

ORDINANCE NO. 149-23**AN ORDINANCE AMENDING SECTION 917.01, 917.03 AND 917.05 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO RELATIVE TO WATER SERVICE.**

WHEREAS: That Section 917.01 of the codified ordinances of the City of Medina, Ohio presently reads as follows, relative to Water Service.

917.01 DEFINITION.

"Water service" means the supplying of water through a three-fourths inch pipe to a one-family residence and appurtenances, including only water supply for one family's use and for livestock that is kept on such premises, but does not include the filling of cisterns, wells or temporary containers, irrigation, sprinkling, cooling or for transportation from such premises by vehicles, pipe lines or otherwise by any person including the person to whom a water service license is granted by an ordinance.

(Ord. 62-57. Passed 10-28-57.)

WHEREAS: That Section 917.03 of the codified ordinances of the City of Medina, Ohio presently reads as follows:

917.03 DISCONNECTION FOR NONPAYMENT OR VIOLATION; RECONNECTION CHARGES; DEPOSITS.(a) Establishing Utility Service.

- (1) Where service is being established for a new utility user who utilizes water and rubbish service, a deposit of one hundred dollars (\$100.00) shall be collected by the Director of Finance. As an alternative to a deposit, the owner of the property may take responsibility for the City utilities by signing a form prescribed by the City.
- (2) Where service is being established for a new utility user who utilizes rubbish only, a deposit equal to a three-month bill shall be estimated and collected by the Director of Finance. The deposit shall be held in trust until such time as the account is finalized. (Ord. 91-03. Passed 7-14-03.)

(b) Disconnection; Reconnection Charges; Deposits.

- (1) Water service shall be discontinued temporarily by order of the Director of Public Service or his authorized agent for failure to pay for water service or for any suspected violation of rules, regulations, rulings or authorizations hereinabove set forth. Council may permanently revoke a water service license, by resolution, upon a showing to its satisfaction that any rule, regulation or order as hereinabove set forth or as may hereafter be adopted has been or is being violated by any person using water service with or without consent of the owner of the real property being served.
- (2) Water service disconnections shall be suspended from March 15, 2020 to July 31, 2020 due to economic disruptions resulting from the COVID-19 pandemic that has caused the Governor of the State of Ohio to declare an emergency. Water users will continue

- to be billed at the normal rate for water usage during the time period named hereinafter, which shall include charges for interest and penalties.
- (3) A fee of fifty dollars (\$50.00) shall be charged to users who have been certified for temporary disconnection.
 - (4) Where service has been certified for temporary discontinuation on a residential account for failure to pay utility services, a one hundred dollar (\$100.00) deposit shall be collected by the Director of Finance before service shall be restored. The deposit shall be held in trust until such time as the discontinued account is finalized.
 - (5) Where service has been certified for temporary discontinuation on a commercial account for failure to pay for utility services, a deposit equal to a three-month bill shall be estimated and collected by the Director of Finance before service shall be restored. The deposit shall be held in trust until such time as the discontinued account is finalized.
 - (6) When two or more meters have been provided to a property which has a single service line and one or more of the users has been certified for temporary discontinuation of service, the City shall offer the owner one of the following four options:
 - A. The landowner may receive the bill for the single service, including the current delinquency, in his or her name.
 - B. The landowner may provide a service line to each one of the meters at the property, thus providing separate billings and separate collection on each.
 - C. The landowner may take responsibility for the tenant's bill in the event of nonpayment.
 - D. The City shall discontinue utility services.
- (Ord. 62-20. Passed 3-18-20; Ord. 132-20. Passed 7-13-20.)

WHEREAS: That Section 917.05 of the codified ordinances of the City of Medina, Ohio presently reads as follows:

917.05 CHARGES A LIEN; SERVICE DISCONNECTION.

(a) Each water charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith and if the same is not paid within thirty days after it becomes due and payable it shall be certified to the County Auditor, who shall place the sum on the tax duplicate with interest and penalties allowed by law, and be collected as other municipal taxes are collected. The City shall have the right in the event of nonpayment as aforesaid to discontinue water service to the premises until the unpaid water charges have been fully paid.

