

**Village of Russells Point
Board of Public Affairs**

RESOLUTION NO: 19-31

**RULES AND REGULATIONS GOVERNING THE USE
OF MUNICIPAL UTILITIES**

SECTION 1-1 In accordance with section 735.01 and 735.02 Ohio Revised Code, and existing Village ordinances, the following rules, regulations, and fixed charges are hereby established for the control of service supplied by the water department of The Village of Russells Point. As a condition to taking utility service from The Village of Russells Point, the consumer hereby agrees to the following Municipal Utility rules and regulations.

SECTION 1-2 Municipal Utility Water System is under the control of The Board of Public Affairs and it's authorized representatives. Water system control shall include all parts and/or equipment necessary to deliver water to the outlet side of the meter pit for outside meter settings, or the outlet side of the curb stop for inside meter settings. For inside meter settings, the meter is also under Municipal control.

SECTION 1-3 No person, persons, firm or corporation including contractors and other temporary users shall use any utility service until the appropriate application and fees, if required, have been filed with and approved by The Board of Public Affairs and/or Water Supervisor. The application shall be as required for each utility as provided for in these rules and regulations. Applicant for service may be refused, or approved on condition, if the utility is unable to furnish service desired or furnishing service would impair the efficiency of the utility. The rules and regulations hereinafter set forth shall be considered part of the contract with every person, company, or corporation that is supplied with utility service through the water department of The Village of Russell Point. Every person, company or corporation by taking service shall be considered to express their consent to be governed thereby.

SECTION 1-4 The Municipal Utilities do not guarantee any fixed pressures, or continuous supplies of water, but in case of trouble will endeavor to notify consumers affected thereby. No claim for damages will be considered for any of the above-mentioned acts.

SECTION 1-5 The Board of Public Affairs and/or Water Supervisor after written notice has been served upon the customer, may cause any utility to be disconnected until any unsafe water conditions existing on a property are corrected. Existing plumbing ordinances shall be used as criteria, or if none exists, the appropriate building code as adopted by the State of Ohio shall be used.

SECTION 1-6 Contracted work on water lines or fixtures which are connected to the Municipal Utility System either directly or indirectly, inside or outside of the corporate limits, shall be done by a plumber, or water line installer, licensed by the Logan County Health Department, in accordance with these rules and regulations, and State, County Health Department and local codes or laws.

SECTION 1-7 No person shall tamper with, damage, or obstruct any portion of the Municipal Utility System. No person other than authorized personnel shall open or close curb boxes, meter boxes, valves or fire hydrants unless permission is first obtained from The Board of Public Affairs and/or the Water Supervisor. If the Municipal Utility finds that a meter seal has been broken, any by-pass inserted, or any utility has been tampered with, the service will be "TURNED OFF" and shall not be "TURNED ON" again until the violator has paid the estimated quantity of service which has been used and the appropriate "TURN ON" fee has been paid. If a service shut-off is requested the meter cannot be removed due to safety concerns. See the Definitions section for "HEALTH HAZARD" as defined by EPA Regulations 3745-95-01(M).

Violators are also subject to arrest under the applicable sections of the Codified Ordinances of the Village of Russells Point, which statutes or ordinances shall be enforced for the utmost protection of the Municipal Utility System, the consumers, and The Village of Russells Point.

SECTION 1-8 No person shall take utility service for private use from any public building, place, or fixture such as fountains or fire hydrants for which free service is provided without securing a permit from The Board of Public Affairs and/or Water Supervisor.

SECTION 1-9 No person receiving service from any utility shall supply other persons or families. There shall not be more than one house or single dwelling unit on each meter. New apartment houses shall be plumbed to meter for each dwelling unit individually. Each dwelling unit shall be individually metered except/unless and due to the logistics of the unit(s) it would be impractical.

Transient units shall be metered by one meter, unless otherwise requested by the owner or the Board of Public Affairs. A monthly service fee shall be charged based on the meter size as outlined in the most current water resolution establishing water rates and regardless of whether the unit is occupied or vacant.

