

**VILLAGE OF HARTVILLE, OHIO
STARK COUNTY, OHIO
ORDINANCE NO. 1-19.05**

ORDINANCE NO. 1-19.05 amending and replacing Ordinance 1-18.13, establishing user charges for each lot, parcel of land, or premises having a connection to, and discharging to, the Village's Sanitary Sewer System and the surcharge rates for users who discharge higher than normal domestic strength waste into the Sewer System, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO.

Section 1. Findings and Determinations. This Council finds and determines the following matters:

- (a) It is necessary for the Village to establish a user charge (the "User Charge") for the use of its Sanitary Sewer System (the "Sewer System").
- (b) It is necessary for the User Charge to be sufficient to cover operation, maintenance, and replacement (OM&R) costs as well as debt service charges to cover repayments of loans and reserve funds to cover other system improvements and/or unexpected costs.
- (c) It is necessary for the Village to impose a surcharge (the "Surcharge") for those users discharging higher than normal domestic strength waste into the Sewer System.
- (d) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2. Imposition of User Charge. The Village of Hartville establishes a proportional User Charge for the use of the Sewer System for each lot, parcel of land, or premises having a connection to and discharging sanitary sewage, industrial waste, water, or other liquids either directly or indirectly, into the Sewer System.

Section 3. Cost Components of User Charge. The User Charge is reviewed and adjusted as needed, but annually at a minimum, and will consist of a charge to cover administrative, operation, maintenance, replacement costs; and debt service to cover repayment of loans. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to waste water treatment services.

Section 4. Commencement of Billing. Each property owner connected to the Sewer System will be billed a monthly User Charge, regardless if the property is vacant or not. For newly connected users, the monthly billing of the User Charge will commence upon the completion of the following:

- Payment of sewer line tap-in fees;
- Certification from the Sewer Inspector that the sewer line is inspected, installed properly and operational.

Section 5. Calculation of User Charge. The User Charge for unmetered users is developed based on an "EDU method, with the single-family residence as one (1) EDU. All other users shall be determined by volume as related to a single-family equivalent using acceptable engineering practices. The flow value of an EDU is determined to be 200 gallons per day (6000 gallons per month).

Section 6. Rates for Unmetered Users. The User Charge rate per month for each EDU shall be determined as follows:

Classification / OM&R Base Rate Effective 7/1/2018	Monthly Add-On Rates	Employee Rate @ >5 Employees
1. Single Family Residence/per unit 51.28		
2. Apartment/per unit 51.28		
3. Auto Dealers/Repair Garages 89.75		3.81
4. Automobile Service Stations 89.75		3.81
5. Automobile Washes:		
Do It yourself 89.75	33.30 per bay	3.81
Automated/Full Service 89.75	133.18 per bay	3.81
6. Banks/Offices/Multiple Units 89.75		3.81
7. Bed & Breakfast 89.75		3.81
8. Churches 89.75		
9. Coin-Operated Laundries 89.75	15.16 per machine	3.81
10. Dealers/Repair w/wash bay 89.75	33.30 per bay	3.81
11. Fire Station/Truck Bays 89.75	33.30 per bay	3.81
12. Funeral Homes 89.75		5.72
13. Industrial/Manufacturing		3.81

89.75		
14. Medical/Dental Offices		5.72
89.75		
15. Nursing Homes	19.03 per bed	3.81
89.75		
16. Parks & Recreation	3.81 /acre	3.81
89.75		
Clubhouse		
89.75		
Pool-Public		5.72
89.75		
Golf Course		3.81
89.75		
17. Restaurants & Food Sales		
89.75		
Toilet/Urinal	47.56	
Dishwasher	28.53	
Sink	19.03	
Slop sink	12.55	
18. Retail/Dry Goods Stores		3.81
89.75		
19. Stores, Food Sales/Process		3.81
89.75		
20. Schools/Preschools no Cafeteria	1.91 per student	3.81
89.75		
21. Schools/Preschools w/Cafeteria	3.81 per student	3.81
89.75		
22. Salons/Barbers/Groomers		5.72
89.75		
23. Warehouses/Employees		3.81
89.75		

Employee billing rates are higher in those businesses where employees may generate abnormal waste or utilize special chemicals in the course of their employment duties (*see items 12, 14, 16 and 22 above*).

