

TITLE FOUR - Public Utilities  
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CHAPTER 1040  
 Utility Regulations Generally

1040.01 Utility service agreements; surety; guarantee deposits.  
 1040.02 Nonpayment of utility charges; discontinuance of service.  
 1040.03 Access to utility equipment.  
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CROSS REFERENCES

Public utilities - see CHTR. Art. VI; Ohio R.C. 4905.01 et seq.  
 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, 743.24 et seq.; GEN. OFF. 660.04  
 Right of eminent domain - see Ohio R.C. 719.01 et seq., 743.39 et seq.  
 Relocation of watercourses - see Ohio R.C. 723.51  
 Emergency repair contract - see Ohio R.C. 735.051  
 Diverting water from course - see Ohio R.C. 3767.13  
 Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22  
 Straightening watercourses - see Ohio R.C. 6151.01 et seq.  
 Obstruction of watercourse - see GEN. OFF. 660.04  
 Prosecutions for theft of utilities - see GEN. OFF. 672.06  
 Water service charges - see S.U. & P.S. 1046.02

**1040.01 UTILITY SERVICE AGREEMENTS; SURETY; GUARANTEE DEPOSITS.**

(a) All persons or firms who or which apply for utility services of the Village shall, prior to the beginning of service, be required to execute a utility service agreement and to provide surety in a form prescribed by the Village.

- (1) Persons or firms who hold title to real property within the Village may use such property as surety. In case of nonpayment of utility fees, the Village may elect to collect under procedures specified by Ohio R.C. 735.29.
- (2) In all other cases, a nontransferable guarantee deposit shall be required as follows:

<u>Service</u>	<u>Fee</u>
Residential <u>electric</u>	\$ 50.00
Any other combination of residential	100.00
Any commercial or industrial	200.00

(b) Such guarantee deposits shall bear interest at the rate of five percent per annum. The deposit plus accrued interest shall be returned to the depositor at the end of three years from the date of deposit, or upon the customer's cancellation of the utility service agreement, whichever comes first, provided that customers whose accounts are more than one month in arrears, or who have otherwise evidenced poor payment practices by the date scheduled for return of the deposit, may have their deposit retained at the election of the Village. The depositor may request the Village to, or the Village shall be entitled at its own initiative to, deduct any unpaid utility charges from the deposit and accrued interest at the cancellation of a utility service agreement.

(Ord. 82-9. Passed 9-7-82.)

**1040.02 NONPAYMENT OF UTILITY CHARGES; DISCONTINUANCE OF SERVICE.**

(a) Each utility charge charged under or pursuant to rate schedules of these Codified Ordinances, as they now exist or are hereafter amended, is due and payable upon rendition. If the same is not paid within thirty days after it is due and payable, the next regular billing shall be stamped appropriately as being delinquent. If the same, or a portion of the same, plus any new charges, is not paid within sixty days, the customer shall be notified of his or her delinquency by letter. This letter shall be the customer's final notification before discontinuance of the utilities. Such letter shall state the amount of delinquency, that special payment arrangements can be made if warranted, the identity of the individual whom the customer may contact to make such payment arrangements or to resolve billing errors, and the probable date for discontinuation of services.

(b) Except as provided in subsection (c) hereof, if any person supplied with utilities of the Village neglects or refuses within seventy days to pay the amount due for such utilities, the Village Manager shall stop such utility services from entering the premises of such person. In such cases the designated workers of the Village may enter the premises of such person, between 8:00 a.m. and 4:00 p.m., and disconnect any and all meters, conduits or attachments from the mains, pipes or lines of the Village.

(c) The Village Manager shall not discontinue utility services for any customer for the period beginning on November 15 and ending on April 15, unless:

- (1) The customer has requested such action;
- (2) Safety considerations so dictate;
- (3) Tampering with the Village utility equipment or services has occurred;
- (4) The account of the customer is in arrears ninety days or more; or
- (5) Where the occupant is a tenant whose landlord is responsible for the services provided by the Village, the landlord has requested disconnection, and the Village has five days previously notified the occupant of its intent to discontinue service.

(d) If, at any time, utility services are to be discontinued because of failure to pay the amount due, the Village shall notify the County Welfare Department prior to taking such action.

(e) In no case where utilities have been disconnected because of the failure to pay the amount due shall service be restored for the same customer, now or in the future, until all outstanding charges and fees have been paid in full, in cash or certified check, nor shall the Village be liable for any costs incurred as a result of the disconnection.

(f) Commencement of service to a new tenant, owner or customer who has properly applied for service and has satisfied all Village utility requirements for such service, shall not be delayed or denied because of the nonpayment of a former tenant, owner or customer of the service location. (Ord. 82-9. Passed 9-7-82.)

#### **1040.03 ACCESS TO UTILITY EQUIPMENT.**

(a) Each customer served by any utility system owned and operated by the Village shall provide access to all Village-owned utility equipment, including, but not limited to, metering equipment, to employees of the Village at intervals not to exceed ninety days in duration for the purposes of reading meters and/or maintaining said equipment.

(b) Failure on the part of the customer to allow access to Village equipment, as provided for in subsection (a) hereof, may result in disruption of utility service until such access is provided. (Ord. 94-13. Passed 11-21-94.)

**1040.99 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 dollars (\$100.00).