which shall not be greater than the past due balance.

(D) (5) The address and local or toll-free telephone number of the office of the waterworks company and/or sewage disposal system company that the customer may contact in reference to his or her account.

(D) (6) The current address and local or toll-free telephone number of the commission's call center and a statement that commission staff is available to render assistance with unresolved complaints, as well as the contact information for the Ohio consumers' counsel and a statement that it is available to render assistance with unresolved complaints of residential customers.

(D) (7) A statement that failure to pay the amount required by the date specified on the notice may result in an additional charge for reconnection.

(E) If a landlord is responsible for payment of the bill, notice of disconnection of service shall be given to the consumer at least ten days before disconnection could occur. In a multiunit dwelling, written notice shall be placed in a conspicuous place.

(F) The company shall provide disconnection of service notice to one additional consenting party, with the customer's written authorization, for those customers desiring such additional notification.

(G) A waterworks company and/or sewage disposal system company complying with the conditions set forth in this rule may disconnect service during its normal business hours as stated in its tariff; however, no disconnection for past due bills or for not making a deposit as required may be made after twelve thirty p.m. on the day preceding a day that all services necessary for reconnection are not regularly performed or available.

(H) On the day of disconnection of service, the company shall provide the customer with personal notice. If the customer is not at home, the company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the company shall attach written notice to the premises in a conspicuous location prior to disconnecting service. Those company employees or agents who disconnect service at the premises may or may not, at the discretion of the company, be authorized to make extended payment arrangements. Company employees or agents who disconnect service shall be authorized to complete one of the following:

(H) (1) Accept payment in lieu of termination.

(H) (2) Dispatch an employee to the premises to accept payment.

(H) (3) Make available to the customer a means to avoid disconnection.

(I) Waterworks and sewage disposal system companies shall comply with the following medical certification provisions:

(I)(1) In accordance with the certification requirements of this rule, the utility company shall not disconnect residential service for nonpayment if the disconnection of service would be especially dangerous to the health of any consumer who is a permanent resident of the premises.

(I) (2) The medical condition shall be certified to the utility company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse mid-wife, or local board of health physician.

(I) (3) The utility company shall act in accordance with the following medical requirements:

((I) (3) a) Upon request of any residential consumer, the utility company shall provide a medical certification form to the customer or to any health care professionals identified in paragraph (C)(2) of this rule. The utility company shall use the medical certification form provided in the appendix to this rule.

(I) (3) (b) The certification of the medical condition required by paragraph (C)(1) of this rule shall be in writing and shall include the name of the person to be certified; a statement that the person is a permanent resident of the premises in question; the name, business address, and telephone number of the certifying party; and a signed statement by the certifying party that the disconnection of service will be especially dangerous to the health of the a permanent resident of the premises.

(I) (3) (c) Initial certification by the certifying party may be by telephone if written certification is forwarded to the utility company within seven calendar days.

(I) (3) (d) Certification shall prohibit disconnection of service for thirty calendar days.

(I) (3) (e) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.

(I) (3) (f) If service has been disconnected for nonpayment within twenty-one calendar days prior to the certification of either a special danger to the health of a qualifying resident the utility company shall restore service to the residence once the certifying party provides the required certification to the utility company and the customer agrees to an extended payment plan.

(I) (3) (g) A customer may renew the certification two additional times (thirty days each) by providing additional certificates to the utility company. The total certification period may not exceed ninety days per household in any twelve-month period.

(I)(4) The utility company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices.

Effective: 10/19/2012

R.C. [119.032](#) review dates: 08/03/2012 and 05/31/2017

Promulgated Under: [111.15](#)

Statutory Authority: [4905.04](#)

Rule Amplifies: [4905.06](#)

Prior Effective Dates: 12/12/91, 3/24/03, 2/11/05, 8/22/08

EXHIBIT A.

VILLAGE OF HIGGINSPO
SEWER CONNECTION ADMINISTRATIVE PERMIT FORM

Physical address of building or property: _____

Name of owner: _____

Owner's mailing address (street, city, state, zip code): _____

Owner's phone number: _____

Residential: _____

Home: _____ Apartment: _____ Mobile Home, _____ Camper : _____ Cottage: _____ Other _____

Commercial: _____

Name of business: _____

Industrial: _____

Name of business: _____

Other: _____

Name: _____

Name of contractor: _____

Contractor's phone number: _____

Inspection fee attached YES _____ NO _____

Permit Approved: _____

By: Mayor

Date: _____

Exhibit B

VILLAGE OF HIGGINSPOORT
**Form of request by Tax Owner to issue billings for sewer charges directly to tenant,
lessee or land contract purchaser**

Date: _____

Physical Address of Property _____

Name, phone and mailing address of Tax Owner of property

Phone Number: (home) _____ (work) _____ (cell) _____

Name, phone number and mailing address of tenant, lessee or land contract purchaser of property

Phone Number: (home) _____ (work) _____ (cell) _____

The undersigned certifies that he/she is the Tax Owner of the above-noted property. The undersigned hereby requests that, as a courtesy to the Tax Owner of the property, the Village, on Tax Owner's behalf, bill sewer charges directly to the party designated as tenant, lessee or land contract purchaser of the property at the above-noted address for the period beginning _____ through _____.

