

**Village of Chauncey
State of Ohio
Ordinance 2024-5**

Water Management Ordinance

AN ORDINANCE ESTABLISHING WATER USE REGULATIONS AND USER CHARGE SYSTEM

WHEREAS, the Village of Chauncey owns and operates a water treatment plant and water distribution system, and

WHEREAS, it is necessary for the Village of Chauncey to establish water use regulations and a user charge system to govern and regulate the Village of Chauncey Water Distribution System; and

NOW, THEREFORE; be it ordained and enacted by the Council of the Village of Chauncey, Athens County, Ohio as following definitions, regulation and penalties which shall govern the billing and payment of the water charges and shall apply to all users as defined in this Ordinance.

SECTION 1: USE OF PUBLIC WATER SYSTEM

A. The owner of any real property located within the Village of Chauncey is required to connect to the Village water distribution system so as to prevent or abate pollution and protect the health and property of persons in the Village.

B. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within 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 an extension of the Village public water system, is hereby required at his/her own expense to install suitable facilities therein and to connect such facilities within one hundred eighty (180) days after date of official notice to do so.

C. The Administrator of the Village may grant limited time extensions for connecting with the water distribution system, upon written application for such time extension by the property owner, where the situation warrants such an extension in the sole judgment of the Village Administrator.

SECTION 2: PROVISION OF WATER SERVICES BY OTHERS

Except for private lines serving only a single residence or parcel of land, water lines, plants, fixtures and all appurtenances thereto and located in the Village of Chauncey shall be installed and constructed, only in accordance with plans and specifications, by such contractors, suppliers

and materialmen, as are approved by the Village of Chauncey, and no person, public or private organization, or political subdivision shall have authority to approve, construct or install such lines without the express written consent and approval of the Village of Chauncey.

SECTION 3: CONSTRUCTION AND TRANSFER OF SYSTEM COMPONENTS

- A. Owner to Bear the Cost: Any property owner or Developer wishing to develop a lot, tract or parcel of ground and wishing to connect improvements constructed thereon to the Village's Systems, shall bear all the costs incidental to the construction and installation of the water and sewer system components. Said construction and installation shall be done in accordance with these regulations.
- B. Provision for Extension of Systems: Any property owner or Developer wishing to develop a lot, tract, or parcel of ground and wishing to connect said improvements constructed thereon to the Village's Systems, shall be required to construct as part of said improvements such System Components as the Village shall direct at the Owner's or Developer's expense.
- C. Offsite Construction of District Systems: The District does not guarantee that it will have water or sewer System Components available to any parcel or tract of ground within the Village. In the event that an Owner or Developer constructs or installs System Components outside the area being so developed, said installation and construction shall nonetheless be done in accordance with these regulations. Further, all said installation and construction shall be at the expense of the Owner or Developer.
- D. Conveyance of Systems Components By Owner or Developer:
 - 1. Prior to the time that the Village begins to render sanitary sewer or water service to any Owner or Developer of property, the Owner shall convey to the Village, without additional consideration from the Village, all of the system components and easements which are or are caused to be acquired, installed or constructed by the Owner and which are reasonably required in order for the Village to provide sanitary sewer or water service to the Owner's property, except that the Owner shall not convey any part of the service lines connecting the individual dwellings or buildings with the sanitary sewer mains or lines or water lines.
 - 2. All personal property conveyed pursuant to this Regulation for sanitary sewer or water service shall be conveyed by duly executed Bill of Sale conveying all rights, title and interest of Owner and all easements and land right-of-way shall be conveyed by duly executed Deed of Easement or recorded plat. Such conveyances of personal property shall convey ownership free of liens. Such conveyances shall grant to the District good title to be easements, free and clear of all rights of dower and all liens, easements, restrictions, conditions, covenants and encroachments, except the liens of real estate taxes and assessments and any easements, restrictions, conditions, covenants and encroachments, which would not prohibit or unreasonably interfere with the installation, operation, maintenance and repair of one or more sanitary sewer lines or mains or water lines and those defect which the Village is willing to waive.
 - 3. At the time of conveyance described in the Regulation, Owner shall assign to Village all obligations or warranties whether express or implied, created by law or by contract, by manufacturers, contractors and vendors of the personal property