If a dwelling unit(s) becomes vacant the property owner(s) or agent on the tax duplicate shall be billed the monthly service fee.

A monthly service fee shall be charged for each dwelling unit whether occupied or vacant. Upon the razing, or removal of a dwelling unit the monthly service fee shall cease.

SECTION 1-9A Mass metering, situations where more than one dwelling unit is being metered by one meter. Each dwelling unit shall be charged the appropriate monthly service fee whether occupied or vacant.

SECTION 1-10 There shall not be more than one COMMERCIAL BUILDING unit on each meter. New Multi-Unit Commercial Buildings shall be plumbed to meter individually for each unit. Each Commercial Building unit shall be individually metered except/unless and due to the logistics of the unit(s) it would be impractical.

If a Commercial Building unit(s) becomes vacant the property owner(s) or agent on the tax duplicate shall be billed the monthly service fee.

A monthly service fee shall be charged for each commercial unit whether occupied or vacant. Upon the razing, or removal of a commercial unit the monthly service fee shall cease.

SECTION 1-11 Inspectors and meter readers employed by the Municipal Utility System, whose duty it may be to enter upon private premises to read or examine meters, pipes or other fixtures used in connection with The Utility System, must have free access at all reasonable hours to all parts of the building for the above purposes. In case any authorized inspector, meter reader, or employee is refused admittance to the premises or shall be prevented from making such examinations, the utility shall be "TURNED OFF" and not "TURNED ON" until access for above mentioned purposes is permitted.

SECTION 1-12 It shall be the duty of The Board of Public Affairs and/or Water Supervisor to cause surveys and investigations to be made of all industrial and other properties served by the public water supply where private, auxiliary or emergency water supplies other than the public water supply is known to exist or where such supplies are likely to exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as The Village deems necessary.

SECTION 1-13 Meters will be read monthly and as near the same date each month as possible. Weather conditions may hamper meter reading, in which case, a minimum only billing will be issued. The occupant of the home or business is responsible to see that meter reader is permitted access on the regular reading route. Meters not able to be read for extended periods of time may be "TURNED OFF" until the situation is corrected.

SECTION 1-14 Persons, firms, or corporations may interrupt service by proper notice to the utility office. Upon changing occupancy and proper request, the meter will be read, or upon request will be "TURNED OFF".

For emergency leaks shutoff there is no fee during business hours.

For seasonal, or maintenance reasons, it may become necessary to "TURN OFF" the utility for a period of time. It is a violation of these regulations for individuals to turn off the utility, and/or remove water meters. To prevent damage to the meters, an employee of the utility, or licensed plumber (Licensed by Logan County Health Department) are the only person(s) authorized to "TURN OFF, or TURN ON, the utility. If "TURNED OFF" is requested, fees as provided in the rate schedule will be charged.

A penalty shall be assessed for damage to meters that were improperly turned off or removed. The penalty shall consist of 2 times time and material for labor, and/or cost of a new meter if the old meter has been damaged.

If continued abuse of utility persists, fines and penalties may be assessed as provided for under the Ohio Revised Codes.

SECTION 1-15 The property owner/agent as recorded on the tax duplicate shall be responsible for all water usage and charges that occurred on the property, or where any usage or charges were incurred through the service connection of the property, dwelling unit, or any other connection that would normally be expected to be considered for billing purposes under these regulations and policies.

The Board of Public Affairs is not responsible for legal relationships between renters and renter, or landowners and land contract owner.

Water bills shall always be in the property owners' name.

SECTION 1-15A The property owner shall not discontinue the water service to force removal of any renter, tenant or land contract owner from the property and or building.

SECTION 1-15B Land contract owners shall provide a copy of their contract to The Board of Public Affairs Clerk upon applying for water service.

SECTION 1-15C Property owners applying for water service shall provide a copy of their deed to The Board of Public Affairs Clerk.

SECTION 1-15D All property owners are required to notify the Water Department of the name and address of any change of renter(s) leaving and any renter(s) being added or changed, including land contract purchases and/or releases, within ten (10) days after the changes occur. Failure to notify the Water Department will result in a penalty of \$25.00 per month from the date of change until the date of notification for failure to comply.

