

Ordinance No. 7496
AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION
925.10(c)

WHEREAS, Section 925.10(c) of the Codified Ordinances provides that sewage charges are to be imposed on all water supplied to premises unless the premises are equipped with a sewage meter installed in accordance with Section 925.10(b) or receive water supplied through meters exempted from sewage charges by Section 925.10(d); and,

WHEREAS, Council finds that the quantity of water supplied to residential premises is greater during the summer months than at other times of the year and further finds that a high percentage of the additional water supplied to residential consumers during the months of May, June, July and August is devoted to seasonal uses that do not generate significant quantities of sanitary sewage; and,

WHEREAS, Council further finds that the levy of sewer charges on water purchased to irrigate landscaping has discouraged the use of water for such purposes and resulted in the unnecessary loss of desirable vegetation;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Section 925.10 (c) of the Codified Ordinances is amended to provide (newly added text in *italics*, deleted text ~~stricken~~).

925.01 REVENUE SCHEDULE

(c) Estimated Quantities:

(1) *Except as provided in paragraph 2 of this subsection, ~~the~~ the amount of wastewater discharged from any lot, parcel of land, building or other premises that does not meter discharges to the sewage system in conformity with subsection (b) hereof shall be deemed equal to the total amount of water supplied to the premises less and except such quantities of water as may be delivered to the premises in strict conformity with all applicable requirements of subsection (d) hereof. Where the Municipal Water Division is the exclusive source of water supplied to the premises, the amount of wastewater subject to charge shall be determined from the consumer's water purchase records as maintained by the Utility Billing Office. If the premises are supplied with water purchased or pumped from a source other than the Municipal Water Division, the amount used shall be metered or otherwise reliably determined in a manner satisfactory to the Superintendent of Water Pollution Control and included in the quantities subject to charge.*

(2) *Billings issued to occupants of residential dwellings located in one, two or three family structures in the months of June, July, August and September shall be computed on the lesser of:*

A) the total amount of water supplied to the premises during the billing cycle to which the bill pertains as determined in accordance with paragraph (1) of this subsection; or,

B) the average amount of water supplied to the premises during the eight monthly billing cycles ending in the months of October, November, December, January, February, March, April and May immediately preceding the cycle to which the June billing pertains, provided:

1. *the account has been maintained in the name of the current occupant throughout the 8 month period on which the average usage is computed; and,*

2. *any month in which the account was inactive shall be excluded from the computation of average monthly use.*

Section 2: Except as herein expressly amended, Codified Ordinance 925.01 is ratified and confirmed. Nothing herein shall be deemed to affect any charge accrued, levied, billed, paid or collected in accordance with Section 925.01 of the Codified Ordinances prior to the effective date of this Ordinance.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on and after June 1, 2013.

Passed: April 16 _____, 2012 Tim Holtsberry _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: April 16 _____, 2012 Bob Armstrong _____
Mayor

Ordinance No. 7497

AN ORDINANCE AMENDING SECTION 921.23 OF THE CODIFIED ORDINANCES PERTAINING TO THE WAIVER OF INTEREST AND PENALTIES ON DELINQUENT UTILITY BILLS

WHEREAS, The Utility Billing Office has experienced an increase in requests for deferred payment plans allowable under Section 921.23 of the Codified Ordinances; and,

WHEREAS, Council finds that the discretion vested in the Utility Billing Manager by Section 921.23 is inadequate to address the needs of residents suffering financial hardship; and,

WHEREAS, Council finds that recognized charitable organizations are providing financially distressed utility consumers with financial assistance for the payment of municipal utility charges; and,

WHEREAS, Council finds that charitable funds donated to assist consumers with the payment of utility charges should be directed to payment of service costs in preference to late payment penalties and interest;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Section 921.23(a) of the Codified Ordinances is amended to provide (deleted text stricken, added text in italics):

921.23 DEFERRED PAYMENT PLANS AND BILLING ADJUSTMENTS FOR ECONOMIC HARDSHIP.

(a) A customer who ~~is temporarily becomes~~ unable to ~~pay~~ timely and completely ~~pay~~ a monthly bill for *water, sewer and solid waste collection services* ~~charge when due~~ may ~~contact the Utility Billing Office and~~ file a written application for the establishment of a deferred payment plan to ~~enable the customer to pay the account and~~ avoid termination utility services. The Utility Billing Manager shall review all applications to determine if the customer is eligible for a deferred payment plan.

(b) The following classes of customers are ineligible ~~to request~~ for a deferred payment plans:

- (1) A customer whose ~~utility~~ *water* service has been terminated for nonpayment of all or part of a monthly billing or other amount owed the utility, until all arrearages have been fully and completely paid;
- (2) A customer with an account that is otherwise current who has defaulted in his or her obligation to make timely payment under a prior deferred payment plan within one year of the customer's current request; and,
- (3) A customer who is currently making installments and surcharge payments under a prior deferred payment plan.

(c) When an application for a deferred payment plan is received from an ineligible customer, the Utility Billing Office shall notify the customer of the reason the customer is ineligible. The Utility Billing Office shall proceed as if the customer had not made the request.

(d) An eligible customer, whose request in timely filed, shall be scheduled for an appointment with a representative who shall discuss the matter with the customer and determine a suitable deferred payment plan. The plan shall become effective on the signing of the agreement by the utility representative and the customer, which agreement shall be executed within five days after its submission to the customer. A failure to execute a deferred payment agreement within this time frame shall permit the utility to act as if it were not submitted.

(e) No deferred payment plan shall be established which does not meet the following minimum requirements:

- (1) An initial payment of at least twenty-five percent of the outstanding balance covered under the deferred payment plan, payable at the time of the customer's written acceptance of the deferred payment agreement;
- (2) A maximum of five subsequent monthly installment payments of at least fifteen percent of the outstanding balance under the deferred payment

plan, with each installment due thirty days after payment of the prior payment;

- (3) A monthly surcharge of one percent of the customer's outstanding balance under the deferred payment account, payable at the time each installment is due; and,
- (4) An agreement between the customer and the utility that the customer's failure to make timely payments in accordance with the deferred payment plan shall subject the customer to summary termination of utility service within seventy-two hours after the default under the plan, in lieu of the procedure under Section 921.22.

(e) In the event a customer tenders a check or voucher payable to the City of Defiance and drawn on the account of a religious, benevolent or charitable institution maintaining an office in Defiance County, Ohio, in full or partial payment of a current or past due municipal utility bill, the Utility Billing Director may:

- (1) reduce the amount required in full satisfaction of an account that is ineligible for a deferred payment plan under Subdivision (b)(1) of this section by the amount of the arrearage that is attributable to late payment penalties, interest and service termination or reconnection charges;*
- (2) reduce the amount of the outstanding balance to be repaid under a deferred payment plan authorized by Subdivisions (d) and (e) of this Section by the amount of the most recent bill that is attributable to late payment penalties and may wave payment of the monthly surcharge otherwise required by subdivision (e)(3) for the duration of the allowed deferred payment plan.*

No other evidence of economic hardship shall be deemed sufficient grounds for adjustment of the balance reflected as due by the most recent billing.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: April 16, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: April 16, 2013

Bob Armstrong
Mayor

