

ORDINANCE NO. 9-12
AN ORDINANCE ESTABLISHING THE POLICIES AND PROCEDURES FOR THE
PROVISION OF WATER AND SEWER SERVICE BY
THE VILLAGE OF COVINGTON OHIO

WHEREAS, the Village provides, water, and sewer and refuse collection services (herein utility services") in the Village; and

WHEREAS, the Village desires to amend, update and standardize the policies and procedures regulating the provision of water and sewer service in the Village through the creation of appropriate codes pertaining to the provision of water and sewer service to: 1) facilitate the fair and equitable provision of water and sewer service; and 2) delineate the Village's obligation to provide water and sewer service; and

WHEREAS, the Village desires to formalize its policies and procedures with respect to the provision of water and sewer service provided by the Village; and WHEREAS, this ordinance creates and sets forth the Village's policy with regard to policies and procedures for the provision of water and sewer service by the Village.

WHEREAS, unless specifically required or prohibited by this Chapter, the Village Administrator shall have the authority to interpret his Chapter to implement the intent and purpose of this Chapter to provide safe, reliable, and efficient delivery of Utility service, and the Village Administrator shall have the discretion and authority to grant relief from the strict application of this ordinance in those situations where the Village Administrator, in the exercise of professional judgment determines such relief is warranted for the safe, reliable, and efficient operation of the utility service; and NOW, THEREFORE, Covington, Ohio:

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Covington. The Village of Covington hereby enacts the following water and sewer regulations applicable to the provision of water and sewer service by the Village.

Section One: Provisions Related to Water and Sewer Service

General Provisions

- (a) The rates for the provision of water and sewer service have been established by separate ordinance which may be amended from time to time.
- (b) In the interest of public health, Distribution/collection Mains, Service Lines, or other Pipes may not be connected with any Main, Service Line, or Piping which the Village knows or has reason to believe is connected with any other sources of water or sewage supply, nor may said Distribution/collection Mains, Service Lines, or other Pipes be connected in any way to pipes, tanks vats, or other apparatus which contains liquids, chemicals, or any other matter which may backup into said Distribution/collection Mains, Service Lines, or other Pipes, and which may endanger or otherwise contaminate the water supply.
- (c) The Village shall not be liable for a deficiency or failure, regardless of cause (except as a result of a willful misconduct) in the supply of water or collection of sewer, nor for any damage caused thereby, including, but not limited to, any basement or below-grade flooding, or by the bursting or breaking of any Distribution/collection Main or Service Line or any attachment to the Distribution/collection Mains and Service Lines or other facilities used by the Village.

- (d) When an Application is made for the installation of a Service Line for water or sewer service or for the reinstatement of water or sewer service, the Village shall be entitled to assume the piping and fixtures to which the service will be supplied are in good order to receive such service, but reserves the right to inspect, or cause to have inspected by a third party, said facilities to assure against possible damage and cross connections.
- (e) Water / sewer service lines must be installed by the homeowner or by a contractor approved by the Village of Covington and licensed to install or service Water / Sewer lines within the Village.
- (f) Water and/or Sewer Service will not be furnished where pipes are inferior or the plumbing defective. When such conditions are discovered, the supply of water and/or sewage maybe cut off until repairs are made with no less than 14 days prior written notice by the Village. In those situations where Village Management, in the exercise of professional judgment, determines the supply of water and/or sewage must be cut off immediately due to a severe water leak or sanitary sewer backup which poses an unsafe condition and/or a safety and health hazard, no written notification or waiting period is required to be provided by the Village.
- (g) The Village shall have the sole right to determine the size, type, and location of water meters, water meter settings, valves, service lines, and connections necessary to provide the service applied for.
- (h) Exclusive operating control of all Service Lines from Distribution/collection Main to meter, and meters and meter installation shall at all times remain with the Village, and shall not be tampered or interfered with in any respect. Any property owner, occupant, plumber or other person who violates this section shall have added to his water bill, any cost the Village may incur in shutting off and reactivating such service including the required activation fee.
- (i) Any employee or agent of the Village seeking access to the Customer's dwelling or structure shall voluntarily identify himself/herself, provide proper Village photo identification, and shall state the reason for his/her visit. The employee or agent shall, in all cases, direct himself/herself to a person holding him or herself out as being responsible for the dwelling or structure. Entrance will not be sought or gained by subterfuge or force.
- (j) Village Personnel, in the exercise of their sole discretion, may refuse to enter upon any customer's property if such Personnel have concerns about personal safety due to the presence of unrestrained animals or any other safety issue that may be present on the property.
- (k) Complaints with regard to the character of service furnished, or to the reading or registration of meters, or to the bills rendered must be made to the village's office, either orally or in writing, and a record of such complaint will be kept by the Village; giving the name and address of the complainant, the date, the nature of the complaint, and the action taken or decision made by the Village with respect to it.