comprising the sanitary sewer or water system within the Owner's property, to the extent the same may be assignable. Owner agrees that it will fully cooperate with the Village in enforcing any warranties given by or claimed against all manufacturers, contractors and vendors of the personal property so conveyed, provided that any costs or expenses in connection therewith shall be borne by the Village. Owner will not knowingly waive any such warranties which it obtains.

- E. Separation of systems: All water, drainage and sewer systems are separate and distinct systems. No person shall connect any two systems together in any manner that could cause wastewater to enter the water or drainage systems. All water systems shall be protected in all locations and all times from the siphoning, back flow, gravity flow, or pressure flow of wastewater or drainage water into any part of the water system, regardless of whether any portion of the water system has a positive or negative pressure applied to it.
- F. Access to property: Any duly authorized representative appointed by the Village Administrator bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspecting, reading, and maintain meters, or for the purpose of measuring, sampling, or testing in accordance with the provision of these Regulations.

SECTION 4: PREREQUITES FOR INSTALLATION OR CONNECTION

No person or persons except an authorized municipal official acting on behalf of the Village shall connect or cause to be connected any water line extension to the Village sewer system without first obtaining an authorization in writing from the Village Administrator.

SECTION 5: INSPECTION

All water line materials and workmanship must be checked and approved by the Village Administrator or Village appointed Inspector before the work and materials can be accepted by the Village. No work shall be covered up until the Inspector has checked and approved it. The Village shall be given 24 hour notice when an inspection is required.

SECTION 6: TAPPING EXISTING LINES, FEES, DISCRETION OF THE VILLAGE ADMINISTRATOR UNDER UNUSUAL CIRCUMSTANCES

- A. All new customers of the Village will be required to pay a tap fee before connecting to the system.

- B. No person shall connect any building or other structure either directly or indirectly to the water distribution system without first paying the tap fee. The tapping fees to tap into the existing water system shall be as follows:

Tap Sizes (Inches)	Capacity Fee
1" Tap	\$1,500
2" Tap	\$6,000
3" Tap	\$10,000
4" Tap	\$18,000

C. Whenever possible, the property owner or person seeking to tap into the existing sewer system, shall tap into an existing "WYE" connection. Additional charges may apply if an existing "WYE" is not available.

D. The connection to the line and service line shall be materials approved by the Village Administrator.

E. Main Line Extension or Larger Services. The tap fees include only connection to existing mainlines. Additional costs to extend the main line shall be added to the above fees if such extension is required. The Village Administrator shall determine the applicable costs for such extension.

F. The Council of the Village of Chauncey may refuse service to persons or corporations, not presently connected, when in the opinion of the municipality the capacity of the facilities will not permit such service.

SECTION 7: USER CHARGES

Effective with the billing period starting on or around January 1, 2024. The base rate for water used within the corporation limits shall have a base rate of \$32.24 for 2000 gallons and \$5.51 per 1000 gallons after base rate. The base rate for water used outside of the corporation limits of Chauncey shall have a base rate of \$39.12 for 2000 gallons and \$6.48 per 1000 gallons after base rate.

