

ORDINANCE 2019-17

AN ORDINANCE AMENDING CHAPTER 52 "WATER" OF THE CODIFIED ORDINANCES OF SWANTON, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Chapter 52 of the Codified Ordinances sets forth certain definitions and regulations regarding the treatment and provision of water within the Village of Swanton; and

WHEREAS, Council desires to amend Chapter 52 of the Codified Ordinances to clarify definitions, processes, and streamline the process of utility billing;

NOW, THEREFORE, BE IT ORDAINED by Council of the Village of Swanton, Fulton County, Ohio, that:

Section 1. That Chapter 52 of the Codified Ordinances of the Village of Swanton shall be amended to read as follows:

See Exhibit A attached hereto and incorporated herein by reference.

Section 2. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Village Council, and that all deliberations of this Village 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 Section 121.22 of the Ohio Revised Code.

Section 3 That this ordinance shall be declared an emergency measure necessary for the immediate preservation of public health, safety and welfare of the Village of Swanton and shall be in full force and effective immediately upon passage.

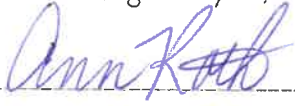
Motion to Suspend the Rules and Declare an Emergency

Moved: Rochelle Second: Westhoven YEAS: 5 NAYS: 0

Vote on Passage

Moved: Rochelle Second: Westhoven YEAS: 5 NAYS: 0

Date of Passage: May 13, 2019



Ann Roth, Mayor

Attest:

I, Jennifer Harkey, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2019-17, passed on May 13, 2019



Jennifer Harkey, Fiscal Officer

CHAPTER 52: WATER

Section

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Cross-reference:

Adjustments to utility bill policy and procedure, see § [36.08](#)

FEES AND CHARGES

§ 52.01 RATE STRUCTURE.

(A) *Water rate structure inside the village corporation limits.* There is hereby established the following rate structure for water furnished to premises inside the village limits supplied by the Village Municipal Water Works from October 1, 2017 to December 31, 2017:

<i>Gallons</i>	<i>Rate</i>
0—2,000	\$25.43
2,001 and above	\$5.20 per 1,000 gallons

(1) *Adjustment of rates on or after January 1, 2018.* The rates established in division (A) above shall automatically be adjusted to the following rate structure for water furnished to premises inside the village supplied by the Village Municipal Water Works on or after January 1, 2018:

<i>Gallons</i>	<i>Rate</i>
0—2,000	\$26.70
2,001 and above	\$5.36 per 1,000 gallons

(2) *Adjustment of rates on or after January 1, 2019.* The rates established in division (A)(1) above shall automatically be adjusted to the following rate structure for water furnished to premises inside the village supplied by the Village Municipal Water Works on or after January 1, 2019:

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<i>Gallons</i>	<i>Rate</i>
0—2,000	\$28.04
2,001 and above	\$5.52 per 1,000 gallons

(3) *Adjustment of rates on or after January 1, 2020.* The rates established in division (A)(2) above shall automatically be adjusted to the following rate structure for water furnished to premises inside the village supplied by the Village Municipal Water Works on or after January 1, 2020:

<i>Gallons</i>	<i>Rate</i>
0—2,000	\$29.44
2,001 and above	\$5.69 per 1,000 gallons

(4) *Adjustment of rates on or after January 1, 2021.* Unless otherwise modified, the rates established in division (A)(3) above shall automatically be adjusted for water furnished to premises inside the village supplied by the Village Municipal Water Works on or after January 1, 2021 on an annual basis at an additional amount as follows:

(a) Monthly base rate: \$1.35 increase per year effective January 1 of each subsequent year.

(b) Usage rate per 1,000 gallons: \$0.17 increase per year effective January 1 of each subsequent year.

(B) *Water rate structure for athletic fields located at Swanton High School.* Water rate structure for athletic fields located at Swanton High School serviced as outdoor use meter accounts only and not paying sanitary sewer charges shall be charged a monthly base rate of \$25 for 0-2,000 gallons used and \$6.04 per 1,000 gallons for 2,001 gallons and above. The usage rate per 1,000 gallons shall increase automatically as follows: \$0.17 increase per year effective January 1 of each subsequent year.

