

See box 2

VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 1049

AN ORDINANCE AMENDING SUBSECTIONS 50.05, 50.15, 51.10, 52.01, 52.02, 52.03, 52.04 AND 52.05 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GEORGETOWN TO PROVIDE FOR A REVISION OF METER DEPOSITS, SERVICE RECONNECT CHARGES, SECURITY LIGHT CHARGES, WATER RATES, SEWER RATES, WATER TAP FEES AND SEWER TAP FEES AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Georgetown, Brown County, Ohio, two-thirds (2/3) or more of all members thereof concurring as follows:

SECTION 1. That existing subsection 50.05 of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance Nos. 752, 785 and 1006 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 2. That new subsection 50.05 of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works of said Codified Ordinance as follows:

50.05 METER DEPOSITS FOR NEW UTILITIES CUSTOMERS.

- (A) Except as otherwise provided herein, the Georgetown Utilities Department shall charge each utilities customer a deposit for each new premises served.
- (B) The deposit charged and collected by the Georgetown Utilities Department shall be maintained as a separate identifiable account under the supervision and control of the Village Fiscal Officer.
- (C) The deposit shall be applied to the payment of any arrearage in the utilities customer's account and, in the event the utilities customer is receiving more than one utilities service, the deposit may be applied to the payment of an arrearage for a utilities service other than the specific service for which the deposit was made. The deposit may also be applied to cover any damage to any utilities equipment caused by the negligent or intentional act of the utilities customer or any person under his control.
- (D) The deposits to be charged and collected by the Georgetown Utilities Department are as follows:

(1) Electric Deposits:

- (a) ordinary residential service or each residential apartment . . . \$150.00
- (b) electrically heated residences or apartments \$200.00
- (c) all commercial establishments \$250.00

(2) Water and Sewer Deposits

- (a) water and sewer (combined) for all residential and commercial establishments \$50.00
- (b) water (only) for all residential and commercial establishments \$50.00
- (c) sewer (only) for all residential and commercial establishments \$50.00

(E) Upon voluntary disconnect or termination of utilities services to a utilities customer, the deposit shall be refunded upon surrender of the utilities deposit receipt, to the person in whose name the account is carried or to such person's duly authorized representative, upon satisfactory proof of identity, provided however, that the deposit shall be first applied to any arrearage which may exist in such utilities customer's account and no refund shall be made until such time as it is determined that no such arrearage exists. If a utilities customer or his authorized representative is unable to produce a receipt, the Georgetown Utilities Department may, upon satisfactory proof of identity, issue a refund based on information contained in the records maintained by the Department and may require the utilities customer to sign a statement that the utilities deposit receipt has been lost and that such customer will indemnify the Village of Georgetown as to any and all claims which may be made against said Village by any other person claiming a right to a refund of such deposit.

(F) Notwithstanding any other provision herein to the contrary, no governmental entity (which term shall be construed to include any department or agency of the federal, state, county, township or municipal government) shall be required to pay utilities deposit for utilities services which are to be supplied directly to such governmental entity provided however, that the Village Administrator may, in his discretion, require such a deposit for new or continued service if the payment record of such governmental agency to the Georgetown Utilities Department has been so slow or irregular that a utilities deposit should be required to protect the Village of Georgetown from potential loss due to nonpayment.

SECTION 3. That existing subsection 50.15 of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance Nos. 754 and 816 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 4. That new subsection 50.15 of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works of said Codified Ordinance as follows:

50.15 SERVICE RECONNECT CHARGE.

(A) If any utilities service is voluntarily disconnected or reconnected in excess of two (2) times during any twelve month period to the same premises at the request of the same utilities customer, the Georgetown Utilities Department may charge and collect from the utilities customer a fee of \$5.00 for each subsequent disconnection or reconnection.