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

SEC. 1: That Section 917.01 of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

917.01 DEFINITION.

"Water service" means the supplying of water through a three-fourths inch **or larger** pipe to a one-family residence and appurtenances, including only water supply for one family's use and for livestock that is kept on such premises, but does not include the filling of cisterns, wells or temporary containers, irrigation, sprinkling, cooling or for transportation from such premises by vehicles, pipe lines or otherwise by any person including the person to whom a water service license is granted by an ordinance.

SEC. 2: That Section 917.03 of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

917.03 DISCONNECTION FOR NONPAYMENT OR VIOLATION; RECONNECTION CHARGES; DEPOSITS.

(a) Establishing Utility Service.

- (1) Where service is being established for a new utility user who utilizes water and rubbish service, a deposit of ~~one hundred dollars (\$100.00)~~ **two hundred dollars (\$200.00)** shall be collected by the Director of Finance. **The deposit shall be held in trust until such time as the account is finalized.** ~~As an alternative to a deposit, the owner of the property may take responsibility for the City utilities by signing a form prescribed by the City.~~
- (2) Where service is being established for a new utility user who utilizes rubbish only, a deposit equal to a three-month bill, **not less than \$200,** shall be ~~estimated and~~ collected by the Director of Finance. The deposit shall be held in trust until such time as the account is finalized.

(b) Disconnection; Reconnection Charges; Deposits.

- (1) Water service shall be discontinued temporarily by order of the Director of ~~Public Service Finance~~ or ~~his~~ **an** authorized agent for failure to pay for water service or for any suspected violation of rules, regulations, rulings or authorizations hereinabove set forth. Council may permanently revoke a water service license, by resolution, upon a showing to its satisfaction that any rule, regulation or order as hereinabove set forth or as may hereafter be adopted has been or is being violated by any person using water service with or without consent of the owner of the real property being served.
- (2) Water service disconnections shall be suspended from March 15, 2020 to July 31, 2020 due to economic disruptions resulting from the COVID-19 pandemic that has caused the Governor of the State of Ohio to declare an emergency. Water users will continue to be billed at the normal rate for water usage during the time period named hereinafter, which shall include charges for interest and penalties.
- (3) A fee of fifty dollars (\$50.00) shall be charged to users who have been certified for temporary disconnection.
- (4) Where service has been certified for temporary discontinuation on a residential **utility** account for failure to pay utility services, a ~~one hundred dollar (\$100.00)~~ deposit **equal but not more than two hundred dollars (\$200.00)** shall be collected by the Director of Finance before service shall be restored. The deposit shall be held in trust until such time as the discontinued account is finalized.
- (5) Where service has been certified for temporary discontinuation on a commercial account for failure to pay for utility services, a deposit equal to a three-month bill **and no less than two hundred dollars (\$200.00)** shall be estimated and collected by the Director of Finance before service shall be restored. The deposit shall be held in trust until such time as the discontinued account is finalized.
- (6) When two or more meters have been provided to a property which has a single service line and one or more of the users has been certified for temporary discontinuation of service, the City shall offer the owner one of the following four options:
 - (A) The landowner may receive the bill for the single service, including the current delinquency, in his or her name.

- (B) The landowner may provide a service line to each one of the meters at the property, thus providing separate billings and separate collection on each.
- (C) The landowner may take responsibility for the tenant's bill in the event of nonpayment.
- (D) The City shall discontinue utility services.

SEC. 3: That Section 917.05 of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

917.05 CHARGES A LIEN; SERVICE DISCONNECTION.

(a) ~~Each water charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith and if the same is not paid within thirty days after it becomes due and payable it shall be certified to the County Auditor, who shall place the sum on the tax duplicate with interest and penalties allowed by law, and be collected as other municipal taxes are collected.~~ **Any unpaid final water utility bill will be certified to the property through the Medina County Auditor's office who shall place the sum on the tax duplicate with interest and penalties allowed by law and be collected as other municipal taxes are collected. Annually, the Director of Finance shall qualify the previous calendar year's delinquent accounts to be submitted to the County Auditor prior to the end of the following calendar year as per the County Auditor's timetable.** The City shall have the right in the event of nonpayment as aforesaid to discontinue water service to the premises until the unpaid water charges have been fully paid.

(b) If the holder of the delinquent account has more than one account with the City of Medina, the delinquent accounts may be consolidated and the full amount owed billed to the current account.

SEC. 4: That it is 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: September 25, 2023

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: September 26, 2023

SIGNED: Dennis Hanwell
Mayor

Effective date: October 25, 2023