

ORDINANCE NO. O-2012-55

AN ORDINANCE REVISING THE WINDHAM CODIFIED ORDINANCES PROVIDING AUTHORITY FOR THE VILLAGE ADMINISTRATOR TO SUBSTITUTE AN ESTIMATED BILL FOR WATER AND SEWER CHARGES IN THE EVENT THE VILLAGE BILLING SYSTEM IDENTIFIES A WATER LEAK AT THE SERVICE ADDRESS.

**WHEREAS**, within the last year the Village of Windham has replaced the water meter for substantially every service address within the Village; and

**WHEREAS**, substantially all of the Village of Windham utility customers now have new water meters; and

**WHEREAS**, as a result of the installation of the new water meters the utility billing of both water and sewer and sewer charges within the Village is now highly accurate; and

**WHEREAS**, as a result of the more accurate metering it appears that some service addresses have water leaks and additionally when water leaks do occur they are identified in a prompt fashion; and

**WHEREAS**, as an additional result of this more accurate billing the utility customer becomes aware of the water leak promptly as the result of an unusually high water and sewer bill; and

**WHEREAS**, pursuant to Ohio Revised Code 735.273 the Council of the Village of Windham is charged with establishing the rates for services and charges for municipally owned utilities; and

**WHEREAS**, the Council of the Village of Windham has determined it is appropriate to authorize the Village Administrator to substitute an estimated bill for a period of one month in the event a water leak is determined to exist on a utility customer premises.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of Windham, Portage County and State of Ohio, the majority of the members thereto concurring that:

SECTION 1. Windham Codified Ordinance Section 923.03(d) as is set forth on the attached Exhibit "A" is hereby enacted.

SECTION 2. Windham Codified Ordinance Section 921.01(d) as is set forth on the attached Exhibit "B" 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 December 18, 2012

Passed as an Emergency in Council this 18<sup>th</sup> day of December, 2012.

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

ATTEST:

APPROVED:

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Lloyd Billman, Fiscal Officer

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Robert Donham, Mayor

APPROVED AS TO FORM:

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Thomas Reitz, Solicitor

#### **EXHIBIT "A"**

923.03(d) In the event the electronic reading of the municipal water meter indicates a leak on a service premises the Village Administrator is authorized to substitute an estimated billing for that service premises, but only for a single month. The Village Administrator shall use his discretion in determining the estimated billing and may rely on the billing history for the service premises involved.

#### **EXHIBIT "B"**

921.01(d) In the event the Village Administrator has authorized a one month estimated bill for water at a service premises in compliance with Section 923.03(d) of the Windham Codified Ordinances, the Village Administrator may also estimate the sewer bill for the same premises. The estimated bill authorized under this section is only for a period of one month, which estimated sewer bill must be for the same month the water bill was estimated under Section 923.03(d) of the Windham Codified Ordinances.