

ORDINANCE NO. 08-21

**AN ORDINANCE ESTABLISHING THE POLICIES AND PROCEDURES
FOR THE PROVISION OF WATER AND SEWER SERVICE BY
THE VILLAGE**

WHEREAS, the Village provides electric, water, and sewer and refuse collection services (herein “utility services”) in the Village; and

WHEREAS, the Village desires to amend, update and standardize the policies and procedures regulating the provision of water and sewer service in the Village through the creation of appropriate codes pertaining to the provision of water and sewer service to: 1) facilitate the fair and equitable provision of water and sewer service; and 2) delineate the Village’s obligation to provide water and sewer service; and

WHEREAS, the Village desires to formalize and codify its policies and procedures with respect to the provision of water and sewer service provided by the Village; and

WHEREAS, this ordinance creates a Chapter 905 of the Village Code within a Title 9 of the Village Code and sets forth the Village’s policy with regard to policies and procedures for the provision of water and sewer service by the Village.

WHEREAS, unless specifically required or prohibited by this Chapter, the Village Management shall have the authority to interpret this Chapter to implement the intent and purpose of this Chapter to provide safe, reliable, and efficient delivery of Utility Service, and the Village Management shall have the discretion and authority to grant relief from the strict application of this Chapter in those situations where the Village Management, in the exercise of professional judgment, determines such relief is warranted for the safe, reliable, and efficient operation of the utility service; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Versailles, Ohio:

SECTION ONE: The Village of Versailles hereby enacts the following water and sewer regulations applicable to the provision of water and sewer service by the Village.

**Chapter 905 PROVISIONS RELATED TO WATER AND SEWER
SERVICE**

905.01 General Provisions

(a) The rates for the provision of water and sewer service have been established by separate ordinance which may be amended from time to time.

(b) The terms used herein shall have the same definitions as set forth in Chapter 901, General Utility Procedures, unless otherwise defined herein.

(c) In the interest of public health, Distribution/Collection Mains, Service Lines, or other Pipes may not be connected with any Main, Service Line, or Piping which the Village knows or has reason to believe is connected with any other sources of water or sewage supply, nor may said Distribution/Collection Mains, Service Lines, or other Pipes be connected in any way to pipes, tanks, vats, or other apparatus which contains liquids, chemicals, or any other matter which may flow back into said Distribution/Collection Mains, Service Lines, or other Pipes, and which may endanger or otherwise contaminate the water supply.

(d) The Village shall not be liable for a deficiency or failure, regardless of cause (except as a result of a willful misconduct) in the supply of water or collection of sewer, nor for any damage caused thereby, including, but not limited to, any basement or below-grade flooding, or by the bursting or breaking of any

Distribution/Collection Main or Service Line or any attachment to the Distribution/Collection Mains and Service Lines or other facilities used by the Village.

(e) When an Application is made for the installation of a Service Line for water or sewer service or for the reinstatement of water or sewer service, the Village shall be entitled to assume the piping and fixtures to which the service will be supplied are in good order to receive such service, but reserves the right to inspect, or cause to have inspected by a third party, said facilities to assure against possible damage and cross connections.

(f) Water and/or Sewer Service will not be furnished where pipes are inferior or the plumbing defective. When such conditions are discovered, the supply of water and/or sewage may be cut off until repairs are made with no less than 14 days prior written notice by the Village. In those situations where Village Management, in the exercise of professional judgment, determines the supply of water and/or sewage must be cut off immediately due to a severe water leak or sanitary sewer backup which poses an unsafe condition and a safety and health hazard, no written notification is required to be provided by the Village.

(g) The Village shall have the sole right to determine the size, type, and location of water meters, water meter settings, valves, service lines, and connections necessary to provide the service applied for.

(h) Exclusive operating control of all Service Lines from Distribution/Collection Main to meter, and meters and meter installation shall at all times remain with the Village, and shall not be interfered with in any respect.

(i) Any employee or agent of the Village seeking access to the Customer's dwelling or structure shall voluntarily identify himself/herself, provide proper Village photo identification, and shall state the reason for his/her visit. The employee or agent shall, in all cases, direct himself/herself to a person holding himself or herself out as being responsible for the dwelling or structure. Entrance will not be sought or gained by subterfuge or force. The Village shall be responsible for any damage done by its employees when such damage results from willful misconduct and within the scope of employment.

(j) Village Personnel, in the exercise of their sole discretion, may refuse to enter upon any Customer's property if such Personnel have concerns about personal safety due to the presence of unrestrained animals or any other safety issue that may be present on the property. The Property Owner shall be responsible for any injuries sustained by Village Personnel due to the existence of dangerous conditions existing on the property.

