

CHAPTER 925

Water Regulations

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CROSS REFERENCES

Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
 Water pollution - see Ohio R.C. 715.08, 743.25
 Compulsory water connections - see Ohio R.C. 729.06, 743.23

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22
 Fluoridation - see Ohio R.C. 6111.13
 Water pollution control - see Ohio R.C. Ch. 6111
 Water supply - see OAC 4101.2-51-37

Management and control of water works - see Ohio R.C. 735.28 et seq.

925.01 DEFINITIONS.

The following definitions apply whenever said terms appear in these rules.

- Consumer: Any person who is the ultimate user of utility services provided by the Service Village.
- Customer: Any person or entity who enters into a contractual agreement with the Service Village to receive or to pay for utility services provided by the Service Village. Customers may, but need not, be consumers of the services provided under such a contractual agreement.
- Consumer Household: Any service address in which the customer who is contractually liable for utility services furnished to that address does not reside.
- Customer Household: Any service address in which the customer who is contractually liable for utility services furnished to that address resides.
- Billing Address: The address at which the customer contractually liable for utility services furnished to a service address receives billing from the Service Village. Billing addresses may, but need not, be the address at which said services are received.
- Service Address: Any individual address at which utility services are furnished a consumer or customer. The singular may include the plural. Most service addresses will be individually metered. However, in apartment buildings, apartment complexes, duplex apartments, etc., one meter may supply more than one household. In such circumstances, each individual apartment is a separate service address as that term is used herein.
- Village Administrator: The Village Administrator shall be empowered and required (when good cause is shown) to compromise and adjust billings; negotiate, defer and compromise disputes as to service requirements or payment demands and to cancel disconnection and/or order reconnection. The Village Administrator shall strive to arrange reasonable alternate methods of payment, or reasonable security for payment, in order to preserve utility service, and shall maintain residential utility service, without discrimination. The Village Administrator shall reside at hearings held pursuant to these rules.

925.02 UTILITY SERVICE TERMINATION POLICY.

Utility service to customer or consumer households may be disconnected or terminated (hereinafter "disconnection") by the Village only for the following reasons:

- Nonpayment;
- Emergencies, repairs and replacement of lines;
- At customer request, provided that the approval of both the customer and consumer of services for that service address is necessary if any service address affected by the request is a consumer.
- If, upon physical examination, the Village obtains reasonable grounds for and has a good faith belief that, Ohio R.C. 4933.18 or 4933.19 have been violated by use of a jumper or other by-pass mechanism:
 - Prior to installation of check valves or backflow protection; or
 - Which results in bypassing and negating such valves or protection.

While the Village must otherwise satisfy the requirements of these rules, utility service may be terminated immediately upon that discovery, without notice or opportunity for hearing prior to termination. However, in such circumstances, if a customer or consumer household affected by such termination thereafter requests a hearing, and establishes that the offending condition has been remedied, utility service will be reinstated, conditioned on continuing good behavior, although the Village does not thereby waive any right of prosecution otherwise granted under the law.

- Nonpayment of a lien certified against the property pursuant to Ohio R.C. 735.29(A).

Except as set forth in (b), (d) and (e) above, disconnections other than those with approval of both the customer and consumer of service may not occur without proper notice and adequate opportunity for hearing before termination. These rules shall be complied with by all utility department employees.

No disconnection of service shall occur except after compliance with these rules.

925.03 NOTICE PROCEDURES.

- Written notice of proposed disconnection of service, for any reason, other than voluntary disconnection where the customer asking for disconnection is also the only consumer at the address, must be sent by the Village at least 14 days, and no more than 30 days, prior to the date for proposed disconnection. Notices may be mailed with first class postage prepaid to reasonably assure delivery within that time. The date of the notice shall be the date of mailing, and a dated copy of any notice sent shall be retained by the Village. The notice shall include:

- Identifying information, including the service address to be affected, the account number, the customer's name and address, and the identity and address of the Provider;
- The date proposed for disconnection if the account is not paid, or hearing requested, or a separate account established.