All renters must have name, address, phone (if available), and occupancy date on file with the Water Department.

SECTION 1-16 The Utility reserves the right to remove a meter from any premises and substitute another meter in its place, for the purpose of testing or repairing. The Utility will on its initiative undertake to test and/or correct any meter, which in its judgment is registering incorrectly without the consent of the consumer.

SECTION 1-17 Meters must be kept accessible to meter readers and other authorized personnel of The Village and must not be permitted to become covered or obstructed by rubbish or other materials, regardless of where such meters are located, notices will be sent to violators.

Violation of Village of Russells Point Codified Ordinances 843, Section 545.19 TAMPERING WITH AND THEFT OF UTILITIES could result in a summons into court.

If clear access is not provided to the Water Department, any necessary action to provide the access will be at the owners' expense.

SECTION 1-18 Upon request from owner, the utility will remove a meter for testing purposes. Refer to the Fee Schedule for charges. If upon examination and testing, it is found the meter registers outside the tolerance limits, the meter shall be considered inaccurate, the fee refunded, and a new meter installed.

SECTION 1-19 If a meter fails to register, the consumption will be estimated based on consumption for a period when service was supplied under similar conditions and was correctly metered.

SECTION 1-20 In case it become necessary to "TURN OFF" any utility because of any violation of any rules and regulations of the Municipal Utility System, a charge as provided in the appropriate rate schedule will be made.

SECTION 1-21 Whenever in these rules and regulations it is stated that notice will be given the consumer, it signifies that notice left at, or sent to, the premises where service is consumed shall be considered sufficient notification.

However, if there is a HEALTH AND SAFETY HAZARD issued a notice is not required.

SECTION 1-22 The Municipal Utility System tries to give proper notice of utility charges but cannot guarantee the delivery of utility charges. It is the responsibility of the owners, buyers, and/or sellers of the property to see that proper transfer of ownership is made at the water office and utility charges paid to date of transfer of title. The Municipal Utility System will make every possible effort to collect utility charges or assessments as promptly as the nature of its business permits. However, the owner of property shall not be relieved from the obligation of unpaid utility bills or assessments that are unpaid through failure of the Municipal Utility System to make collections as provided by its rules and regulations.

SECTION 1-23 A minimum two working days notification must be given to the water department and the Ohio Utilities Protection Service (OUPS) before any excavation can begin.

SECTION 1-24 When a consumer suffers a significant leakage problem, and a water bill of \$50.00 more than a normal billing is incurred, the customer may be permitted to make payments if their account has been in good standing for at least the prior six months, upon approval of The Board of Public Affairs. The payments to equal the current bill plus 1/3 of the extraordinary amount not to exceed three (3) months in payments. If the extraordinary amount exceeds \$300 the customer may choose payments equal to the current bill plus 1/6 of the extraordinary amount not to exceed six (6) months in payments. This privilege may be suspended at any time, and the account must then be paid in full.

SECTION 1-25 All water bills are due upon receipt. If the water bill is not paid by the fifteenth (15th) of the month, an additional ten percent (10%) shall be charged. If the water bill plus penalty has not been paid, the water service may be **disconnected**. A re-connect fee will be charged to have the water service turned back on. The water bill and all charges must be paid in full before service is restored. Water service will be re-connected as soon as practical after payment has been received but no later than 2:00 pm the following business day.

SECTION 1-26 Consumer water will be disconnected after notice of an insufficient funds check and will remain disconnected until the account is paid in full plus the appropriate returned check fees. No other personal checks will be accepted from the defaulting water consumer.

SECTION 1-27 Bulk water can be obtained from a fire hydrant at the Water Plant on Elliott Road, only by permission of The Board of Public Affairs and/or Water Supervisor. To get permission to obtain bulk water, you must have the proper back flow prevention equipment and/or an air-gap separation when loading. You must also leave an address for billing purposes.