(B) If any utilities service is involuntarily disconnected pursuant to subsection 50.13 of the Codified Ordinances of the Village of Georgetown, service to such premises shall not be reconnected until such time as the reconnect fee hereinafter set forth has been paid and until such time as the utilities account at such premises is brought current, provided however, that the Village Administrator may order such service to be reconnected on payment of such lesser amount as the Village Administrator may determine, in his discretion, based on extenuating circumstances. The reconnect fees to be charged by the Georgetown Utilities Department shall be as follows:

(1) If the call for the service reconnect is received by the Georgetown Utilities Department prior to 3:00 P.M. on regular business days, a fee of \$40.00

(2) If the call for the service reconnect is received by the Georgetown Utilities Department on or after 3:00 P.M. on regular business days or on weekends or holidays, a fee of \$75.00

SECTION 5. That existing subsection 51.10(B) of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance Nos. 728, 826, 834 and 858 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 6. That new subsection 50.10(B) of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works of said Codified Ordinance as follows:

51.10 SECURITY LIGHTS

(B) The following monthly rates and charges shall be applied for Georgetown Utilities Department supplied security lighting:

- | | | |
|-----|--|--------|
| (1) | One (1) Mercury Vapor Lamp (175 watt) | \$7.00 |
| (2) | One (1) High Pressure Sodium Lamp (100 watt) | \$7.00 |

(3) One (1) Pole to be furnished by Utilities Customer.

SECTION 7. That existing subsection 52.01 of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance Nos. 814 and 874 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 8. That new subsection 52.01 of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works, Chapter 52, Utilities, Water & Sewer as follows:

52.01 WATER RATES

(A) Except as provided in subparagraph (B) of this subsection, Georgetown utilities customers shall pay for all water used or consumed based on the following monthly rates and charges:

	Usage Gallons/Month	Rate Dollars/thousand gal
First	2,000 gal	flat charge of \$12.65
Next	23,000 gal	\$3.89/thousand gal
Over	25,000 gal	\$3.48/thousand gal

(B) Due to the increased costs of servicing outside users, water sold for use outside the corporation limit of the village, whether sold at a meter within or without the village, and tank truck water sales, shall have a fifty percent (50%) surcharge added to the above applicable rate.

SECTION 9. That existing subsection 52.02 of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance No. 915 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 10. That new subsection 52.02 of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works, Chapter 52, Utilities, Water & Sewer as follows:

52.02 SEWER RATES

(A) Except as provided in subparagraphs (B) or (H) of this subsection, Georgetown utilities customers shall pay for sewer service based on the following monthly rates and charges:

(1) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008:

Water Consumption
Gallons/Month

Sewer Rate
Dollars/thousand gal

First 2,000 gal or less (minimum) flat charge of \$8.80
Over 2,000 gal \$3.41/thousand gal

(2) For all billings issued by the Georgetown Utilities Department due on or after January 1, 2009:

Water Consumption
Gallons/Month

Sewer Rate
Dollars/thousand gal

First 2,000 gal or less (minimum) flat charge of \$9.68
Over 2,000 gal \$3.75/thousand gal

(B) Due to the increased costs of servicing outside users, sewer customers outside the corporation limit of the village shall have a fifty percent (50%) surcharge added to the above rate. In the event that the Georgetown Utilities Department does not furnish water to a nonresident sewer customer, the sewer bill shall be calculated by the Georgetown Utilities Department in such a manner as to most accurately and fairly bill the customer from all available evidence. If such customer is served by another water company and if access to the water meter is available to the Georgetown Utilities Department, actual meter readings shall be used; otherwise, the sewer bill may be estimated.

(C) High Strength Surcharge. In addition to the minimum charge and the commodity charge, any user discharging wastewater containing BOD in excess of 200 mg/l, SS in excess of 250 mg/l, shall pay the following additional charge:

BOD: \$0.13 per pound of excess over 200 mg/l
SS: \$0.20 per pound of excess over 250 mg/l

(D) Annual Notification. Each user shall be notified, annually, the portion of the sewer service charge which is attributable to operation, maintenance, and replacement. Notification shall be a notice sent with a regular bill which shows the percentage of the rate for operation, maintenance and replacement paid by the user the previous year.

(E) Annual Audit. The rates and charges for the use of the sewer treatment system shall be reviewed annually by the Village in order to determine whether or not they are sufficient to defray the fixed charges, debt service costs, and annual cost of operation as determined from sewer treatment plant records. If the difference between the revenue derived from the rates and the total annual cost is sufficient to justify an increase or decrease in rates, the Village shall make the appropriate change.

(F) Billing Practices.

(1) Billing Periods - User charges provided for in this Ordinance shall be billed by the Village and shall be payable in monthly payments.