- Notices shall clearly and conspicuously advise any recipient of his/her due process rights. The notice shall be given in a termination letter which will set forth the procedure for requesting a hearing. If a hearing is requested, the disconnection will not take place until the hearing process is completed.

The notice in the termination letter shall include the following:

- The reason for disconnection or termination of service;
- The front of the envelope shall be stamped or printed in ink:

FINAL NOTICE Failure to Pay Will Result in Shut-off

- The letter shall also include the following statements: You may avoid termination by taking one or more of the following actions prior to the scheduled termination date:

- If you personally owe utility service charges which are past due, you should pay the bill in full or make arrangements to pay which are satisfactory to the Village of Ashville.
- If you dispute the reason for the proposed termination, in whole or part, you may request a hearing to contest termination. If a hearing is requested before the scheduled date for termination, termination will not take place until the hearing process is complete. If you request a hearing, you have the right to examine records concerning this service address, to bring a representative to help you at the hearing, and to bring witnesses to testify on your behalf, or
- If you are a residential user of utility service at the address to be terminated, and if the customer responsible for paying the utility bill does not live at your address, you may avoid termination by paying a \$75.00 deposit and agreeing to contract for your own utility usage in the future.

If you wish to avoid termination, or to request a hearing, or wish a more complete explanation of your hearing rights or your rights to assume responsibility for future utility charges, you should immediately contact the Ashville Village Administrator at the address and telephone number listed on this card between the hours of 8:00 a.m. and 5:00 p.m., Monday, through Friday.

FINAL NOTICE

IF YOU HAVE ANY QUESTIONS OR DISPUTES ABOUT THIS BILL, CALL THE VILLAGE OF ASHVILLE.

In the event any service address that would be affected by disconnection is a consumer household, notice of disconnection of service, in this form and manner, must be delivered to each service address so affected, in addition to delivery to the customer household.

925.04 DISCONNECTION.

Pursuant to the provisions in Sections 925.02 and 925.03, if water service to a household is disconnected or terminated, and no hearing has been requested, at the time of disconnection a "Notice of Termination of Utility Service" will be left on the property by a Village of Ashville representative. A copy of the Notice is designated hereto as Exhibit 3. If disconnection or termination is due to the consumer or customer failing to prevail in a hearing, the termination notice will not be left at the property and service will only be restored by the payment due as determined by the hearing.

If, after a copy of the Exhibit 3 disconnection notice is left on the property in a conspicuous place (at the front door if possible), the customer or consumer believes a mistake has been made and that the water service should not have been disconnected, the customer or consumer may contact the Village of Ashville. After receiving the complaint, the Village Administrator shall reconnect the water service only if he/she believes, after reasonable inquiry, that a mistake has been made as to the following:

- The customer/consumer has not been mailed the final termination notice; or
- The customer/consumer has arranged a payment plan with the Village Administrator which superseded the final termination notice.

In the case of (a) above, water service shall be reconnected and the final termination notice provided to the customer/consumer. In the case of (b) above, water service shall be reconnected and a final termination notice sent to the customer/consumer if the person fails to make payment under the alternative payment plan agreed to. If the Village Administrator determines that a mistake has not been made as to the disconnection, that fact shall be communicated to the customer/consumer, and the Village Administrator shall also communicate to the customer/consumer that he/she has the right to a hearing.

925.05 EMERGENCIES AND REPAIRS.

Disconnection of service may occur without prior notice if emergency circumstances involve imminent danger to persons or property, including a break in a utility service line. Prior notice shall be given by the Village where utility service shall be lost for more than eight hours as the result of routine or scheduled maintenance, so that consumers of utility service may plan accordingly. If the loss of utility service results from a utility line break or other emergency circumstances, and is expected to, or does, last for more than four hours, the Village shall make reasonable attempts to give notice to service addresses affected by such loss of service by asking local media and using public bulletin boards to publicize the loss of service, the reason for it, and the expected date and time by which the Village expects to restore service.

925.06 VOLUNTARY TERMINATION OF SERVICE.

Upon receiving a request for voluntary disconnection, if the Village's records reveal that the service address is different from the billing address for that account, or if there is other reason to believe disconnection may affect a service address comprised of a household other than, or in addition to, the customer's household, the Village shall:

- Send a copy of any final notice to the service address; and
- Send a copy of any customer's voluntary termination of water service notice to the service address.