(C) Refer to [§52.05](#) for Disconnection/Reconnection fee information.

(Ord. 80-26, passed 11-10-1980; Ord. 90-5, passed 3-26-1990; Ord. 92-20, passed 9-28-1992; Ord. 99-20, passed 9-13-1999; Ord. 2002-30, passed 8-26-2003; Ord. 2006-17, passed 9-11-2006; Ord. 2015-7, passed 3-23-2015; Ord. 2017-24, passed 8-28-2017; Ord. 2017-28, passed 9-25-2017; Ord. 2018-16, passed 6-11-2018)

§ 52.02 METHOD OF PAYMENT.

(A) Water meters will be read monthly with bills sent monthly. For those months in which the meter is not read, the bill will be based on an estimate of the water which will be used in the month. This estimate will be based on the previous consumption, however this estimate may be modified by the Village Administrator. Upon subsequent

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reading of the meter, the bill will be adjusted to account for the difference between the estimated and the actual consumption. Bills will be sent on the first of each month and will be due on the fifteenth (15th) of the same month. A 10% late payment penalty will be assessed on the outstanding balance of the current month. The due date and/or the late charge may be modified by the Village Administrator in unusual or exceptional cases.

(B) Wherever more than one family unit or more than one business, professional or commercial establishment are supplied by one meter, then the water created shall be applied to each unit as though a separate water meter supplied each unit. This section shall include, but not be limited to, mobile home courts. The largest charge will be applied to each unit before the next lowest rate is applied.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992; Ord. 2016-27, passed 6-27-2016)

§ 52.03 DISCONNECTION OF SERVICE.

The village shall disconnect utility service in accord with the following policies.

(A) When it becomes necessary for the village to discontinue utility service to a customer for nonpayment, service will be reinstated only after all payments for utility service and the disconnection fee then due have been received. It is the policy of the village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The village's Establishment of Utility Service Application and all bills shall contain, in addition to the utility billing address, telephone number, email address, charge, past due charge, and shut off date, clearly visible and easily readable provisions to the effect:

(1) All bills are due and payable on or before the date set forth on the bill;

(2) Disconnection of service will take place on the 2nd of the month following the due date of the bill if payment has not been received.

(3) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the village official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests of delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(C) The village reserves the right to discontinue utility service to any utility customer of the village who has not had an actual utility meter service reading conducted by village personnel for six consecutive months. Thirty days prior to any disconnection of utility service, village personnel shall attempt to notify the utility customer by certified mail or personal service by posting a notice on the entry door to the premises requesting access to their property to obtain an actual utility service reading. If an actual

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reading is not obtained within ten days after the attempted notification is made, utility service will be discontinued until an actual reading can be obtained. Prior to the restoration of service, the village will install a meter reader at the property at no cost to the customer to facilitate more efficient meter reading services

(Ord. 92-20, passed 9-28-1992; Ord. 2008-24, passed 10-27-2008)

§ 52.04 CHARGES A LIEN.

Water and sewer charges shall constitute a lien upon the property served, and, if unpaid, may be certified to the Fulton County Auditor and shall be collected in the same manner as other village taxes. The village shall reserve the right to discontinue water service to such premises until such time as the unpaid charges are paid in full.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.05 DISCONNECTION/RECONNECTION FEE.

For residents within the village, a fee of \$50 will be assessed to the account once crews are dispatched from the utility billing office to disconnect service. This fee will be increased to \$75 if the disconnection is not performed during normal working hours. For individuals who reside outside the incorporated village, a fee of \$75 will be charged whenever water service is disconnected at the curb-box. This fee will be increased to \$100 if the disconnection is not performed during normal working hours. Normal working hours shall be considered 7:00 a.m. through 3:30 p.m., Monday through Friday with the exception of village holidays. There will be no charge for reconnection.

(Ord. 97-34, passed 12-8-1997; Ord. 2016-25, passed 8-8-2016)

§ 52.06 NEW CONNECTION.