(2) Payment - The user charge levied shall take effect and shall thereafter be billed once each calendar month as billing data becomes available and shall be payable to the Georgetown Utility Department within 30 days after billing. In case of failure to pay the bill when the bill becomes due, a 10% penalty shall be charged to the account.

(G) Definitions: Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "Debt Services" shall mean that portion of the annual treatment costs attributable to debts incurred for improvements to the sewage works.

(2) "Normal Domestic Sewage" shall mean wastes which are characterized by pollutant concentrations of 200 mg/l BOD, and 200 mg/l SS.

(3) "Operation and Maintenance" shall mean labor, material, supplies, equipment, accessories, and appurtenances required to operate the sewage works, keep the sewage works in operating condition, and maintain the capacity and performance during the useful life of the sewage works for which such works were designed and constructed.

(4) "User Charge" shall mean that amount paid by each premises connected to the sewage treatment works, proportionate to the service provided. Such charge shall cover all operation, maintenance and replacement costs and any debt service for the facilities.

(5) "User Class" shall mean the division of users within the Village's service area, by the origin of the sewage discharged and by the similarity of the function of such users. Stated in four (4) general classes, they are:

(a) "Industrial User" shall mean a user who discharges to the Village's sewer treatment works industrial wastes as defined in the Sewer Use Ordinance.

(b) "Residential User" shall mean any premises used only for human residency.

(c) "Commercial User" shall mean any establishment whose principal activity is to provide merchandise or services.

(d) "Institutional/Governmental User" shall mean any establishment whose primary purpose is education and/or operation of a governmental entity.

(6) "Inside User" shall mean any user of the sewage treatment works located within the limits of the Village of Georgetown.

(7) "Outside User" shall mean any user of the sewage treatment works located outside the limits of the Village of Georgetown.

(8) "Sewer Service Charge" shall mean the amount paid by each premises connected to the sewer system, proportionate to services provided.

(9) "Replacement" shall mean the act of restoring the materials, supplies, equipment, accessories and appurtenances to operate the sewage works.

(H) Cooling Towers/water Chillers. Industrial, Commercial and Institutional/Governmental Users shall not be assessed a sewer service charge based on water which is actually used in connection with cooling tower or water chiller purposes and which is evaporated into the atmosphere and is not discharged into the wastewater collection system, provided that any such Industrial, Commercial or Institutional/Governmental User supplies metering which establishes the rate of consumption of water for such purposes.

(I) Sewer Surcharge for Improvement and Replacement. In addition to the monthly rates and charges for sewer service set forth at subparagraph (B) of this subsection, all Georgetown utilities sewer customers shall pay a sewer surcharge for the improvement and replacement of the Georgetown wastewater collection and treatment system in an amount of \$3.00 per month. All funds collected by the Georgetown Utilities Department pursuant to this subparagraph (I) of this subsection 52.02 shall be deposited in the Sewer I&R Fund of the Village of Georgetown and shall be used only for such purposes as are authorized for expenditures from said Sewer I&R Fund. The intent of this subparagraph is provide a source of funds for current and future improvements and replacement to the Village of Georgetown wastewater collection and treatment system separate and apart from funds collected and used for the current operations of said wastewater collection and treatment system.

SECTION 11. That existing subsection 52.03 of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance No. 814 and 874 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 12. That new subsection 52.03 of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works, Chapter 52, Utilities, Water & Sewer as follows:

52.03 MINIMUM WATER AND SEWER CHARGES

(A) Georgetown utilities customers shall pay the following minimum monthly rates and charges based on meter size:

(1) One (1) Inch Meter (Minimum charge entitles customer to 6500 gallons of water):

(a) Water Minimum: \$30.23

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$17.00;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$18.70.

(2) One and one-fourth (1-1/4) Inch Meter (Minimum charge entitles customer to 10,000 gallons of water):

(a) Water Minimum: \$43.85

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$25.08;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$27.59.

(3) One and one-half (1-1/2) Inch Meter (Minimum charge entitles customer to 14,000 gallons of water):

(a) Water Minimum: \$59.49

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$34.32;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$37.75.

(4) Two (2) Inch Meter (Minimum charge entitles customer to 21,000 gallons of water):

(a) Water Minimum: \$86.88

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$50.49;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$55.54.

(5) Three (3) Inch Meter (Minimum charge entitles customer to 32,000 gallons of water):

(a) Water Minimum: \$126.49

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$75.90;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$83.49.