Additional charges are as follows:

1. Connection and service inspections: \$50 per hour
2. Reconnection Fee: \$50
3. Water meter replacement charge: \$260
4. Returned check: \$50
5. After Hours Emergency: \$50 per hour

SECTION 8: RULES, REGULATIONS AND POLICY FOR BILLING AND PAYMENT OF WATER AND WASTEWATER CHARGES

The following rules, regulations and policy regarding billing and payment of wastewater charges shall apply to all users:

A. Payment for user services

1. Billing for user charges shall be made monthly, and bills shall be mailed on or about the 23rd through the 26th day of the month.
2. Payment for user charge shall be due on the 10th day of the following month.
3. In the event that user charges are not paid on or before the 10th day of the following month, a 10% penalty shall be added to the said charge.
4. Delinquent users shall be notified of unpaid bills by written notice mailed to the premises (as shown as the billing address for said user charges) one month following the due date.
5. In the event that user charges are not paid by the date stated in the written notice, the water supplying user's premises shall be terminated. Requests for exceptions to this rule must be made, to the Village Administrator prior to the shut off day. The Administrator may delay shut off for a short period of time for payment to be made. The Administrator shall determine to delay shut off on a case by case basis.
6. In the event that user charges are not paid within the date stated in the written notice, such charges shall be deemed and are hereby declared delinquent and therefore such delinquency shall constitute a lien upon the real estate for which water and wastewater services are supplied, and the Village Administrator shall be and is hereby authorized and directed to file sworn statements showing each such delinquency in the Office of the Recorder of Deeds of Athens County, Ohio and the filing of such statements shall be deemed notice of the lien for such user charges.
7. It is the duty of the user to keep the Administrator's office informed regarding the current mailing address of user. Failure of user to receive billings for user charge shall not excuse user from responsibility to pay said user charges or liability therefore.
8. Unless determined otherwise, the amount recorded on the water meter will be taken as the actual amount of sewage received by the Village when computing the bill.
9. Sewer Credit:
 - a) Deduct water meter will only be accepted if pre-approved by the Village Administrator or Water Clerk.
 - b) Customer may be given sewer credit for water leaks that do not enter the sanitary sewer. Request for credit must be received that billing period and shall be inspected by the Village Administrator. Only two (2) periods shall be taken into consideration.
 - c) No sewer credit will be given for outside washing, watering, and/or filling swimming pools without deduct water meter.

B. Multiple dwelling user's charges

1. If each apartment or dwelling unit is metered, bills for user charges will be sent directly to tenants, upon written request from the property owner. However, the property owner shall be primarily and personally liable for payments of the user charge and in the event that such user charges are not timely paid and become a lien, the said lien shall be against the real property owned by the property owner.

C. Meter policy

1. Property owners shall be required to provide access and right of ingress and egress to the Village of Chauncey, its agents, employees and designated representatives, to each property served by the Village for the purpose of installing, maintaining, checking or removing meters.
2. Property owners shall be responsible for any meter damage whatsoever which occurs and shall be charged for the cost of repairs and replacement.
3. Charges for the initial meter purchase and installation shall be paid prior to installation. Charges for repair or replacement of damaged meters shall be billed to the first billing period after such repair or replacement. The Village shall have the right, at all times, to change, replace, repair, remove or upgrade any or all meters in the Village system at any time.
4. In case of meter malfunction, the previous year's average for a similar billing period will be used.

SECTION 9: ADDITIONAL CHARGES

That over and above the rates and charges established by this Ordinance, there may be established in special instances and upon special agreement between the Village and the owner of any premises served by the wastewater system, such additional charges for wastes of unusual strength or composition which are accepted by the Village for treatment as may be determined to be fair and equitable. Each such special agreement and the charges established thereby shall not become effective until ratified by Ordinance duly passed by the Council of the Village of Chauncey.

SECTION 10: PROHIBITED USE

No person shall connect any pipe line or conduit which directly or indirectly connects the Village Water System to:

- A. Any pipe, waterline or conduit containing, or intended to contain any liquid or material that would be or could be injurious to the owner's or any person's health or welfare, injurious to the water system, or contaminate the water provided by the Village.
- B. Any private well system or other private source of water, or any system of liquid conveyance such as sewers, drains or tiles.
- C. Any pond, lake, pool, or any devices therein, without Village approval
- D. Any system that serves buildings other than the buildings for which the service was obtained.