SECTION 1-28 These rules and regulations shall be modified, or added to, at any time as deemed necessary to protect the Municipal Utility Systems of The Village of Russells Point.

SECTION 2

WATER SPECIFICS

SECTION 2-1 No person, firm, or corporation shall make, or permit to make; maintain, or permit to maintain; any physical connection between any other source of water and the Municipal Utility System, unless said connection is approved by The State Department of Health, the Village of Russells Point, and the proper back flow prevention devices are approved and installed in accordance with Ordinances and Regulations of The Village of Russells Point, and Ohio EPA.

SECTION 2-2 Consumers shall not allow service pipes or fixtures connected therewith to remain out of order, unprotected from frost, permit unnecessary waste, or allow others to use water from their systems.

SECTION 2-3 Every water service shall be metered. All meters of size 4" or larger shall be of the compound type unless otherwise approved by The Board of Public Affairs or the Water Supervisor. All new and replacement water lines from the main to the building, sizes $\frac{3}{4}$ " through 2 " shall be of type "K" copper tubing unless otherwise approved by The Board of Public Affairs. Flared or packing nut type fittings must be used for all underground joints and connections. Fittings must be used for all underground joints and connections. Interior water lines, above ground, may be of the "L" or "M" copper tubing as approved in OBC Plumbing Code, Section 605 and OAC 4101.3-6-OS.3. All copper water lines installed under the concrete slab of any structure shall be type "K" copper tubing, or other approved tubing.

No joints of any kind shall be installed under a concrete slab and all waterlines must be in a casing(s).

SECTION 2-4 The Village will, where available and determined to be in the best interests of The Water Utility, provide water service for the use of the applicant. Water service is provided at the expense of the applicant and shall include the actual cost of labor, materials, equipment and the applicable water tap-in fee as per the current rate schedule. No tap shall be provided until a set of prints are received showing the location of entry of water into the structure, and a permit has been issued by the Utility office. A water tap fee shall include a corporation stop, tapping saddle, curb stop and riser, water meter, remote register, and the necessary tubing to provide water to the curb stop. The owner shall be responsible for the remaining labor and materials to complete the service.

SECTION 2-5 Whenever a break or leak occurs in a service line between the Village water main and curb stop or property line, the Municipal Utility System will repair same at its own expense as soon as possible, but if the break or leak occurs beyond the curb stop property line, or at any place on the owner's premises, the repair or replacement shall be done by and at the owners expense. If the Municipal Utility System deems it proper to prevent waste of water or water damage, water may be "TURNED OFF" and it will not be "TURNED ON" again until repairs have been made.

SECTION 2-6 The customer shall protect all service lines, meter pits, and meters from damage. Frozen service lines will be thawed at the Municipal Utilities expense from the main to the property line or curb stop. If the meter is located inside the building, the consumer is responsible for meter damage due to freezing, negligence, tampering, accidental damage, or theft of meter.

SECTION 2-7 All new water main construction must be looped so that it will not affect the flow characteristics of the existing water distribution system. All water main extension shall be made in accordance with the established policy of The Village of Russells Point, and the "CURRENT ORDINANCES" or subsequent ordinances. In all such extensions a 6" or larger water main, with approved tracer wire, shall be installed from property line to property line, of any property to be served unless, in the opinion of The Board of Public Affairs, such installation will never be required to eliminate a dead-end main or materially to improve the flow characteristics of the system. In no event shall any service be extended ahead of a main, through private property or easement to serve a property not immediately adjacent to the main, or to serve a property around the corner from a main if, in the opinion of The Board of Public Affairs, a main should be extended to serve such property provided, however, a service, if approved, may be extended ahead of a main to a property around the corner to a property provided that the owner or owners of said property shall enter into a contract with the Village of Russells Point, Ohio, and agree for himself, his heirs and assigns, to share his or their proportionate expense of any extensions of a main which may, at a later date, be required to service the property beyond the limit of his own property. Such agreement shall upon its execution, be recorded in deed records of Logan County, Ohio at the expense of the person so served.