(k) Complaints with regard to the character of service furnished, or to the reading or registration of meters, or to the bills rendered must be made to the Village's office, either orally or in writing, and a record of such complaint will be kept by the Village; giving the name and address of the complainant, the date, the nature of the complaint, and the action taken or decision made by the Village with respect to it. The Village shall investigate the complaint and report the results of such investigation to the Customer within ten (10) business days of the receipt of the complaint. If the complainant is not satisfied with the results, the Customer may appeal to the Village Utilities Policies Committee, as set forth in Section 901.12 of the Village Ordinances.

(l) Unless specifically required or prohibited by this Chapter, the Village Management shall have the authority to interpret this Chapter to implement the intent and purpose of this Chapter to provide safe, reliable, and efficient delivery of water and sewer service. The Village Management shall have the discretion and authority to grant relief from the strict application of this Chapter in those situations where the Village Management, in the exercise of professional judgment, determines

such relief is warranted for the safe, reliable, and efficient operation of the Utility Service.

905.02 Service Lines

(a) An application for the installation of a Service Line must have the correct lot and street number or other complete identification of the premises requesting the service line.

(b) The application for installation of a Service Line will be accepted subject to the condition that there shall be a Distribution/Collection Main fronting the premises to be served.

(c) A Service Line may not be used to supply more than one premises unless a waiver is granted by the Village.

(d) The Customer shall, at his or her expense, install, maintain, and repair the Service Line. When a leak in the Service Line is discovered, the Village shall give the Customer a written notice of the leak. Within such time as set forth in the notice, the Customer must make repairs to the Service Line on the customer's property.

(e) If the leak is in the Service Line anywhere from the main to the edge of the right-of-way line and the Customer's property line, the Village shall undertake such repairs. However, the Customer remains liable to the Village for the costs of repairs to the Service Line.

(f) If the leak in the Service Line, in the opinion of the Village, is considered an emergency, the Village may shut off water to the Service Line until such time as the Service Line is repaired.

(g) Anytime the Village undertakes an improvement project in the public right-of-way, the Village, in its sole discretion and at its sole expense, may replace that portion of the Customer's Service Line located in the public right-of-way. If the Village opts to replace that portion of the Service Line located in the right-of-way as part of a public improvement project, the Village is under no obligation to repair or replace any other portion of the Customer's Service Line.

(h) If a Service Line is to be installed where any portion of the line must pass through property not owned by an Applicant, the Applicant must assume full responsibility for acquiring the right to pass through such property and provide written evidence to the Village of obtaining such right to pass through adjacent property.

(i) The Service Line type and size shall be in compliance with the Village of Versailles Construction Standards and Drawings as established by separate ordinance.

(j) The Service Line shall be constructed in compliance with the Village of Versailles Construction Standards and Drawings as established by separate ordinance. The Applicant shall leave the trench open and pipe uncovered until it is inspected and approved by a Village representative.

(k) The Distribution Main Line may be installed at the expense of the Applicant. No installation of a Service Line will be made between November 1 and the following April 1, unless the Applicant pays in advance, or agrees to pay with security or assurance satisfactory to the Village, any excess cost of installation that may reasonably be attributable to weather and soil conditions existing between said dates. Where a Service Line is to be installed in a paved or improved street, the cost of removing and replacing the street surface shall be paid by the Applicant. In no event shall these provisions require anything more than reimbursement to the Village of the actual incurred cost of connecting the service.

905.03 Extension of Main Lines and Sewer Trunks

(a) The Village may require the Applicant to construct, at Applicant's expense, any necessary main line and sewer trunk extensions to extend water and/or sewer service to and across the frontage of the Applicant's property. All Distribution/Collection Main extensions, sewer trunks, and subsequent connections to main extensions shall be made pursuant to written contracts. If the Village requires the Applicant to construct, or otherwise fund the construction of, the Distribution/Collection main or sewer trunk and contribute the Distribution/Collection main or sewer trunk to the Village, the Applicant shall be entitled to a refund, as set forth in the main extension agreement, from each Subsequent Applicant that taps into the main extension or sewer trunk constructed/funded by the Applicant for that portion of the main extension that will make sewage service available to property abutting the main extension that is not owned by the Applicant.

1. Subsequent Applicant Fee

Whenever the owner of any land abutting a main extension or sewer trunk line constructed pursuant to an extension agreement who is not a party to the original extension agreement, (hereinafter "Subsequent Applicant"), requests to tap the main extension either for a service tap or to extend another main perpendicular to the existing main at any point other than the existing main's terminus, the Subsequent Applicant shall pay a Subsequent Applicant Fee calculated in accordance with the Per Foot Construction Cost Method set forth herein. Each Subsequent Applicant shall pay the Subsequent Applicant Fee to the Village at the time of making application for service. The Village shall collect the Subsequent Applicant Fee from the Subsequent Applicant and shall distribute the Subsequent Applicant Fee to the original Applicant as it is collected by the Village. The Village shall not charge original Applicant or Subsequent Applicants for collecting the Subsequent Applicant Fee and forwarding to original Applicant.