The Village shall investigate the complaint and report the results of such investigation to the Customer within ten (10) business days of the receipt of the complaint. If the complainant is not satisfied with the results, the Customer may appeal to the Village Council.

- (l) Unless specifically required or prohibited by this Ordinance, the Village Administrator shall have the authority to interpret this Ordinance to implement the intent and purpose of this Ordinance to provide safe, reliable, and efficient delivery of water and sewer service. The Village Administrator shall have the discretion and authority to grant relief from the strict application of this Chapter in those situations where the Village Administrator, in the exercise of professional judgment, determines such relief is warranted for the safe, reliable, and efficient operation of the Utility Service.

Section Two: Service Lines

- (a) An application for the installation of a Service Line must have the correct lot and street number or other complete identification of the premises requesting the service line.
- (b) The application for installation of a Service Line will be accepted subject to the condition that there shall be a Distribution/collection Main fronting the premises to be served.
- (c) A Service Line may not be used to supply more than one premise unless a waiver is granted by the Village Administrator.
- (d) The Customer shall, at his or her expense, install, maintain, and repair the Service Line located outside of the right-of-way. When a leak in the Service Line is discovered, the village shall give the Customer a written notice of the leak. Within such time as set forth in the notice, the Customer must make repairs to the Service Line on the customer's property. A tap fee has been established and is covered under a separate rate ordinance.
- (e) If the leak is in the Service Line anywhere from the main to the edge of the right-of-way line and the Customer's property-line, the Village shall undertake such repairs and the Village will cover the costs of repairs to the Service Line that resides within the right-of-way.
- (f) It is the customer's responsibility to determine the location of the leak or plug. It is the responsibility of the customer to keep the service line clean and clear of plugs from the customer's residence / building to the main.
- (g) If the leak in the Service Line, in the opinion of the Village, is considered an emergency, the Village may shut off water to the Service Line until such time as the Service Line is repaired.
- (h) Anytime the Village undertakes an improvement project in the public right-of-way, the Village, in its sole discretion, may replace that portion of the Customer's Service Line located in the public right-of-way. If the Village opts to replace that portion of the Service Line located in the right-of-way as part of a public improvement project, the Village is under no obligation to repair, replace or pay for any other portion of the Customer's Service Line.
- (i) If a Service Line is to be installed where any portion of the line must pass through property not owned by an Applicant, the Applicant must assume full responsibility for acquiring the right-of-way through such property and provide written evidence to the Village of obtaining such right to pass through adjacent property.

- (j) The Service Line type and size shall be in compliance with the Village of Covington Construction Standards and Drawings as established by separate ordinance.
- (k) The Service Line shall be constructed in compliance with the Village of Covington Construction Standards and Drawings as established by separate ordinance. The Applicant shall leave the trench open and pipe uncovered until it is inspected and approved by a Village representative. Water service will not be turned on or activated to any service line or sewer lateral that has not been properly installed, inspected and approved by the Village.
- (l) The Distribution Main Line / sewer trunks may be installed at the expense of the Applicant.

No installation of a Service-line will be made between November 1 and the following April 1, unless the Applicant pays in advance, or agrees to pay with security or assurance satisfactory to the Village, any excess cost of installation that may reasonably be attributable to weather and soil conditions existing between said dates. Where a Service Line is to be installed in a paved or improved street, the cost of removing and replacing the street surface shall be paid by the Applicant. In no event shall these provisions require anything more than reimbursement to the Village of the actual incurred cost of connecting the service.

Section Three: Calculation on number of units for capital charges.

- (a) For the purpose of this ordinance each separate space containing plumbing for water and sewer and capable of being occupied by a separate tenant; equipped with an outside entrance and separated from other parts of a structure will be considered a separate unit.
- (b) Each separate unit as defined in section three (a) will receive a separate monthly capital charge unless the unit has the water service shut off at the curb stop or a separate lockable valve is closed and locked off by the Village.
- (c) Residents may combine separate units into a single unit if a separate unit is no longer necessary.
- (d) The Village Administrator will make the determination on the number of separate units contained in a structure. Before making this determination, an inspection of the premises may be required.