Any sewer connection to a property outside the jurisdictional limits of the Village will be subject to the above base rate plus additional add-ons plus a surcharge rate equal to the corresponding rate ("Surcharge Rate") until such time as the property is within the jurisdictional limits of the Village.

Section 7. Rates for Commercial Metered Users. The User Charge for users with meters installed for water consumption is the commercial classification base rate above plus the applicable usage charge below per 1000 gallons of water consumption:

\$8.55/1000 gallons

Section 8. Rates for Small Business Commercial Metered Users. The Charge for certain small business ("SB") commercial metered users, with meters installed for water consumption, will have a commercial business rate of **\$51.28** per month. In order to qualify for the SB rate, the SB user must install an approved meter;

must not be a business operator that has mandated monthly add-on rates as detailed in Section 6; and must employ no more than three full-time employees or their equivalent. For any month in which the SB user's actual usage exceeds 6,000 gallons per month ("EDU"), in addition to the SB rate, the SB user shall pay \$8.55/1000 gallons in excess of the EDU.

The SB operator must submit an application to qualify for the SB rate, and must re-qualify for the program on a yearly basis. Further, the SB operator's account must be kept current and in good standing.

Section 9. Surcharge for Certain Users. In addition to the User Charges identified in Sections 6 and 7 above, there shall be a special treatment Surcharge imposed for those users discharging higher than normal domestic strength waste. The Surcharge is calculated based on the prior year's actual costs of treating the extra-strength waste, such as BOD, CBOD, COD and SS (See Section 904.02 of the Sewer Use Code for definitions).

The following formulas give an example of how the surcharge rates are calculated:

$$\frac{\text{Total Annual Cost for BOD}}{\text{Pounds of BOD Treated}} = \text{BOD surcharge per pound}$$

$$\frac{\text{Total Annual Cost for CBOD}}{\text{Pounds of CBOD Treated}} = \text{CBOD surcharge per pound}$$

$$\frac{\text{Total Annual Cost for SS}}{\text{Pounds of SS Treated}} = \text{SS surcharge per pound}$$

The calculated monthly surcharge rates are as follows:

- CBOD - \$0.92/pound
- BOD - \$0.82/pound
- SS - \$0.59/pound
- COD - \$0.45/pound

Section 10. Billing Procedures. For the purpose of billing, each of the following procedures applies:

1. All customers billed per capita will be billed in accordance with information provided by the customer, subject to audit by the BPA.
2. The number of pupils in a school during any month will be the number certified by the superintendent as in regular daily attendance during the month of September last preceding the month of service to be billed.
3. In order to establish a commercial (non-residential) meter account with the Village, application and approval of the same shall be governed by the Village's Sewer Use and Industrial Pretreatment Code ("Code"), as adopted by the BPA and/or Council.

4. All customers billed by meter will be billed in accordance with the Code, or other regulations as adopted by the BPA and/or Council.

Section 11. Repeal of Inconsistent Ordinances. Because it is inconsistent with this Ordinance, Ordinance No. 1-18.13 is repealed as of the effective date of this Ordinance, except that the repeal does not affect:

- (a) The validity of, or liability for, any User Charge or Surcharge imposed before the effective date referenced above; or
- (b) The validity of any authorization given by this Council with respect to any User Charge or Surcharge before the effective date of this Ordinance, and any such authorization is ratified and confirmed by the Council.

Section 12. Statement of Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law.

Motion was made by CM SULLIVAN and CM MILLER seconded the motion and the roll being call upon the question of the adoption of the ordinance, the vote resulted as follows:

<u>Member</u>	<u>AYE</u>	<u>NAY</u>
Green	<u>x</u>	<u> </u>
Kozy	<u>x</u>	<u> </u>
Miller	<u>x</u>	<u> </u>
Ries	<u>x</u>	<u> </u>
Sullivan	<u>x</u>	<u> </u>
Williams	<u>x</u>	<u> </u>

Dated: February 5, 2019


Cindy Billings, Mayor

Attest:

Scott K. Varney, Village Fiscal Officer