(6) Four (4) Inch Meter (Minimum charge entitles customer to 44,000 gallons of water):

(a) Water Minimum: \$167.08

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$103.62;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$113.98.

(7) Six (6) Inch Meter (Minimum charge entitles customer to 55,500 gallons of water):

(a) Water Minimum: \$205.30

(b) Sewer Minimum:

(i) from the effective date of this ordinance through all billings issued by the Georgetown Utilities Department due on or before December 31, 2008, a sewer minimum charge of \$130.19;

(ii) for all billings issued by the Georgetown Utilities Department due on or after January 1, 2009, a sewer minimum charge of \$143.21.

(B) Due to the increased costs of servicing outside users, water and sewer customers outside the corporation limit of the village shall have a fifty percent (50%) surcharge added to the above minimum monthly rates and charges.

SECTION 13. That existing subsections 52.04 and 52.05 of the Codified Ordinances of the Village of Georgetown, as amended by Ordinance Nos. 893, 928 and 945 of the Ordinances of the Village of Georgetown be and the same is hereby repealed.

SECTION 14. That new subsections 52.04 and 52.04 of the Codified Ordinances of the Village of Georgetown be and hereby is enacted as a part of Title V, Public Works, Chapter 52, Utilities, Water & Sewer as follows:

52.04 WATER TAP FEES

(A) The Georgetown Utilities Department shall charge and collect the following water tap fees for all new water taps:

(1) Residential Tap Fees: New residential water tap fees shall be based on the number of bedrooms contained within the structure (single family or multi-family) to be connected to the Georgetown water distribution system. Each separate structure shall be charged a separate water tap fee in accordance with the following schedule:

Number of Bedrooms	Tap Fee
4 or less	\$ 1,500.00
5 - 8	3,000.00
9 - 12	4,500.00
13 - 16	6,000.00
17 - 20	7,500.00
21 - 24	9,000.00
25 - 28	10,500.00
29 - 32	12,000.00
33 - 36	13,500.00
37 - 40	15,000.00

Each additional four bedrooms will be an additional \$1,500.00 water tap fee.

(2) Commercial - Restaurants Tap Fees: New restaurant water tap fees shall be based on the number of tables for customer use in the dining area. There shall be charged a water tap fee of \$1,500.00 for each ten tables in the dining area.

(3) Commercial - Industrial/Retail/Office Tap Fees: New industrial and retail (including office buildings) water tap fees shall be based on the number of employees employed by the business. There shall be charged a water tap fee of \$1,500.00 for each twenty-five employees.

(4) Commercial - Hotel/Motel Tap Fees: New hotel and motel water tap fees shall be based on the number of rooms in the hotel/motel. There shall be charged a water tap fee of \$1,500.00 for each five rooms.

(5) Nursing Homes/Hospitals: New nursing home and hospital water tap fees shall be based on the number of beds in the nursing home or hospital. There shall be charged a water tap fee of \$1,500.00 for each four beds.

(B) Additions and/or Expansions: In the event additional bedrooms would be added to a residential structure, the owner thereof shall pay an additional water tap fee in accordance with the schedule set forth in subparagraph (A)(1) of this subsection 52.04 of this Ordinance. In the event of the expansion of any commercial business, the owner or lessee shall pay an additional water tap fee based on such expansion (i.e., based on the number of tables, employees, rooms or beds, as applicable) in accordance with subparagraphs (A)(2) - (A)(5) of this subsection 52.04 of this Ordinance.

(C) In the event that any water tap would be over a one inch tap, there shall be charged, in addition to the water tap fee set forth above, an additional charge based on time and material from the water main capable of handling the load.

(D) Construction of any water line from the main to the property line of the property being served shall be on a time and material basis.

(E) Any developer of a new subdivision shall be liable for developing and laying all water lines within the subdivision subject to the approval of plans by EPA and the Georgetown Utilities Department and laid to specifications of the Georgetown Utilities Department.

