

**ORDINANCE NO. O-2009-23**

**AN ORDINANCE ESTABLISHING CRITERIA TO BE ENTITLED TO RECEIVE POTABLE WATER FROM THE VILLAGE OF WINDHAM, AND TO DISCHARGE SANITARY EFFLUENT INTO THE VILLAGE OF WINDHAM SANITARY TREATMENT SYSTEM, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the Village of Windham anticipates that in the future the Village will receive requests from landowners and developers to receive potable water service from the Village of Windham, as well as requests to discharge sanitary effluent into the Village of Windham wastewater treatment system; and

**WHEREAS**, the Council of the Village of Windham acknowledges the substantial health benefits which will result from the Village of Windham granting the anticipated requests; and

**WHEREAS**, the Council of the Village of Windham, in an effort to preserve and advance the health, safety and welfare of the Village of Windham, has determined that it is appropriate to set forth criteria whereby landowners and developers will know, in advance, under what circumstances the Village of Windham will sell potable water and will accept discharge of sanitary effluent into the Village wastewater treatment system.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of Windham, Portage County, Ohio two thirds or more of the members elected thereto concurring that:

**SECTION 1:** That Section 921.01(b) of the Village of Windham Codified Ordinances as is set forth on the attached Exhibit "A" is hereby enacted.

**SECTION 2:** That Section 923.03(d) of the Village of Windham Codified Ordinances as is set forth on the attached Exhibit "B" is hereby enacted.

**SECTION 3:** This Ordinance is declared to be an emergency measure, effective immediately upon its passage by the Council and approval by the Mayor, for the reason that it is essential to protect the health, safety and welfare of the Village of Windham citizens to be able to provide potable water to all who request it and to provide for a sanitary and healthful avenue to accept and treat sanitary discharge within the Village of Windham and the surrounding vicinity.

**SECTION 4:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Passed in Council as an emergency on the 23rd day of June, 2009.

Vote of Council:      Ayes: Mr. Slusher, Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger.      Nays: None.

ATTEST:

APPROVED:

\_\_\_\_\_  
Lloyd Billman, Fiscal Officer

\_\_\_\_\_  
Robert Donham, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

APPROVED AS TO FORM

\_\_\_\_\_  
Lloyd Billman, Fiscal Officer

\_\_\_\_\_  
Thomas Reitz, Solicitor

Ordinance O-2009-23

**EXHIBIT "A"**

Section 921.01(c) Notwithstanding any other provision of this Chapter 921 of the Village of Windham Codified Ordinances, a requirement is hereby established for the real estate from which waste water originates or which is to be treated at the Village of Windham wastewater treatment plant to be located within the Village of Windham corporate limits. No exception to this requirement can be made except upon passage of a resolution waiving this requirement by the Village of Windham Council.

**EXHIBIT "B"**

Section 923.03(d). Notwithstanding any other provision of this Chapter 923 of the Village of Windham Codified Ordinances, to receive water, potable or otherwise, from the Village of Windham water system, the real estate receiving the water must be located within the Village of Windham corporate limits. No exception to this requirement can be made except upon passage of a resolution waiving this requirement by the Village of Windham Council.