Section Four: Extension of Main Lines and Sewer Trunks

- (a) The Village may require the Applicant to construct, at the Applicant's expense, any necessary main line and sewer trunk extensions to extend water and/or sewer service to and across the frontage of the Applicant's property. All Distribution/collection Main extensions, sewer-trunks, and subsequent connections to main extensions shall be made pursuant to written contracts. If the Village requires the Applicant to construct, or otherwise fund the construction of, the Distribution/collection main or sewer trunk and contribute the Distribution/collection main or sewer trunk to the Village, the Applicant shall be entitled to a refund, as set forth in the main extension agreement, from each Subsequent Applicant that taps into the main extension or sewer trunk constructed/funded by the Applicant for that portion of the main extension that will make sewage service available to property abutting the main extension that is not owned by the Applicant.

(1) Subsequent Applicant Fee

Whenever the owner of any land abutting a main extension or sewer trunk line constructed pursuant to an extension agreement who is not a party to the original extension agreement, (herein after subsequent Applicant"), requests to tap the main extension either for a service tap or to extend another main perpendicular to the existing main at any point other than the existing main's terminus, the Subsequent Applicant shall pay a Subsequent Applicant Fee calculated in accordance with the Per Foot Construction Cost Method set forth herein. Each Subsequent Applicant shall pay the Subsequent Applicant Fee to the Village at the time of making application for service. The Village shall collect the Subsequent Applicant Fee from the Subsequent Applicant and shall distribute the Subsequent Applicant Fee to the original Applicant as it is collected by the village. The village shall not charge original Applicant or Subsequent Applicants for collecting the Subsequent Applicant Fee and forwarding to original Applicant.

(2.) Per Foot Construction Cost Method

The Subsequent Applicant Fee shall be computed by taking the original Applicant's total cost of the main extension and dividing such costs by one half of the total foot frontage of the land receiving service from the main, but not including any foot frontage costs of land for which water and sewer service has been or may become available from an existing main of the system.

Section Five: Deduct Meters or Unsewered Water Meters

- (a) Any Customer who desires to have a second meter installed to quantify water used, but not returned to the sewer treatment plant, i.e. for lawn sprinklers, swimming pools, etc., may apply to the village for the installation of a Deduct Meter. The decision of whether to permit the installation of a Deduct Meter shall be at the sole discretion of the Village. The design, construction, and type of Deduct Meter shall be approved by the Village. The Customer shall be responsible for all costs related to the installation of the meter including the cost of the meter.
- (b) Such Deduct Meters shall always remain in the operating position. No Customer shall be permitted to tamper with or alter the configuration of any Deduct Meter.

Section Six: Water Leak Waiver Policy

- (a) In the event the Customer experiences an unusually high water bill which is due to a water leak, the Customer may petition the Village for a waiver of the sewer charge portion of the water bill that is attributable to the leak. The Village Management may grant such a waiver of sewer charges to the extent the village determines that the water leaked was not discharged into the Village's sanitary sewer system.

Section Seven: Watering Lawns Related to New Home Construction and Village Street/utility Improvement Projects

- (a) The Village agrees to make a one-time reasonable adjustment, the amount to be reasonably determined by the Village, to that portion of sewer charges on a Customer's bill due to the watering of a new lawn, whether seed or sod, as a result of the construction of a new home. No adjustment to sewer charges shall be made for lawn watering to repair lawn damage to an existing lawn or to maintain landscaping on the Property.
- (b) The Village agrees to make a one-time reasonable adjustment, the amount to be reasonably determined by the Village, to that portion of water and sewer charges on a Customer's bill due to the watering of lawn areas, whether seed or sod, as a result of the restoration of lawn areas in connection with a Village Street or Utility Improvement Project.

Section Eight: Regulation for Wells

- (a) Due to the concern for public health and the risk that an unregulated well may potentially interfere or contaminate the Village's water supply, the drilling or excavating a new well located within the Corporation limits of the Village of Covington other than a well owned, operated and controlled by the Village of Covington is strictly prohibited by this ordinance.
- (b) Any person who violates this section shall be fined not less than \$100, not more than \$1,000 for each day that a well exists on the property; beginning with the day drilling or excavation has begun for a well and continuing until the day the well is sealed, as defined in R.C. Section 1521.05(A)(6). Each day shall be a separate violation.

Section Nine: Regulating Industrial Process Water

- (a) Should an industrial or commercial customer within the Village be engaged in manufacturing procedures that involve substantial amounts of process water, the customer shall, at his or her own expense, install necessary plumbing and metering to determine the amounts of water consumed that do not require sewage treatment.
- (b) The Village must approve the specific plumbing arrangement and metering equipment used in order to achieve accurate metering and billing and to avoid cross-connections and other sanitary issues.