The undersigned hereby acknowledges and agrees that (i) billing to the occupant on Tax Owner's behalf shall not relieve Tax Owner of responsibility for payment, (ii) responsibility for payment of sewer charges (including any late fees, penalties or other assessments) is the joint and several responsibility of Tax Owner and the occupant of the property, (iii) I am required to sign a new agreement for each new occupant of the referenced property, and (iv) that any legal or other action undertaken by the Village may, in the Village's sole and absolute discretion be taken against either or both the Tax Owner and occupant of the premises at the addresses noted above.

The undersigned hereby requests that billings and/or account statements for the subject property be mailed to both Tax Owner and occupant of the premises at the address noted hereon.

Tax Owner Name:

Witness

Exhibit D Form of Notice of past due charges and intent to file a lien

VILLAGE OF HIGGINSPO

204 Jackson Street, P O Box 121

Higginsport, OH 45131 Phone 937-375-4115

E-mail: Mayor@HigginsportOhio.com or FiscalOfficer@HigginsportOhio.com

Date _____

Name and address of Tax Owner
(and if applicable tenant, lessee or land contract purchaser)

RE: Property at _____ St., Higginsport, Tax parcel 2204_____

Under authority of Ohio Revised Code Section 729.49, as owner of the above-referenced property located within the Village of Higginsport, you are required to comply with the provisions of Village of Higginsport Resolution 2008-3 and Village of Higginsport Ordinance 2014-15. Ordinance 2014-15, among other requirements, provides for the payment of sewer charges in an amount as set forth in Ordinance 2014-15 per month, commencing with the billing period July, 2008. Sewer Charges are applicable whether or not a building has physically connected to the sewerage system.

The Village of Higginsport will pursue collection of any unpaid amounts duly owed via any and all legal means. Ohio Revised Code Sections 729.49 and 735.29 provide that when such equitable and just rates and sewer charges are not paid in a timely fashion, the Village can procure a lien in the amount of any unpaid charges, late fees, and/or penalties and other charges against the property for which such charges are billed. Any amounts so assessed will be collected in the same manner as other Village taxes.

A copy of a statement showing amounts past due as of this date is attached hereto. The Village has debt obligations related to the construction of the sewerage system in addition to the operating expenses required to maintain such system. It is imperative that all property owners pay amounts due for sewerage system charges in order to meet those obligations.

This letter is intended to be a Notice of Past Due amounts, demand for payment thereof, intent to certify unpaid past due amounts to the County Auditor to be assessed as taxes, and to cause a lien against the property for any past due amounts not paid in full by

Any such amount plus accrued late charges certified to the County Auditor shall be a lien upon the property from the date the delinquency is placed upon the real property tax duplicate. Failure to pay delinquent amounts so certified may result in a foreclosure of the property by the Brown County Prosecutor. This remedy shall be in addition to all other collection remedies provided by law including, but not limited, to an action in small claims court.

Ordinance 2014-15 and resolution 2008-03 may be viewed at the office of the Village Fiscal Officer during regular business hours, or you may obtain a paper copy of the ordinance and resolution for a cost of \$3.60 plus postage by contacting Village Fiscal Officer, who can be reached by phone at 375-4115 or by e-mail addressed to FiscalOfficer@HigginsportOhio.com. Ordinance 2014-15 is also available on the internet and can be accessed through the Local Government page of the Higginsport website, <http://www.HigginsportOhio.com>.

Village of Higginsport

Exhibit E

FORM OF CERTIFICATION OF AMOUNTS TO COUNTY AUDITOR

CERTIFICATION AS TO AMOUNTS OF PAST DUE AND UNPAID FOR SEWER CHARGES

TO: AUDITOR OF BROWN COUNTY, OHIO:

This is to certify that pursuant to Village of Higginsport Sanitary Sewer Regulations, Ordinance 2014-15, Any unpaid amounts due but not received by the Village on August 30 or each year, or on any such date on which the Village may certify delinquent sewer charges to the Brown County Auditor may be certified to the Brown County Auditor to be collected, together with any late fees, penalties or other charges, on the real estate taxes as a special assessment. Any amounts so assessed taxes shall be subject to an additional penalty of 10% of the amount assessed. Ohio Revised Code Section 729.49 provides that such charges, if not paid when due shall be collected in the same manner as other municipal corporation taxes.

You are directed, therefore, to cause such past due sewer charges to be placed on the tax duplicate as a lien against the property to be collected as other Village taxes pursuant to Resolution 2014-15. The amounts to be certified as taxes for the properties in question is as follows:

Name	Description	Tax Parcel #	Total including penalties
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		
	Ordinance 2014-15		

Incorporated Village of Higginsport, Ohio

Dated _____

By: _____
Name:
Fiscal Officer
Village of Higginsport, Ohio

By: _____
Name:
Mayor
Village of Higginsport, Ohio