For any new connection to the village water system inside the corporation limits of the village, a tap-in charge of \$1,000 will be assessed. For any approved new connection, as provided in § [52.08](#), to the village water system outside the corporation limits of the village, a tap-in charge of \$2,500 will be assessed. The village will, after payment of this fee, install the tap, the curb box and service line between the two, provided, however, if a service line greater than one inch in diameter is required, all excess costs will be paid by the owner.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992; Ord. 97-27, passed 10-27-1997; Ord. 97-34, passed 12-8-1997; Ord. 2004-31, passed 10-11-2004)

§ 52.07 NEW ACCOUNTS.

- (A) For any individuals applying for a new account for water service with the village, a form must be filed as supplied by the Administrator providing necessary account information and establishing the party responsible for payment.
- (B) A deposit of \$100 is required to establish service at a rental property location inside the corporation limit of the village. A deposit of \$150 is required to establish service at a rental property location outside the corporation limit of the village. Deposit refunds will only be made upon termination of water and sewer

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utility service and the payment of all outstanding charges for water and sewer utility service.

(C) The establishment of new water or sewer utility accounts is prohibited for any individuals, property owners, business, corporation, or governmental organization found to be delinquent in the payment of outstanding village income taxes, water, sewer or storm water utility accounts or who have failed to file their village income taxes. No new water or sewer utility accounts will be established until all outstanding payments to the village are paid in full.

(Ord. 92-20, passed 9-28-1992; Ord. 97-34, passed 12-8-1997; Ord. 2007-4, passed 2-26-2007; Ord. 2009-1, passed 3-9-2009)

§ 52.08 SERVICE OUTSIDE THE VILLAGE LIMITS.

(A) *Water rate structure outside the village corporation limits.* There is hereby established the following rate structure for water furnished to premises outside of the village limits supplied by the municipal water works from October 1, 2017 to December 31, 2017:

<i>Gallons</i>	<i>Rate</i>
0—2,000	\$63.93
2,001 and above	\$7.04 per 1,000 gallons

(1) *Adjustment of rates on or after January 1, 2018.* The rates established in division (A) above shall automatically be adjusted to the following rate structure for water furnished to premises outside the village supplied by the municipal water works on or after January 1, 2018:

<i>Gallons</i>	<i>Rate</i>
0—2,000	\$65.20
2,001 and above	\$7.20 per 1,000 gallons

(2) *Adjustment of rates on or after January 1, 2019.* The rates established in division (A)(1) above shall automatically be adjusted to the following rate structure for water furnished to premises outside the village supplied by the municipal water works on or after January 1, 2019:

<i>Gallons</i>	<i>Rate</i>
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0—2,000	\$66.54
2,001 and above	\$7.36 per 1,000 gallons

(3) *Adjustment of rates on or after January 1, 2020.* The rates established in division (A)(2) above shall automatically be adjusted to the following rate structure for water furnished to premises outside the village supplied by the municipal water works on or after January 1, 2020:

<i>Gallons</i>	<i>Rate</i>
0—2,000	\$67.94
2,001 and above	\$7.53 per 1,000 gallons

(4) *Adjustment of rates on or after January 1, 2021.* The rates established in division (A)(3) above shall automatically be adjusted to the following rate structure for water furnished to premises outside the village supplied by the municipal water works on or after January 1, 2021:

(a) Monthly base rate: \$1.35 increase per year effective January 1 of each subsequent year.

(b) Usage rate per 1,000 gallons: \$0.17 increase per year effective January 1 of each subsequent year.

(B) The village may extend water services to premises outside of the village limits according to the following provisions.

(1) (a) If said property is contiguous to the village, properties must be annexed to the village prior to extension of service, whether or not a water line is accessible to their premises; or

(b) With approval of Village Council, if said property is contiguous to the village, the property owner agrees to file for annexation of said property at the property owner's expense as soon as legally possible and pursue all appeals relative to said annexation; and enter into an agreement with the village which sets forth terms for extension of service. Said agreement shall be recorded in the land records of the County Recorder. No connection to said system shall be allowed until said annexation petition is filed. For this provision to apply, a three-fourths affirmative vote of Council is necessary.

(2) If annexation is not legally possible, water service may be extended upon the execution of an agreement between the village and the property owner(s) that they will petition for annexation, at their expense, as soon as legally possible. Such agreement will be recorded in the land records of the County Recorder and bind the successors in the interest to owners' property. Until annexation, said property will be charged out-of-village water rates.