SECTION 11: PROTECTION FROM ACCIDENTAL CONTAMINATION OR DAMAGE

Each person shall protect the portion of a water system on their premises or that which they are using from damage or contamination. Any person in charge of or responsible for a process, use or activity that causes or produces damage, or adds compounds, elements or materials to the water, or otherwise contaminates the water in the Village Water System shall immediately notify the Village. Such notification shall not relieve the responsible person of liability for any consequential expense, loss or damage to the water system, or injury or disease to person(s) using the water service.

SECTION 11: OBSTRUCTIONS PROHIBITED IN WATERLINES

All property owners are prohibited from installing, causing to be installed, or with knowledge thereof, permitting to exist a tap pipe or different line or other obstruction which protrudes into or otherwise obstructs a waterline of the Village. As used herein, knowledge shall be presumed upon service of written notice.

SECTION 12: BACKFLOW PREVENTION

If, in the judgement of the Village Administrator an approved backflow prevention device is necessary for the safety of the public water system, the Village Administrator with give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Village Administrator and shall have inspections and tests made of such approved devices as required by the Village Administrator.

- A. The Village Administrator or his duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the Village water distribution system for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Village Administrator any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Village Administrator, be deemed evidence of the presence of improper connections as provided in this resolution.
- B. The Village Administrator is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection is violation of the provisions of this section is known to exist and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this resolution.

SECTION 13: DISCONTINUED SERVICE

The Village may discontinue all or any or part of its service to any customer for any of the following reasons:

- A. For use of water or sewer for any premise or purpose other than as permitted by these Regulations.
- B. For willful misrepresentation in the application as to the premises to be supplied or the use to be made of water or sewer service supplied or as to 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, or connecting into a Village System.
- D. For non- payment of any charges owed by the Owner to the Village when due:
- E. For connecting a sewer, water line, service line, or any line or pipe directly or indirectly with any other source of wastewater or use of water 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 of the Village water or sewer services.
- F. For denial to the Village of reasonable access to the premises.
- G. For any violation of, or failure to comply with, these Regulations

SECTION 14: RESTORING SERVICE

If an Owner whose service has been discontinued for non-payment of bills or for violation of, or failure to comply with these Regulations desires service to be restored, such restoration may be made only after the Owner:

- A. Has paid all unpaid bills and charges owing to the Village.
- B. Has and corrected any condition found contravening these Regulations.
- C. Has paid a reconnection fee as established by the Village.

SECTION 15: OWNER TO BEAR COST AND BE RESPONSIBLE FOR SERVICE LINES

All costs and expenses incidental to the installation, connection, reconnection, removal, or relocation of service lines shall be borne by the owner of the property being connected to the Village System. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation and/or service work performed on service lines.

The owner shall be responsible for all leaks or blockage in a service line and shall, at his or her expense, construct, maintain and keep it in good repair. When leaks or other defects in a service line are discovered, the Village may disconnect the service line. Except in cases of emergency, however, the Village shall give the owner notice of such difficulty and shall allow the owner reasonable time in which to have repairs made or other maintenance work accomplished.

SECTION 16: ADMINISTRATIVE

The Village Administrator shall make and enforce such rules and regulations as he/she deem necessary for the enforcement of the provisions hereof, for the proper determination and collection of the rates and charges herein provided, and for the safe efficient and economical management and protection of the system; and such rules and regulations, when not repugnant to

existing ordinances of the Village or laws of the State of Ohio shall have the same force and effect as ordinances of Council.

SECTION 17: DEFINITIONS

That for the purpose of this Ordinance the terms shall be defined as follows:

Biodegradable: Any material that is easily amenable to breakdown to less complex compounds by biologic process present in the Village Sewer System. The Village shall determine whether a material is biodegradable if such determination is required.

B.Q.D. Biochemical Oxygen Demand: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in parts per million (ppm) or milligrams per liter (mg/l) by weight.