SECTION 2-8

- (A) All new construction of buildings for residential, commercial or industrial shall have individual touch read water meters and curb stop for each apartment unit, dwelling unit, commercial unit and/or industrial unit unless otherwise approved by The Board of Public Affairs. Transient unit construction shall be metered by one touch read meter.

Section 608.15 OBC, Protection of Potable Water Outlets.

All potable water openings and outlets shall be protected against backflow, in accordance with one of the following Sections 608.15.1 through 608.15.4.2.

608.15.4.2 OBC, Hose Connections.

Sill cocks, hose bibbs, wall hydrants and other openings with hose connection shall be protected by an atmospheric-connection vacuum breaker or a permanently attached hose connection vacuum breaker.

Exceptions:

1. This section shall not apply to water heater and boiler drain valves that are provided with hose connection threads and that are intended only for tank or vessel drainage.
2. This section shall not apply to water supply valves intended for connection of clothes washing machines where backflow prevention is otherwise proved or is integral with the machine.

608.16.5 OBC, Connections to Lawn Irrigation Systems.

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure type vacuum breaker or a reduced pressure principle backflow prevented. A valve shall not be installed down stream from an atmospheric vacuum breaker.

- (B) Buildings or portions of buildings remodeled or converted to multi-units for residential, commercial, and/or industrial shall have individual touch read water meters and curb stops for each unit,
- (C) Mobile home parks – each mobile home shall be considered as a dwelling unit and shall have individual touch read water meters and curb stops for each unit. Other buildings such as maintenance buildings, laundries, showers, swimming pools, etc. connected to the system shall be metered and conform to the policies and regulations.
- (D) Multi-unit housing – each family unit shall be considered as a dwelling unit and shall have individual touch read water meters and curb stops for each unit.
- (E) Multi-unit commercial/industrial buildings – each unit shall be considered as a separate unit and shall have individual touch read water meters and curb stops for each unit.
- (F) All units buildings and structures connected to the water utility shall be charged a minimum monthly service charge, plus the charge for water usage until the building or structure is destroyed, razed, or removed from the lot or parcel of land.
- (G) All transient unit developments connected to the water utility shall be charged a minimum monthly service charge based on the size of the required meter, plus the charge for water usage until the all structures considered transient units are destroyed, razed, or removed from the lot or parcel of land.

SECTION 2-9 A permit issued by the utility office is required for all water line replacements from the curb stop to the building, or new service. A plumber or water line installer shall apply for required permit and perform the necessary repair or replacement of water lines. A penalty will be assessed of double the permit fee for failure to comply.

SECTION 2-10 All business and transient unit development services shall be installed in compliance with current standards set forth in The Ohio Sanitary Code, Regulation HE-34, in reference to cross-connection control. A copy of these regulations may be obtained upon request from the Municipal Utility Office. All backflow prevention devices are to be inspected and certified annually by a licensed inspector.

SECTION 2-11 All water service lines shall be installed at a minimum depth of 36 inches and a maximum depth of 48” from the final ground elevation.

SECTION 2-12 Electrical grounds shall not be connected to any water line or a structure that is connected to The Village of Russells Point water mains.

SECTION 2-13 Unless otherwise specified herein, the Ordinances of The Village of Russells Point, subsequent ordinances, and current procedures are also part of these rules and regulations as if fully set out in length herein.

SECTION 2-14 Copies of the current water rates and service charges may be obtained upon request from the Municipal Utility Office.

SECTION 3 ANNEXATION

SECTION 3 –1

- (a) Prior to the approval by The Village of Russells Point of an application for water service to premises located outside of the corporate limit, the owner of the premises shall execute and deliver to The Village a pre-annexation agreement whereby such property owner shall agree, upon approval of such application, to commence proceedings to annex the subject premises to The Village within six (6) months from the date of such agreement or from the date such premises begin contiguous to adjacent to The Village, whichever occurs first.
- (b) Such policy shall apply to both new applications and to such premises that are presently connected to village water mains upon a change in ownership or occupancy thereof, from and after the effective date of this resolution.
- (c) The failure of a property owner to comply with the terms of such agreement will result in the termination of water service to such property.