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(3) If a main water line exists accessible to the owners' property, the village may charge, in addition to the tap-in fee and any extraordinary costs to access such main line (i.e., road bore), that property's proportionate share of the main water line installation, if not already paid, together with a reasonable amount of interest from the date the village paid for the project.

(4) If a main water line is not accessible to a property desiring water service, the village may extend a main water line and allocate all costs of same to the abutting property owners. If payment arrangements are not made prior to installation of the main water line, no property owner shall be permitted to access such main water line until his or her proportionate share of the cost of the main line is paid, together with a reasonable amount of interest from the date of payment by the village, and the requirements of either division (B)(1) or (B)(2) above, are satisfied.

(C) For any extension to premises outside of the village limits not already served, a two-thirds affirmative vote of Council is necessary prior to extension of service.

(D) Refer to §52.05 for Disconnection/Reconnection Fee information.

(Ord. passed 80-26, passed 11-10-1980; Ord. 90-5, passed 3-26-1990; Ord. 92-20, passed 9-28-1992; Ord. 95-8, passed 3-13-1995; Ord. 97-34, passed 12-8-1997; Ord. 99-20, passed 9-13-1999; Ord. 2000-40, passed 1-22-2001; Ord. 2002-30, passed 8-26-2002; Ord. 2006-17, passed 9-11-2006; Ord. 2017-24, passed 8-28-2017; Ord. 2017-28, passed 9-25-2017)

§ 52.09 RESERVED

§ 52.10 SUBMISSION OF PLANS.

Upon completion of construction of any water mains, drawing shall be corrected to represent "as-built" elevations, grades and sizes. One reproducible print shall be supplied to the village.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.11 SAVINGS CLAUSE.

The invalidity of any paragraph, clause, sentence or provision of this subchapter shall not affect the validity of any other part of the subchapter which can be given effect without such invalid part or parts. In addition, nothing in this subchapter shall be construed as preventing any special agreement or arrangement between the village and any industrial or commercial user, nor shall this subchapter be construed as affecting any existing or future customers whose water service is based on a written contract between the village and the customer, provided, however, that any such contract shall have the concurrence of two-thirds of Council.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.12 FIRE HYDRANT METER DEPOSIT CHARGES.

Use of any village owned fire hydrant meter for connection to any village owned fire hydrant will be evaluated on a case by case basis by Village Council. Any approved use

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will include a deposit, user fee, and backflow prevention device. Further, for any approved use, the Superintendent of Water Purification will ensure all EPA standards and regulations are met.

GENERAL REGULATIONS

§ 52.20 MANDATORY CONNECTION.

No person shall maintain or use or permit to be used upon any lot or land abutting upon or adjacent and accessible to a water main, any premises or building not connected to the village water system, unless the building contains no provisions for potable water.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.21 PERMIT REQUIRED.

No unauthorized person shall uncover, make any connections with or alter or disturb any appurtenance to the water system without first obtaining a written permit from the Village Administrator

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992) Penalty, see § [52.99](#).

§ 52.22 MAINTENANCE OF SERVICE LINES.

(A) The village shall be responsible to the maintenance of that portion of the service line between the main and the curb box, and shall maintain said portion in a manner as to ensure an acceptable volume of water to the premises.

(B) The property owner shall be responsible to the maintenance of that portion of the service line between the curb box and the premises.

(C) In the event of a frozen line, the village will make all reasonable attempts to thaw the frozen section, and if unsuccessful, to supply an alternative source of water until such item as the line can be thawed. Under no circumstances, however, will the village bear any responsibility for the electrical thawing of lines.

(D) Should any customer desire a new service line between the main and the curb box, for any other reason than failure of the old line, the property owner shall pay all costs associated with the installation of the new line.