A customer requesting a voluntary disconnection must complete the form designated as Exhibit 1.

925.07 HEARING PROCEDURES.

Persons who wish to contest a denial of utility service, or the Village's decision as to billing or a proposed disconnection of utility services (hereafter "the person") shall be afforded a due process opportunity to contest the Provider's action or inaction prior to termination of service. Due process opportunity is the right to a face-to-face meeting with the Village Administrator, at which time a person may:

- Have the assistance of a representative; and
- May present documentary and/or oral information and/or the testimony of witnesses for the Village Administrator's consideration.

These persons shall be entitled to reasonable access to the Village's business records concerning the affected service address in order to prepare for the meeting, which right of access includes the right to obtain copies of documents found therein upon payment of the actual cost of copying. The Village Administrator shall make a written decision after the hearing and the reasons for the decision. A copy of the decision shall be delivered to the person; a copy shall be retained in a special decisions file; and a copy retained in the business files kept by the Village relating to any service address affected by the hearing.

Due process hearings shall be held within a reasonable time after a verbal or written hearing request has been made, but will not be held so quickly as to deny the person an adequate opportunity to seek assistance or to prepare for the hearing, in light of the person's circumstances. The hearing decision shall be sent to the person within a reasonable time after the hearing. If a hearing has been requested prior to actual disconnection of service, no disconnection may occur until five days after the hearing decision is delivered to the person who requested the hearing.

925.08 NONDISCRIMINATION AGAINST CONSUMERS.

If service is disconnected, or if disconnection is proposed, due to a customer's nonpayment of service charges for a consumer household, an adult consumer of utility services in said household shall have the right to avoid disconnection, or obtain reconnection, if the consumer pays a \$75.00 deposit and assumes written responsibility for timely payment of future charges for service provided the household at the service address. Consumer assumption does not relieve the customer of contractual liability for charges incurred. The assumption obligation shall terminate upon the consumer's delivery to the Village of a written notice canceling that assumption, and the deposit shall be returned if the consumer makes payment of the consumer's final bill in full. If the consumer does not pay the final bill in full, said final bill amount (or portion unpaid) will be deducted from the deposit and any deposit balance will be returned to the consumer.

This section does not apply to any customer concerning any service address in which resides the customer obligated for payment of the account for that service address. However, in circumstances in which one meter serves more than one service address, consumer households will not be penalized in any way, or denied the benefit of this provision, because the defaulting customer's benefited unit might also benefit from a continuation or restoration of service.

The Village shall not refuse to furnish utility service and/or propose to or disconnect utility service to any customer or consumer household on account of arrearages due Village for utility services furnished to persons formerly receiving services at the same premises, provided the customers obligated on that delinquent account do not continue to reside at such premises. Applicants who are denied utility service shall be notified of that decision, and the reason for it, by use of the form attached as Exhibit 2, at the time of the denial. No consumer of utility may be denied services because of, or billed for or required to pay for utility services furnished on the account of another individual, except to the extent of any assumption obligation previously assumed by that consumer pursuant to this paragraph, except that nothing herein affects the rights of the Village to lien property as provided by law, including but not limited to the procedures of Ohio R.C. 735.29(A) for certifying past due water bills to the County Auditor for collection.

925.09 ADDITIONAL METHOD OF COMMUNICATION UNDER THE NOTICE PROCEDURES AND DISCONNECTION.

- The invoice generated by the Utility Information System is recognized as communication under Section 925.03 and 925.04 for Consumers and Customers of our utility services.
- The invoice generated in subsection (a) heretofore must contain all information required in 925.03 and 925.04 to be used in lieu of a formal letter specified in Section 925.03(b), "termination letter".

To be able to see this section of our codified Ordinance or to use a search feature go to www.ashvilleohio.gov and in the dropdown "Village Government" go to "Ordinances/Resolution" and click on "Codified Ordinances" and it will open conwaygreene. Follow instructions or go directly to www.conwaygreene.com/ashville.htm