Section Ten: Sewage Disposal Requirements

- (a) No connection to a public sanitary sewerage system shall be installed, maintained, or operated on any property within the village of Covington without the written permission of the administration of the Village of Covington, or the duly authorized agent of the Village.
- (b) An application for permission to the Village, as set forth in (a) above, shall:
 - 1. be signed by the owner, agent, or lessee of the property for which such connection is sought;
 - 2. be signed by the person, firm, corporation, or other entity employed to perform the work;
 - 3. describe the property upon which such work is sought to be performed; and
 - 4. state the status of the fixtures to be connected or installed
- (c) No connection to a public sanitary sewerage system shall be installed, maintained, or operated on any property within the Village of Covington by any person, firm, corporation, or any other entity without proper authorization licensure, or other certification required by applicable law to perform such work.
- (d) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other, impure, or offensive wastes into an abandoned water supply, well, spring, or cistern, or into a natural or artificial well, sinkhole, crevice, or other opening extending into limestone, sandstone, shale, or other rock formation, or normal groundwater table.
- (e) No person shall discharge, or permit or cause to be discharged, treated or untreated sewage, the drainage or contents of a sewage tank, or other offensive wastes onto the surface of the ground, into any street, road, alley, open excavation, or underground storm water drain.
- (f) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other, impure, or offensive wastes into a storm water sewer.
- (g) Roof water, clean water from condensers, foundation drainage, sump pumps, cistern overflows, surface drainage, subsurface drainage, and other clean and unobjectionable types of clean water shall not be discharged into the public sanitary sewerage system.
- (h) Plastics in any form, wet-strength paper towels, cloth of any kind, rubber products, throw-away baby diapers, cigarette stubs, sand, grit, coffee-grounds, excess cooking oils or greases, solvents, paints, caustic or oily liquids or materials, kerosene, gasoline, motor oil, floor waxes, or any other wastes known to adversely affect a sewage disposal system, shall not be deposited or flushed in plumbing fixtures, nor shall they otherwise be introduced into a building sewer or other sewage disposal system.
- (i) Connections with cesspools and/or privy vaults shall not be made into any sanitary, combined, or storm water sewer.

- (j) No industrial waste shall be discharged into a storm-water sewer. The village of Covington may grant permission to discharge such waste into a sanitary sewer, if such waste is not detrimental to the sewer system. If industrial waste is of such a character that it is detrimental to the sanitary sewer system into which such waste is sought to be discharged, such waste must be appropriately treated until it is no longer detrimental to the system.
- (k) An approved and appropriate trap for the interception of grease and oil shall be provided for any connection from a hotel, restaurant, club, or institutional kitchen, public garage, car wash, or from any and all other establishments of any kind where such trap may be necessary. Such trap shall be of a design and/or configuration that is acceptable to the Village of Covington or the duly authorized agent of the Village. Trap shall be the responsibility of the customer and/or property owner to maintain, keep cleaned, and working properly as designed for the interception of grease and oil. Property owner is responsible for all costs associated with the recovery, pumping, cleanup and labor caused by the improper inspection and or maintenance of the grease trap. Property owner must provide the Village with a copy of the inspection and pumping records at least annually.
- (l) If any of the above conditions listed in this section are discovered, the village will notify the affected property owner in writing, giving the property owner 60 days to bring the service into compliance. If the affected service is not made to be in compliance within 60 days, the Village Administrator shall order the discontinuation of the service until such time that corrections have been made, inspected and approved by the Village.
- (m) If it is determined by village management in the exercise of professional judgment that any of the above listed conditions require immediate action to avoid an environmental incident or that the condition may put the public's health or safety at risk, the Village Administrator shall order the immediate discontinuation of the service until such time that corrections have been made, inspected and approved by the Village.

Section Eleven: Increased user fees for food service operations.

Commercial customers operating a kitchen preparing food for sale will be charged a \$0.25 per thousand gallon sewer surcharge to cover the increased operational costs to treat additional grease, suspended solids and BOD loading to the sewer collection and treatment facility.

Section Twelve: Increased user fees for industrial wastes.

Any customer may, at the direction of the Village Administrator or his/her designate, be required to complete testing on discharges to the sewer collection system. Based on the results of these tests, additional fees and surcharges shall be determined by the Village and shall be assessed to these customers in relation to the anticipated additional costs that will be incurred by the Village in treating certain wastes contained in these discharges.