Village of Russells Point Codified Ordinances 843

Section: 545.19 TAMPERING WITH AND THEFT OF UTILITIES.

- (a) No person shall knowingly, without the utility's consent, with intent to violate subsection (b) hereof:
 - (1) Tamper with a gas, electric, steam or water meter, conduit or attachment of a utility;
 - (2) Reconnect a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility.

In a prosecution under subsection (a)(l) hereof, proof that a meter, conduit or attachment of a utility has been tampered with is prima-facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit or attachment, and who is in possession or control of the meter, conduit or attachment at the time the tampering occurred, has caused the tampering with intent to violate subsection (b) hereof.

In a prosecution under subsection (a)(2) hereof, proof that a meter, conduit or attachment disconnected by a utility has been reconnected without the consent of the utility is prima-facie evidence that the person in possession or control of the meter, conduit or attachment at the time of the reconnection has reconnected the meter, conduit or attachment with intent to violate subsection (b) hereof.

As used in this section, "utility" means any electric light company, gas company, natural gas company, pipe-line company, waterworks company or heating or cooling company, as defined in Ohio R.C. 4905.03(A)(4), (5), (6), (7), (8) or (9), its lessees, trustees or receivers, or any similar utility owned or operated by a political subdivision.

As used in this section, to "tamper" means to interfere with, damage or bypass a utility meter, conduit or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on such meter. (ORC 4933.18)

(b) No person shall knowingly consume any gas, electricity, steam or water that has not been correctly registered because a meter, conduit or attachment of a utility has been tampered with, or knowingly use service that has been discontinued by a utility and reconnected without the utility's consent.

(c) Such utility shall notify its customers, on an annual basis, of the consequences of tampering with or bypassing a meter. (ORC 4933.19)

(d) Whoever violates subsection (a) hereof is guilty of tampering with utility equipment, a misdemeanor of the first degree, provided the cost of the gas, electricity, steam or water stolen, plus the cost of repair or replacement of the meters, conduits or attachments damaged in violation of subsection (a)(1) or (2) hereof is less than three hundred dollars (\$300.00) and provided the offender has not previously been convicted of a violation of subsection (a) hereof. Whoever violates subsection (a) hereof shall make restitution to the utility for the cost of repair or replacement of the meters, conduits or attachments damaged and for the value of the gas, electricity, steam or water consumed. (ORC 4933.99(B))

(e) Whoever violates subsection (b) hereof is guilty of theft of utility service, a misdemeanor of the first degree, provided the value of the gas, electricity, steam or water is less than three hundred dollars (\$300.00) and provided the offender has not previously been convicted of a violation of subsection (b) hereof. Whoever violates subsection (b) hereof shall make restitution to the utility for the value of the gas, electricity, steam or water consumed in violation of that subsection. (ORC 4933.99(C)).

DEFINITIONS

HEALTH HAZARD means any conditions, device, or practice in a water system or it's operation that creates, or may create, a danger to the health and well being of users. The word "Severe" as used to qualify "HEALTH HAZARD" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death. **EPA Regulations 3745-95-01(M).**

DWELLING UNIT is interpreted as a single-family living unit.

MULTI DWELLING UNITS are interpreted as multiple single-family living units within a single building/structure i.e. – apartments, condo's, duplex's, trailer courts, etc.

COMMERCIAL BUILDING UNIT is interpreted as a single business unit.

MULTI COMMERCIAL UNITS are interpreted as multiple Commercial Businesses within a single building/ structure i.e. – professional services, personal grooming facilities, retail stores, real estate offices etc.

TRANSIENT UNITS are interpreted as a structure or unit in which lodging, or boarding and lodging, are provided to the public for compensation for less than thirty days. Examples include but are not limited to hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.

OBC – Ohio Building Code

ORC – Ohio Revised Code

OAC – Ohio Administrative Code

Passed: March 11, 2019

Pat Cochenour
BPA Chair

ATTEST:

Jeff Weidner
Fiscal Officer