

ORDINANCE NO. O-2014-8

AN ORDINANCE ESTABLISHING AN EMERGENCY WATER SHUTOFF CALL FEE, MODIFYING THE CODIFIED ORDINANCES TO REFLECT THE FEE.

WHEREAS the Village Administrator reports that with increasing regularity employees of the Village Water Department are called out to shut off interior main water valves within private structures as the result of burst interior water lines or other leaks within the interior of the structures; and

WHEREAS the Utility Committee of the Village Council has determined that the responsibility for shutting off interior water valves within private structures, whether the structures are apartments, mobile homes, houses, commercial operations, or other structures is the responsibility of the owner or occupant of the property involved, and in any event a matter beyond the responsibility of the Village of Windham Water Department Workers; and

WHEREAS upon consultation with the Village Administrator, the Utility Committee of the Village Council has determined that it is appropriate to assist citizens who call the Village Water Department for help in shutting off internal valves within a location to stop water flooding from burst pipes, however it is also appropriate to charge for the service; and

WHEREAS, the Utility Committee of the Village Council has recommended a change in the Codified Ordinances to authorize the assistance of citizens and to establish the fee for providing that service.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham the majority or more of the members thereto concurring as follows:

Section 1: The recommendation of the Utility Committee of the Village Council is hereby accepted and approved.

Section 2: Paragraph (j) of Section 927.04, Payment and Collection Requirements of the Village of Windham Streets Utilities and Public Services Code as is set forth on 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 meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Passed in Council as an Emergency on February 25, 2014.

Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Rininger, Ms. Blewitt, Mrs. Prem, Mr. Slusher Nays: None.

Attest:

Approved:

Village Fiscal Officer, Lloyd Billman

Mayor, Robert Donham II

Approved as to Legal Form:

Solicitor, Thomas Reitz

EXHIBIT "A"

(j) In the event service department employees are called to an address served by the Village water system or sanitary sewer system and are requested, by the landowner or other individual with apparent authority to do so, to enter the structure and shut off an internal main valve or other source of water flowing within the building, a shutoff fee in the amount of \$50.00 shall be charged. This charge shall be in addition to any other charge for the account involved at the service address involved. This section (j) of Codified Ordinance 927.04 is expressly subject to subparagraph (a) of this section in that the collection process set forth in Ohio R.C. 743.04 applies to the shut off fee established herein; and the fee is also subject to subparagraph (i) in that the charges for the services provided are the responsibility of the owner of the structure and in the event of a rental property, from either the Lessor or the Lessee.