

AN ORDINANCE

BY: MR. EPLEY

NO. 4814

TO AMEND EXISTING SECTIONS 913.06, 915.05, 919.06, AND 931.17 OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE TO CREATE A UNIFORM PROCEDURE FOR SETTING CITY UTILITY SERVICE RATES, AND DECLARING AN EMERGENCY.

WHEREAS, the city of Oakwood operates three (3) utility services (water, sanitary sewer, and stormwater) and one (1) quasi-utility service (refuse), for a total of four (4) city services (collectively, "city utilities"); and

WHEREAS, these city utilities are each governed by different sections of the Streets and Public Services Code which were not written as a single cohesive ordinance, and as a result there are different mechanisms for setting the rates for each service; and

WHEREAS, for purposes of procedural uniformity and efficiency, the City Manager and Law Director have recommended amending the Streets and Public Services Code such that service rates for all city utilities are set forth on a single Appendix A to the Code, with Appendix A being referenced by each of the four (4) utility sections using similar language; and

WHEREAS, this amendment would allow rates for any one (1) city utility or any combination of city utilities to be adjusted by Council through a single legislative update to Appendix A, instead of requiring multiple amendments to separate sections of the Streets and Public Services Code; and

WHEREAS, Council accepts the recommendation of the City Manager and Law Director and finds that the same will promote uniformity and efficiency among the city utilities, thereby benefitting the general welfare of the city of Oakwood;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO:

SECTION I.

Section 913.06(a), a subsection of Section 913.06, *Schedule of Rates*, within the Stormwater Management Utility chapter of the Streets and Public Services Code, is and shall be hereby amended to read as follows, with new text in **bold** type and deleted text in ~~strike~~ type:

- (a) The City Council, upon recommendation of the City Manager, shall, ~~by resolution,~~ establish reasonable rates for stormwater management systems for each one-family, two-family, and three-family residential property; each such property shall be billed a flat fee established by the City Council. **These rates shall be set forth on Appendix A to the Streets and Public Services Code, to be amended by ordinance of City Council from time to time.**

SECTION II.

Section 915.05(A), a subsection of Section 915.05, *Sewage Service Charges; Payment*, within the Sanitary Sewer Utility chapter of the Streets and Public Services Code, is and shall be hereby amended to read as follows, with new text in **bold** type and deleted text in ~~strike~~ type:

- (A) For any such lot, parcel of land, building or premises situated within (or beyond the boundaries of) the corporation limits of this City, the amount of such charge shall be based on the quantity of water used thereon or therein, as measured by the City water meter there in use or measured as described in paragraph B below. Such charge shall be calculated at rates established by City Council and summarized by ~~Addendum A-~~ **set forth on Appendix A to the Streets and Public Services Code, to be amended by ordinance of City Council from time to time.**

SECTION III.

Section 919.06(A), a subsection of Section 919.06, *Water Service Fees, Costs and Charges*, within the Water Utility chapter of the Streets and Public Services Code, is and shall be hereby amended to read as follows, with new text in **bold** type and deleted text in ~~strike~~ type:

(A) The rates charged for water service shall be established by City Council, as summarized on Addendum A, i.e. the Water Service Rate Chart document included at the end of this Chapter 919, set forth on Appendix A to the Streets and Public Services Code, to be amended by ordinance of City Council from time to time. A discount of 5% shall be allowed from the rates set forth below for payments made within fifteen (15) days from the statement dates. However, no discount shall be allowed for any water service supplied beyond the boundaries of the City of Oakwood. The rates to be charged by the Water Department shall be as follows:

(1) For the furnishing of water service to sprinkling meters or similar special meters, the minimum monthly rate commensurate with meter size shall be charged, even if there is no actual consumption, in the same manner as all meters, except where a so-called "deduct meter" has been placed internally beyond the master meter and within its metered system. Any meter for which no minimum charge is made will be maintained at the property owner's expense.

#### SECTION IV.

Section 931.17, *Refuse Billing*, within the Refuse Program chapter of the Streets and Public Services Code, is and shall be hereby amended to read as follows, with new text in **bold** type and deleted text in ~~strikethrough~~ type:

#### 931.17 REFUSE BILLING.

All properties in the City will receive refuse collection and disposal service from the refuse program, with the exception of properties serviced by a private hauler pursuant to Section 931.03. Refuse program charges for this service will be collected monthly ~~in the amounts at the rates~~ set forth on Addendum **Appendix A** ~~of to the Streets and Public Services Code, to be amended by ordinance of City Council from time to time.~~ Because all such properties are served by the refuse program, the owners thereof shall be deemed to have accepted the same in the form of a contractual agreement as a condition of receiving or continuing to receive such service, and will be billed for the same, provided however that the City shall not be considered a billable customer of the refuse program because the refuse program is operated as an extension of the City itself.

The refuse program charge shall be billed and collected monthly with the monthly city services utility bill. These fees shall be itemized and collected separately as refuse program charges, and shall be credited to the Refuse Fund. All bills for refuse program charges shall be rendered monthly by utility billing personnel within the Finance Department. The refuse program charge is part of a consolidated statement for utility customers, which is generally paid by a single payment.

In the event that a partial payment is received, the payment shall be applied in accordance with rules and regulations developed by the Finance Department.

For customers moving in or out and obtaining service for only a partial billing period the monthly charge imposed by this chapter shall be prorated based on the number of days in the billing period that they have incurred service. For the purpose of this section 28 days shall be considered a full billing period.

The City Manager, with notice to City Council, is authorized to establish reasonable charges for additional refuse services such as special pick-ups, dumpsters, mulch programs, and the like. Such additional charges are warranted when services are provided upon request or for the benefit of individual customers, rather than as a routine or general service to all refuse program customers.

#### SECTION V.

It is found and determined that all formal actions of Council concerning and relating to the adoption of this Ordinance were conducted in open meetings of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

#### SECTION VI.

This ordinance is hereby declared to be an emergency measure and as such takes effect immediately on the basis that it is necessary for the preservation of the public peace, health and

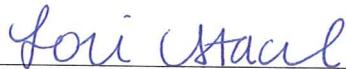
safety of the city and its inhabitants, for the reason that there exists an imperative necessity for the earliest publication and distribution of replacement pages to the Streets and Public Services Code to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 7<sup>th</sup> day of December, 2015.



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Mayor William D. Duncan

ATTEST:



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Clerk of Council Lori Stacel

TO THE CLERK:

Please publish by incorporating the foregoing into the Codified Ordinances of the city of Oakwood, Ohio.



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City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION:

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing ordinance was duly published by incorporating the same into the Codified Ordinances of the city of Oakwood, Ohio, on the date set forth below.

Publication date: December 8, 2015



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Clerk of Council Lori Stacel