

**ORDINANCE NO. O-2010-33**

**AN ORDINANCE TO REVISE AND AMEND SECTION 921.01 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE SEWER RATES FOR SEWER DISCHARGE TO THE VILLAGE AND DECLARING AN EMERGENCY**

**WHEREAS**, the Windham Village Administrator has identified the need to revise and amend sections of the Utility Code to provide for an adjustment in the rates charged for sewer discharge to the municipal sanitary sewer system; and

**WHEREAS**, the Utility Committee of the Village of Windham has reviewed the proposed change; and

**WHEREAS**, the Finance Committee of the Village of Windham has reviewed the proposed change and has recommended to this Council that the revision should be enacted; and

**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 Section 921.01(a) as it is presently enacted is hereby repealed effective January 1, 2011.

SECTION 2. Section 921.01(a) of the Village of Windham Utility Code as is set forth in the attached Exhibit "A" is hereby enacted effective January 1, 2011.

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.

SECTION 4. This Ordinance is declared to be an emergency measure needed to maintain the financial stability of the Village Utility Department, effective immediately upon its passage by the Council and approval by the Mayor, for the reason that it is necessary to have the adjusted rates in place at the beginning of a billing cycle beginning on January 1, 2011.

PASSED IN COUNCIL this 23<sup>rd</sup> day of November, 2010.

Vote of Council: Ayes: Mr. Snyder, Mrs. Meszaros, Mrs. Miranda, Mrs. Barrett, Mr. Garrett, 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.

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

APPROVED AS TO FORM:

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

### EXHIBIT "A"

#### **921.01 SEWER RATES**

- (a) Rate charges for sewer usage are established as follows:
- (1) Commencing on January 1, 2011 each consumer unit inside the village shall be billed monthly and shall be subject to a minimum charge corresponding to a wastewater volume of \$10.35 for up to the first 1,000 gallons, and an additional \$10.35 for each fraction of one thousand gallons thereafter.
  - (2) In the event of a water meter serving more than one consumer, each consumer unit shall be subject to a minimum charge and be allowed a discharge of 1,000 gallons per consumer unit before additional volume charges shall apply.
  - (3) A flat rate of \$56.81 shall be billed on each unmetered consumer unit.
  - (4) Commencing on January 1, 2012, the metered water rate as set forth in Section 921.01(a) shall be increased by five percent (5%) annually.