52.05 SEWER TAP FEES

(A) The Georgetown Utilities Department shall charge and collect the following sewer tap fees for all new sewer taps which shall include not more than seventy-five (75) feet of sewer line from the trunk to the property line of the property being served:

(1) Residential Tap Fees: New residential sewer tap fees shall be based on the number of bedrooms contained within the structure (single family or multi-family) to be connected to the Georgetown water distribution system. Each separate structure shall be charged a separate sewer tap fee in accordance with the following schedule:

Number of Bedrooms	Tap Fee
4 or less	\$ 2,000.00
5 - 8	4,000.00
9 - 12	6,000.00
13 - 16	8,000.00
17 - 20	10,000.00
21 - 24	12,000.00
25 - 28	14,000.00
29 - 32	16,000.00
33 - 36	18,000.00
37 - 40	20,000.00

Each additional four bedrooms will be an additional \$2,000.00 sewer tap fee.

(2) Commercial - Restaurants Tap Fees: New restaurant sewer tap fees shall be based on the number of tables for customer use in the dining area. There shall be charged a sewer tap fee of \$2,000.00 for each ten tables in the dining area.

(3) Commercial - Industrial/Retail/Office Tap Fees: New industrial and retail (including office buildings) sewer tap fees shall be based on the number of employees employed by the business. There shall be charged a sewer tap fee of \$2,000.00 for each twenty-five employees.

(4) Commercial - Hotel/Motel Tap Fees: New hotel and motel sewer tap fees shall be based on the number of rooms in the hotel/motel. There shall be charged a sewer tap fee of \$2,000.00 for each five rooms.

(5) Nursing Homes/Hospitals: New nursing home and hospital sewer tap fees shall be based on the number of beds in the nursing home or hospital. There shall be charged a sewer tap fee of \$2,000.00 for each four beds.

(B) Additions and/or Expansions: In the event additional bedrooms would be added to a residential structure, the owner thereof shall pay an additional sewer tap fee in accordance with the schedule set forth in subparagraph (A)(1) of this subsection 52.05 of this Ordinance. In the event of the expansion of any commercial business, the owner or lessee shall pay an additional sewer tap fee based on such expansion (i.e., based on the number of tables, employees, rooms or beds, as applicable) in accordance with subparagraphs (A) (2) - (A)(5) of this subsection 52.05 of this Ordinance.

(C) In the event that any sewer tap would be over a six inch tap, there shall be charged, in addition to the sewer tap fee set forth above, an additional charge based on time and material from the trunk line capable of handling the load.

(D) Construction of any sewer line over seventy-five (75) feet from the trunk to the property line of the property being served shall be on a time and material basis (i.e., in the event the distance from the trunk to the property line is in excess of seventy-five feet, construction of the entire line, including the first seventy-five feet, shall be on a time and material basis). Such time and material charges shall be in addition to the cost of the sewer tap as set forth above. In lieu of constructing such line on a time and material basis, the Georgetown Utilities Department may require that the owner or developer of such a property lay and construct such sewer line in accordance with the specifications of and under the supervision of the Georgetown Utilities Department.

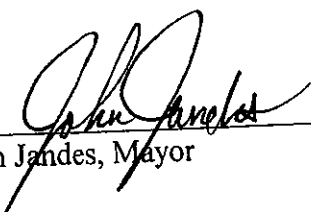
(E) Any developer of a new subdivision shall be liable for developing and laying all sewer lines within the subdivision subject to the approval of plans by EPA and the Georgetown Utilities Department and laid to specifications of the Georgetown Utilities Department.

(F) All property owners whose property lines are within 75 feet of an available sanitary sewer line shall be considered as having sanitary sewer system available for service and will be required to tap into the sanitary sewer, provided the property to be served is within the Village of Georgetown.

SECTION 15. That all other Subsections of Chapters 50, 51 and 52 of the Codified Ordinances of the Village of Georgetown not specifically repealed or amended herein shall be and remain in full force and effect.

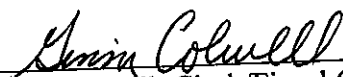
SECTION 16. That this Ordinance is hereby declared to be an emergency ordinance necessary for the welfare of the inhabitants of the Village of Georgetown, Brown County, Ohio and more particularly to enable the Village of Georgetown to pass through increased costs in connection with the operation of the Georgetown Utilities Department including increased costs imposed by its supplier of utilities services and this Ordinance shall be in full force and effect immediately upon its passage.

PASSED: January 11, 2007



John Jandes, Mayor

ATTEST:



Ginny Colwell, Clerk/Fiscal Officer