

**ORDINANCE 2022-35**

**AN ORDINANCE AMENDING SECTION 1042.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT RELATED TO SEWER RATES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code Section 729.49 provides that the Village may assess and collect a sewer rent or charge of sufficient amount and in such manner as it determines to be most equitable from all tenements and premises supplied with the sewer; and

**WHEREAS**, the Village of Commercial Point has determined that it is necessary to set sewer rates to provide the funds necessary for the operation of its sewer system and to pay the debt services related thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO, PICKAWAY COUNTY, OHIO, THAT:**

**SECTION 1.** Amendment of Section 1042.12 of the Codified Ordinances of the Village of Commercial Point. Section 1042.12 of the Codified Ordinances of the Village of Commercial Point is hereby amended as follows:

**§ 1042.12 SEWER SERVICE CHARGES; BILLING; LIABILITY.**

- (a) The sewer service charges of the Village of Commercial Point shall be based and calculated on the volume of wastewater discharged directly or indirectly into the sewer system, which shall be measured by the water used by each sewer user as shown by water meter or meters. On premises using water supplied from sources other than the village water distribution system, the quantity of water consumed thereon each month shall be considered to be 5,000 gallons, which is the minimum number of gallons set forth in division (b) of this section.
  
- (b) The sewer service charges of the Village of Commercial Point shall be the charges and rates set forth in the table below:

<b>2023</b>					
<b><i>Diameter of Tap</i></b>	<b><i>Minimum Purchase Per Month</i></b>	<b><i>Village Minimum Bill Per Month</i></b>	<b><i>Village Additional Purchase Rate Per Gallon of Water used</i></b>	<b><i>Township Minimum Bill Per Month</i></b>	<b><i>Township Additional Purchase Rate Per Gallon of Water used</i></b>
3/4 Inch	5,000 Gallons	\$33.00	\$0.0066	\$41.00	\$0.0082
1 Inch	8,871 Gallons	\$58.55	\$0.0066	\$72.74	\$0.0082
1-1/2 Inch	19,839 Gallons	\$130.94	\$0.0066	\$162.68	\$0.0082
2 Inch	35,161 Gallons	\$232.06	\$0.0066	\$288.32	\$0.0082
3 Inch	79,000 Gallons	\$521.40	\$0.0066	\$647.80	\$0.0082
4 Inch	140,645 Gallons	\$928.26	\$0.0066	\$1153.29	\$0.0082
6 Inch	316,600 Gallons	\$2089.56	\$0.0066	\$2596.12	\$0.0082
8 Inch	568,387 Gallons	\$3751.35	\$0.0066	\$4660.77	\$0.0082

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- (c) When accurate meter readings cannot be obtained at the time of a scheduled meter reading, or where necessary for administrative purposes, the quantity of water used may be estimated for sewer billing purposes. Estimated usage will be based upon actual meter readings from prior cycles or by such other fair and reasonable methods. Where unmetered wastewater is discharged to the sewer system without adequate sewer metering, the village reserves the right to bill the amount of flow based upon its engineering judgment of a reasonable estimate of unmetered usage. Where the usage is estimated because of inability to read the meter, any necessary corrections shall be made at the time of the next actual meter reading or when appropriate. The village may modify any sewer service charge as set forth in this section if the property owner demonstrates to the village that the water or wastewater measured by the owner’s meter is greater than that actually being discharged directly or indirectly into the village sewer system, but no charge resulting from any such modification shall be less than the amount of the minimum bill per month set forth in this section.
- (d) Each sewer charge levied pursuant to this chapter is made a lien upon and against the premises charged, and if the charge is not paid within 30 days after it becomes due and payable, it shall be certified by the Village to the Auditor of Pickaway County, Ohio, who shall place the charge on the tax list and duplicate with the interest and penalties provided by law, to be collected as other municipal taxes are collected.

**SECTION 2. All Prior Sewer Rate Legislation Repealed.** Effective January 1, 2023, all previous legislation that established monthly sewer rates is hereby repealed.

**SECTION 3. Open Meetings Certification.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result 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 4. Effective Date; Declaration of Emergency.** This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. This emergency measure is necessary for the health, safety, and welfare of the residents of Commercial Point, as such emergency arises out of the need to clarify a previous ordinance so that there is a clear and precise understanding by the public on the exact price of all monthly water rates.

Vote on Passage of the Ordinance:

Motion by: Nancy Geiger

2<sup>nd</sup>: Audrea Ratliff

Roll Call:

Yes Nancy Geiger

Yes Ryan Mitchem


Yes Audrea Ratliff

Yes Ross Crego

Yes Stacey Plybon

N/A Laura Wolfe

Adopted this 5<sup>th</sup> day of December, 2022.

  
Allan D. Goldhardt, Mayor

  
Wendy Hastings, Fiscal Officer

Approved as to Form:

  
Joshua Cartee, Village Solicitor