2. Per Foot Construction Cost Method

The Subsequent Applicant Fee shall be computed by taking the original Applicant's total cost of the main extension and dividing such costs by the total foot frontage of the land receiving service from the main, but not including any foot frontage costs of land for which water and sewer service has been or may become available from an existing main of the system.

905.04 Deduct Meters

(a) Any Customer who desires to have a second meter installed to quantify water used, but not returned to the sewer treatment plant, i.e. for lawn sprinklers, swimming pools, etc., may apply to the Village for the installation of a Deduct Meter. The decision of whether to permit the installation of a Deduct Meter shall be at the sole discretion of the Village. The design, construction, and type of Deduct Meter shall be approved by the Village. The Customer shall be responsible for all costs related to the installation of the meter.

(b) Such Deduct Meters shall always remain in the operating position. No Customer shall be permitted to tamper with or alter the configuration of any Deduct Meter.

905.05 Water Leak Waiver Policy

In the event the Customer experiences an unusually high water bill which is due to a water leak, the Customer may petition the Village for a waiver of the sewer charge portion of the water bill that is attributable to the leak. The Village Management may grant such a waiver of sewer charges to the extent the Village determines that the water leaked was not discharged into the Village's sanitary sewer system.

905.06 Watering Lawns Related to New Home Construction and Village Street/Utility Improvement Projects

(a) The Village agrees to make a one time reasonable adjustment, the amount to be reasonably determined by the Village, to that portion of sewer charges on a Customer's bill due to the watering of a new lawn, whether seed or sod, as a result of the construction of a new home. No adjustment to sewer charges shall be made for lawn watering to repair lawn damage to an existing lawn or to maintain landscaping on the Property.

(b) The Village agrees to make a one time reasonable adjustment, the amount to be reasonably determined by the Village, to that portion of water and sewer charges on a Customer's bill due to the watering of lawn areas, whether seed or sod, as a result of the restoration of lawn areas in connection with a Village Street or Utility Improvement Project.

905.07 Regulation for Wells

(a) Should any Property Owner within the Village desire to drill or excavate a well, said Property Owner must submit an application which sets forth specifically the purpose of the well, the expected drilling depth of the well, and the name of the driller who will conduct the drilling and excavation work, along with a permit fee of \$500.00 to the Village. The Village shall review the application to determine if the proposed well will or may potentially interfere or contaminate the Village's water supply. If it is determined that the proposed well will not adversely affect the Village's water supply, then the application will be approved.

(b) If the proposed well is of a nature that it could potentially endanger the Village water supply, the Village will advise the applicant that the application is denied and shall state the reason for said denial. A decision rendered by the Village Management denying the application may be appealed to the Village Utilities Policies Committee subject to applicable appeal provisions.

(c) Any permit issued by the Village for the drilling of a well pursuant to this Section shall prohibit any effluent from the well from being discharged into the Village's sanitary sewer system.

(d) Any person who violates this section shall be fined not less than \$100, not more than \$1,000 for each day that a well exists on the property; beginning with the day drilling or excavation has begun for a well and continuing until the day the well is sealed, as defined in R.C. Section 1521.05(A)(6). Each day shall be a separate violation.

905.08 Regulating Industrial Process Water

(a) Should an industrial or commercial Customer within the Village be engaged in manufacturing procedures that involve substantial amounts of process water, the Customer shall, at his or her own expense, install necessary plumbing and metering to determine the amounts of water consumed that do not require sewage treatment.

(b) Said Customers must be located in the areas designated on the Official Zoning Map of the Village as I-1 or I-2 Zones.

(c) The Village must approve the specific plumbing arrangement and metering equipment used in order to achieve accurate metering and billing and to avoid cross-connections and other sanitary issues.

905.09 Sewage Disposal Requirements

(a) No connection to a public sanitary sewerage system shall be installed, maintained, or operated on any property within the Village of Versailles without the written permission of the administration of the Village of Versailles, or the duly authorized agent of the Village.