(E) In any building consisting of two or more dwellings, commercial or industrial units, where the property owner desires the water and sewer utility service accounts to be the payment responsibility of a unit renter or tenant, a separate service line, a lockable interior shut-off valve and/or curb box shut-off valve shall be installed for each individual dwelling, commercial or industrial unit permitting the village to discontinue utility services to the occupant of any individual dwelling, commercial or industrial unit for nonpayment of water or sewer utility bills. All costs associated with the installation of the new service line(s), lockable interior shut-off valve(s) or curb box(s) shall be the responsibility of the property owner. All lockable interior shut-off valve designs must be approved by the village prior to installation with all keys and/or locks remaining the property and in

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the custody of the village. Any property owner who installs an interior shut-off valve expressly agrees to permit the village full access to the interior of his or her building to shut off and lock all access to tenant utility services for nonpayment of water or sewer utility bills. Any property owner of a multi-tenant building who, after 90 days written notice by certified mail from the village, fails to comply with the requirements of this division (E), shall have all utility services to the building discontinued until compliance with this division (E) can be obtained by the village.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992; Ord. 95-7, passed 4-10-1995; Ord. 2010-10, passed 5-24-2010)

§ 52.23 CROSS-CONNECTION.

No cross-connection between the village water supply and any other water supply shall be allowed.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992) Penalty, see § [52.99](#)

§ 52.24 CONSTRUCTION OF WATER MAINS; SUBMISSION OF PLANS.

(A) Prior to construction of new water mains, all plans and materials must be approved by the Village Administrator, in addition to obtain other approvals required by law. All constructions will be in accordance with accepted engineering practice and American Water Works Association Standards and Ohio Environmental Protection Agency Design Standards relating to both construction methods and material. In addition, no backfill will be placed on any new construction until after inspection is completed by the Village Administrator or his or her duly authorized representative. The owner shall pay any costs resulting from said inspection.

(B) Upon completion of construction of any water mains, drawing shall be corrected to represent "as built" elevations, grades and sizes. One reproducible print shall be supplied to the village.

(C) In addition to the requirements enumerated in divisions (A) and (B) above, a bacteriological testing charge shall be made for each new, cleaned or repaired water main in the village. The charge shall be \$100 for all testing necessary to meet Ohio Environmental Protection Agency disinfection requirements. This fee will be increased to \$200 if the testing is not performed during normal working hours. Normal working hours shall be considered 7:00 a.m. through 3:30 p.m., Monday through Friday with the exception of village holidays.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992; Ord. 2003-50, passed 12-8-2003)

§ 52.25 USE OF OLD WATER LINES FOR NEW BUILDINGS.

Old water services may be used in connection with new buildings only when they are found, on examination, to meet all requirements.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.26 DETERMINATION OF WATER USED.

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The village will install and maintain in accordance with American Water Works Association Standards a water meter of sufficient design and capacity to measure all water being used, however, the village may charge for replacement of any meter damaged through abuse of the user, in addition to other penalties that may be applied under this chapter.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992) Penalty, see § [52.99](#)

§ 52.27 OWNER TO PAY COSTS, INDEMNIFY VILLAGE FOR DAMAGES.

All costs and expenses incidental to the installation of water mains and connections, other than those installations provided by the village, shall be borne by the owners. The owners shall indemnify the village for any loss or damage that may directly or indirectly result from the installation.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.28 POWERS OF THE VILLAGE ADMINISTRATOR.

The Village Administrator shall manage and supervise the water system of the village including the making of by-laws and regulations, to the extent not repugnant to municipal ordinances and resolutions, deemed necessary by him or her for the safe, economical and efficient management and protection of such system.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992)

§ 52.29 TAMPERING.

No person shall knowingly, without the consent of the village, tamper with a water meter or attachment belonging to the village, or reconnect any water service which has been disconnected by the village. In addition, no person shall knowingly consume any water that has not been correctly registered because a meter or attachment has been tampered with. In prosecution under this section, proof that a meter or attachment has been tampered with is prima facie evidence that the person who is obligated to pay for the service rendered through the meter and is in possession or control of the meter or attachment at the time the tampering occurred has caused the tampering with intent to violate this section. Further, proof that water service has been reconnected without the consent of the village is prima facie evidence that the person in control or possession of the meter or is responsible for payment of the bill has reconnected the service with intent to violate this section.

(Ord. 80-26, passed 11-10-1980; Ord. 92-20, passed 9-28-1992) Penalty, see § [52.99](#)

§ 52.30 OUTDOOR USE METERS.

(A) Users may purchase, from the village, meters exclusively supplying water to an outside faucet, and hereafter referred to as "outdoor use meter".

(B) Water supplied through the outdoor use meter may be used for lawns, pools and other outside activities not intended to result in treatment through the sanitary sewer system of the village.