Building: Any structure, or part of a building or structure, whether or not constructed for human habitation.

Connection or Tap: The installing of a service line from private property to the Village's collection sewers distribution lines.

Cost: The expenditures made by the Village for labor, material, engineering, supervision, motor vehicles, and tools, and any other expenditures incident thereto, required in any project undertaken by the Village, including cost of land, land rights and other personal and real property owned by the Village necessary for construction, maintenance, repair, and operation of water and sewer system.

Developer: Any person, firm or corporation that presumes to excavate or fill, build structures, or otherwise improve a specific parcel or tract of land.

Development: The improvement of a tract or parcel of land.

Domestic Use: The use of water and sewer services in connection with normal household activities only.

Dwelling Unit: Property, such as a house, an apartment, a condominium, a mobile home, a boat, a vacation home, or another similar property that has basic living accommodations, such as sleeping space, a toilet, and cooking facilities.

Easement: An acquired legal right for the specific use of land owned by others.

Improvements: Any addition to the natural state of land which increases its value or utility, including buildings, street pavement with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, public utilities, paved parking areas, and other appropriate items. a.)Site Improvements: Improvements made to the land outside the exterior limits of a structure or structures. b.)Public Improvements:

Improvements financed entirely or in part by public funds or which are dedicated to public use after completion thereof.

Industrial Wastes: The liquid, gaseous or solid wastes resulting from any process of industry, manufacturer, trade, or business, or from the development, processing, or recovery of any natural resource which will pollute any water it enters. As distinct from domestic or sanitary wastes.

May: "May" is permissive (see "shall").

Natural Outlet: Any outlet in a watercourse, pond, ditch, lake or other body of surface or ground water.

Non-Domestic Use: All uses other than Domestic use.

Oils and Greases: Those materials extractable from an acidified sample by "freon" or other acceptable solvent in accordance with approved laboratory procedures.

Organic: Containing carbon compounds or produced in living organisms.

Owner: All individuals, partnerships, associations, corporations or political subdivisions holding any title or interest in any property rights, Easements and interest in any real property served or which may be served by the Village Sewer System.

Parcel: A specific part of a larger acreage of land.

Person: Any individual, firm, company, association, partnership, society, corporation or group, whether a property owner or a contractor.

Plat: A plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines, and such other information as is required by law.

Pollution: The placing of any noxious or deleterious substances in any waters within the Village or affecting the properties of any waters within the Village in a manner which renders such waters harmful or inimical to the public health, or to animals or aquatic life, or to use of such waters for domestic water supply, industrial or agricultural purposes, or recreation.

Potable Water: Water treated for human consumption. Non-potable water is not meant for human consumption.

Premises: A tract of land, platted or unplatted.

Pretreatment: The treatment of waste waters prior to introduction into a Village Sewer System.

Sanitary Sewer: A sewer which collects and carries liquid and watercarried wastes from residences, commercial buildings, industrial plants, and institutions, and to which storm, surface and ground waters are not legally admitted.

Service: Providing a property owner potable water, as well as disposal of waste water, without regard to the extent of use made thereof. The availability of potable water is called "water service". The availability of waste water disposal is called "sewer service".

Service Line: The line owned by the lot or parcel owner that extends from the Village System over the owner's premises or lot. Normally the water service line begins at the water meter pit and the sanitary sewer service line begins at the property line.

Sewage: Any substance that contains waste products, excrement or other discharge from the bodies of human beings or animals, which will pollute any water it, enters. The standard strength for sewage shall be 200 ppm BOD and 200 ppm Suspended Solids.

Sewer System: The Waste Water facilities or system. A Village Sewer System shall be that part of the Waste Water System owned, operated, and maintained by the Village.

Sewer: A pipe or conduit for conveying storm water, ground water, non - polluted water, sewage or industrial waste water.

Shall: "Shall" is mandatory (see "may").

