

ORDINANCE O-2020-6

AN ORDINANCE TO REVISE AND AMEND SECTION 927.04 OF THE VILLAGE OF WINDHAM UTILITY CODE TO REQUIRE LANDOWNERS OF RENTAL PROPERTIES TO BE RESPONSIBLE FOR PAYMENT OF WATER AND SEWER CHARGES INCURRED BY TENANTS.

WHEREAS, Ohio Revised Code 743.04 indicates that the Village Administrator shall charge a water rent, or charge a sufficient amount which she determines, to be used for the purposes of conducting and managing the water works of a municipal corporation; and

WHEREAS, Ohio Revised Code 729.49 indicates that the Village Administrator shall charge a sewer rent, or charge a sufficient amount which she determines, to be used for the purposes of conducting and managing the sewer system of a municipal corporation; and

WHEREAS, the Village of Windham Committee of Council, has identified the need to revise and amend sections of the Utility Code to provide for payment of water and sewer charges by landowners of rental properties within the Village.

WHEREAS, upon consideration of the recommended changes, the Council of the Village of Windham has determined that the utility code of the Village should be amended.

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

SECTION 1. Section 927.04(i) of the Village of Windham Utility Code is hereby repealed.

SECTION 2. Section 927.04(i) of the Village of Windham Utility Code as is set forth in the attached Exhibit "A" is hereby enacted.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted 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.


First reading: February 25, 2020
Second reading: March 24, 2020
Third reading: April 28, 2020

Vote of Council: Ayes: 6
Nays: 0


ATTEST:


Cheree Taylor, Fiscal Officer

APPROVED:


Scott Garrett, Mayor

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


Cheree Taylor, Fiscal Officer

APPROVED AS TO FORM:


Thomas Reitz, Solicitor

EXHIBIT "A"

927.04 PAYMENT AND COLLECTION REQUIREMENTS.

* * * *

(i) In the case of leased lots, parcels of land or premises enjoying connection to the Village water system or the Village wastewater system, the landowner shall be liable for the payment of the water and wastewater service charges herein provided, including all services provided to tenants residing at the premises. The obligation of the landowner as set forth in this section shall not be assigned to another, and a condition of receiving water or wastewater service from the Village is that the landowner shall be solely responsible to the Village for water and wastewater charges for service provided to the landowners property. This section is intended to establish the obligation of the landowner to the Village only, and expressly does not address in any fashion the conditions under which a landowner may permit another to use the landowner's property. In the event a landowner currently has a leased premises pursuant to a written contract under which a tenant is obligated to pay water and/or sewer rents, the landowner may defer the date of imposition of the requirements set forth above by following the procedure set forth below:

- (1) The landowner must provide a copy of the entire written lease agreement to the Village Administrator.
- (2) The Village Administrator will review the lease to determine if the tenant is obligated to pay water and sewer rents.
- (3) If the tenant is obligated to pay water and sewer rents under the written lease, the Village Administrator may defer the enforcement of the exclusive landowner obligations in this section against the landowner until the end of the term of the provided lease or for one year, whichever ends first. An extension of a lease granted after submission of a lease to the Village Administrator shall not qualify for additional deferral.
- (4) Notwithstanding the provisions of the deferral of enforcement, in the event the water and sewer rents are not paid, the landowner remains jointly and severally liable with the tenant to the Village for water and sewer service provided to the landowner's property.
- (5) The Village Administrator is not under an affirmative obligation to inform landlords of the deferral of compliance under this section.