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(C) Users are responsible for all household plumbing required to connect the outdoor use meter, which shall be installed by the village.

(D) Users are responsible for installing a backflow prevention device on said outdoor use meter in compliance with §§ [52.40](#) through [52.44](#).

(E) The village shall read, monthly from January to December, and provide an invoice, from May to December, for water usage through the outdoor use meter.

(F) Users shall be billed for water usage only, not the combined water/sewer rate.

(G) The water rate structure for outdoor use meter water used to sprinkle athletic fields at Swanton High School shall be as enumerated in § [52.01\(B\)](#).

(Ord. 94-18, passed 9-12-1994; Ord. 2015-7, passed 3-23-2015; Ord. 2018-41, passed 1-28-2019)

BACKFLOW PREVENTION

§ 52.40 SURVEYS AND INVESTIGATIONS.

(A) It shall be the duty of the Superintendent of Water, or his or her duly authorized representative, to cause surveys and investigations be made of industrial and other properties served by the public water supply, and where necessary, for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install an approved backflow prevention device immediately.

(B) The water consumer shall, at his or her own expense, obtain the necessary plumbing permit, and install such an approved device at a location and in manner approved by the Superintendent of Water, or his or her duly authorized representative, and shall have tests and inspection performed by a certified inspector annually, or as required by the Superintendent of Water, and all costs of repairs and tests shall be paid by the consumer. If the water consumer fails to install said device within 30 days after written notice from the Superintendent of Water, the Superintendent shall cause the installation of said device to be made and the cost thereof shall be charged through the consumer's water bill.

(C) All surveys and investigations shall be made a matter of public record, and the location and date of each installation of an approved backflow prevention device shall be properly recorded in a permanent file.

(Ord. 76-18, passed 12-13-1976; Ord. 92-20, passed 9-28-1992)

§ 52.41 BACKFLOW PREVENTION DEVICES TO BE INSTALLED.

Backflow prevention devices shall be installed in all locations as listed in the Ohio Environment Protection Agency Regulation EP 5-05, adopted April 15, 1972, and effective July 1, 1972, or hereafter amended. No person, firm or corporation shall establish or permit to be established, or maintain, or permit to be maintained, any connection whereby a private auxiliary or emergency water supply, other than the regular public water supply of the village, may enter the supply or distribution system of said municipality.

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(Ord. 76-18, passed 12-13-1976; Ord. 92-20, passed 9-28-1992) Penalty, see § [52.99](#)

§ 52.42 RIGHT OF ENTRY OF SUPERINTENDENT; INFORMATION TO BE FURNISHED.

The Superintendent of Water of the village or his or her duly authorized representative, shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants, of any property so served shall furnish to the Superintendent of Water any information which he or she may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this subchapter.

(Ord. 76-18, passed 12-13-1976; Ord. 92-20, passed 9-28-1992)

§ 52.43 DISCONTINUANCE OF SERVICE FOR VIOLATION.

The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this subchapter is known to exist, and to take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this subchapter.

(Ord. 76-18, passed 12-13-1976; Ord. 92-20, passed 9-28-1992)

§ 52.44 INDIVIDUAL FIXTURE DEVICES OR AIR GAPS.

The use of any approved backflow prevention device at the water service connection does not in any way effect or eliminate the need for individual fixture devices, or air gaps as required by § BB-51-38 of the Ohio Building Code.

(Ord. 76-18, passed 12-13-1976; Ord. 92-20, passed 9-28-1992)

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § [10.99](#).

(B) Whoever violates § [52.29](#) is guilty of tampering with utility equipment. If the cost of the water and sewer service stolen, plus the cost of repair or replacement of the meters, conduits or attachments damaged in violation of § [52.29](#) is less than \$150, tampering with utility equipment is a misdemeanor of the first degree. If the cost of the water and sewer service stolen, plus the cost of repair or replacement of the meters, conduits or attachments damaged is \$150 or more, or if the offender has previously been convicted of a violation of § [52.29](#), tampering with utility equipment is a felony of the fourth degree. Whoever violates § [52.29](#) shall make restitution to the utility for the

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cost of repair or replacement of the meters, conduits or attachments damaged and for the value of the water and sewer service consumed.