Storm Sewer or Storm Drain: A sewer which carries storm and surface waters or drainage, but that excludes sewage and polluted industrial wastes.

Storm Drainage System or Drainage System: All facilities, structures, natural water courses, outlets, waterways or streams, swales or ditches, and sewers which carry storm water, ground water, surface water, subsurface drainage water, cooling water or unpolluted industrial process water.

Suspended Solids: Solids that either float on the surface of, or are suspended in, water, sewage or other liquid, and which are removable by laboratory filtering.

System Components: All water or sewer lines, service lines, valves, manholes, pipes, fittings, fixtures, vaults, pits, treatment equipment and machinery, buildings, booster stations, lift stations, storage tanks and towers, and appurtenances thereto which are a part of or connect to water system or sewer system.

Toxic: Being capable of adversely affecting any organism upon assimilation or exposure.

Tract: A continuous expanse of land.

Village System: That portion of a system of water lines, sewers, treatment facilities, and associated equipment and materials which is owned by the Village.

Waste: Useless, unneeded or superfluous matter which is discarded such as ashes, garbage, process by-produce, or sewage.

Waste Water Facilities or System: The facilities for the purpose of treating, neutralizing, disposing of, stabilizing, cooling, segregating, or holding waste water, including without limiting the generality of the foregoing, facilities for the treatment and disposal of sewage or industrial waste and the residue thereof, facilities for the temporary or permanent impoundment of waste water, both surface and underground, and sanitary sewers and other systems, whether on the surface or underground, designed to transport waste water, together with the equipment and furnishings thereof and their appurtenances and systems, whether on the surface or underground, including force mains and pumping facilities.

Wastewater: Any water containing sewage or industrial waste or other pollutants or contaminants derived from the prior use of such water.

SECTION 18: POWERS AND AUTHORITY OF THE VILLAGE ADMINISTRATOR

The Village Administrator and/or other duly authorized employees of the Village of Chauncey bearing proper credentials and identifications shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this or other applicable Ordinances.

SECTION 19: PENALTIES

That any person, firm or corporation who connects or causes to be connected any premises owned by him/her to the water distribution system or who violates any section of this ordinance shall be deemed guilty of a first degree misdemeanor, and each and every day such connection or violation exists shall be deemed a separate offense.

SECTION 20: REPLACEMENT ORDINANCE

This Ordinance shall replace and supersede Village Ordinance 089-0619, Ordinance 9-96, Ordinance 08-01-2000, Ordinance 2020-11

SECTION: 21: APPROVAL

Upon passage and approval, this ordinance shall take effect and be in full force from and after the earliest date allowed by law.

Passed on May 8th, 2024

ATTEST:

ATTEST:

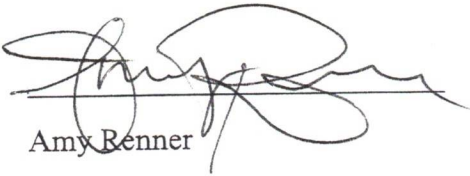


Tammy Hawk
Council President



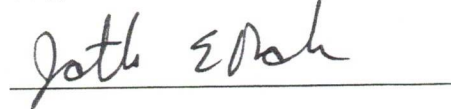
Kevin Simons
Fiscal Officer

ATTEST:



Amy Renner
Mayor

~~ATTEST:~~
ORDER APPROVED AS TO FORM:



Johnathan Robe
Solicitor

First Reading: _____

Second Reading: _____

Third Reading: _____

**CERTIFICATION OF FISCAL OFFICER AS TO
POSTING OF RESOLUTION**

The foregoing is a true copy of the original Ordinance No. 2024-5.

Publication of this Resolution was made by posting a copy of the same in the following five locations within the Village, beginning on _____ and concluding on _____ (at least 15 days later):

Location

Date Posted:

Village Hall

Chauncey Food Mart

Cee Dee

Post Office

Library

ATTEST:

Date: _____

Kevin Simons
Fiscal Officer