- (b) An application for permission to the Village, as set forth in (a) above, shall:
1. be signed by the owner, agent, or lessee of the property for which such connection is sought;
 2. be signed by the person, firm, corporation, or other entity employed to perform the work;
 3. describe the property upon which such work is sought to be performed; and
 4. state the status of the fixtures to be connected or installed.
- (c) No connection to a public sanitary sewerage system shall be installed, maintained, or operated on any property within the Village of Versailles by any person, firm, corporation, or any other entity without proper authorization licensure, or other certification required by applicable law to perform such work.
- (d) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into an abandoned water supply, well, spring, or cistern, or into a natural or artificial well, sink hole, crevice, or other opening extending into limestone, sandstone, shale, or other rock formation, or normal ground water table.
- (e) No person shall discharge, or permit or cause to be discharged, treated or untreated sewage, the drainage or contents of a sewage tank, or other putrescible or offensive wastes onto the surface of the ground, into any street, road, alley, open excavation, or underground storm water drain.
- (f) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into a storm water sewer.
- (g) Roof water, clean water from condensers, foundation drainage, cistern overflows, surface drainage, subsurface drainage, and other clean and unobjectionable types of clean water shall not be discharged into the public sanitary sewerage system.
- (h) Plastics in any form, wet-strength paper towels, cloth of any kind, rubber products, throw-away baby diapers, cigarette stubs, sand, grit, coffee grounds, excess cooking oils or greases, solvents, paints, caustic or oily liquids or materials, kerosene, gasoline, motor oil, floor waxes, or any other wastes known to adversely affect a sewage disposal system, shall not be deposited or flushed in plumbing fixtures, nor shall they otherwise be introduced into a building sewer or other sewage disposal system.
- (i) Connections with cesspools and/or privy vaults shall not be made into any sanitary, combined, or storm water sewer.
- (j) No industrial waste shall be discharged into a storm water sewer. The Village of Versailles may grant permission to discharge such waste into a sanitary sewer, if such waste is not detrimental to the sewer system. If industrial waste is of such a character that it is detrimental to the sanitary sewer system into which such waste is sought to be discharged, such waste must be appropriately treated until it is no longer detrimental to the system.
- (k) An approved and appropriate trap for the interception of grease and oil shall be provided for any connection from a hotel, restaurant, club, or institutional kitchen, public garage, car wash, or from any and all other establishments of any kind where such trap may be necessary. Such trap shall be of a design and/or configuration that is acceptable to the Village of Versailles or the duly authorized agent of the Village. Trap shall be the responsibility of the customer and/or property owner to maintain, keep cleaned, and working properly as designed for the interception of grease and oil.

905.10 Access to Premises - Limitations

(a) Access to Premises - As a condition of Versailles granting a Customer permission to connect to the public sanitary sewerage system and receive service, Customer shall grant permission to the Village to enter upon the property of the Customer in order to, without limitation, inspect, service, test, or repair any equipment connected to the public sanitary sewerage system. Neither the Village nor its agents or employees shall enter into the interior of any structure on the premises of a Customer without the express permission of such Customer, except in cases of emergency. Any agent or employee seeking entrance into or upon the premises of a Customer shall have and show symbols of identification. Any agent or employee seeking entrance to the interior of any structures on the Premises shall advise the owner or occupant as to his purpose in doing so. Except in cases of emergency, no Customer shall be obligated to afford entrance or access to his/her Premises, except during normal business hours, and then only to such parts of the Premises as may be the location of Village-owned Facilities.

(b) Village Personnel, in the exercise of their sole discretion, may refuse to enter upon any Customer's property if such personnel have concerns about their safety due to the presence of unrestrained animals or any other safety issue that may be present on the Property. The Property Owner shall be responsible for any injuries sustained by Village Personnel due to existence of dangerous conditions existing on the Property.

(c) Right-of-Way - The Customer, without reimbursement, will make or procure conveyance to the Village of right-of-way or right-of-entry and installed Facilities satisfactory to the Village to permit the Village to cross Property between the Village right-of-way and the Customer's Property at the location where utility service is to be furnished, including Property owned or controlled by the Customer for the Village's Facilities, extensions thereof, or appurtenances necessary or incidental to the supplying of utility service to the Customer.

905.99 Penalty

Whoever violates or fails to comply with any of the provisions of this Chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each separate offense. Each day of failing to comply with any of the provisions herein shall constitute a separate offense.

SECTION TWO: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were conducted in meetings open to the public, in compliance with all legal requirements.

SECTION THREE: If any section, subsection, paragraph, clause or provision, or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision, or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION FOUR: That this ordinance shall take effect at the earliest date allowed by law.

PASSED, this 14th day of May 2008.

JEFFRY A. SUBLER, MAYOR

ATTEST:

MARY ANN GUMP, FISCAL OFFICER

APPROVED AS TO FORM:

THOMAS L. GUILLOZET, VILLAGE ATTORNEY