Customers who discharge waste to the sanitary sewer system in excess of the predetermined limits listed in the separate rate ordinance shall be required to pay a surcharge to cover the additional costs that will be incurred by the Village in treating such wastes.

Section Thirteen: Pretreatment of industrial wastes.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the sewer collection system shall be required and shall be subject to the rules and regulations established by the U.S. EPA and the Ohio EPA, in addition to any more stringent requirements that may be established by the Village.

Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted to the Village Administrator or his designate for review prior to the initiation of any new discharges, any new manufacturing processes that may result in discharges, and any new control or pretreatment facilities. Approval must be obtained in writing from the Village Administrator prior to the construction or installation of any new processes or facilities. Once placed in operation, the owner must maintain the pretreatment facilities or controls in proper working order and provide monthly reports to the Village Administrator to show characteristics of the influent to and effluent from the pretreatment facility prior to its discharge into the sewer collection system. These reports must show the performance of the pretreatment facility and will be used by the Village to compare with Village monitoring records.

Section Fourteen: Access to Premises

- (a) As a condition of the Village granting a Customer permission to connect to the public sanitary sewerage system and receive service, Customer shall grant permission to the Village to enter upon the property of the Customer in order to, without limitation, inspect, service, test, or repair any equipment connected to the public sanitary sewerage system. Neither the Village nor its agents or employees shall enter into the interior of any structure on the premises of a Customer without the express permission of such Customer, except in cases of emergency. Any agent or employee seeking entrance into or upon the premises of a Customer shall have and show Village provided proof of identification. Any agent or employee seeking entrance to the interior of any structures on the Premises shall advise the owner or occupant as to his purpose in doing so. Except in cases of emergency, no Customer shall be obligated to afford entrance or access to his/her Premises, except during normal business hours, and then only to such parts of the Premises as may be the location of Village-owned Facilities.
- (b) **Access to Premises - Limitations**
Village Personnel, in the exercise of their sole discretion, may refuse to enter upon any Customer's property if such personnel have concerns about their safety due to the presence of unrestrained animals or any other safety issue that may be present on the Property. The Property Owner shall be responsible for any injuries sustained by village Personnel due to existence of dangerous conditions existing on the Property.

- (c) Right-of-Way- The Customer, without reimbursement, will make or procure conveyance to the Village of right-of-way or right-of-entry and installed Facilities satisfactorily to the village to permit the village to cross Property between the village right-of-way and the Customer's Property at the location where utility service is to be furnished, including Property owned or controlled by the Customer for the Village's Facilities, extensions thereof, or appurtenances necessary or incidental to the supplying of utility service to the Customer.

Section Fifteen: Utility Customers Located Outside of the Village Corporation Limits.

As a condition of the Village providing utility services to any property located outside of the Village Corporation limits, the property owner must agree to submit to and cooperate with annexation proceedings when the property becomes adjacent to the Village corporation limits. In addition, utility customers located outside of the Village corporation limits shall be subject to surcharge of fifty percent (50%) over the rates and fees listed in the separate Utility rate ordinance for customers located within the Village corporation limits. Failure at any time to pay the applicable surcharge fees or failure to cooperate with the annexation proceedings may result in immediate deactivation of the water/sewer service to the customer.

Section Sixteen: Activation Fee.

Any water service that has been shut off due to non-payment of the monthly utility bill, noncompliance with any section of this ordinance, or at the request of the utility customer will be subject to the activation fee set forth in a separate rate ordinance. In addition, prior to activation of the water service, the utility account must be paid in full and this activation fee must be paid to the Fiscal Officer or utility Billing Clerk. Water service turned off and reactivated due to an emergency will not be charged an activation fee.

Section Seventeen: Deposit Requirement for Tenants that are not the Property Owner.

- (a) Tenants or property owners may activate utility accounts and request that utility services be placed in the requestor's name.
- (b) Before any new utility customer can request that utility service be activated, the customer must show proof of ownership of the property being activated. This proof of ownership should be a copy of the deed for the property. If proof of ownership cannot be provided, a deposit must be paid to the Fiscal Officer or utility Billing Clerk in the amount set forth in a separate rate ordinance. The Village will hold this deposit until the customer's water account is deactivated and paid in full. If the account is not current when it is deactivated, the deposit will be applied to the outstanding balance on the account. The Village does not pay interest on deposit funds held for purposes of this ordinance.
- (c) The Village will upon request furnish the property owner with a copy of the tenant's monthly utility bill.

Section Eighteen: Bill Due Date, Late Fee, Shut Off Due to Nonpayment.

Each monthly utility bill is due and payable by the 20th day of each month by every person, firm, corporation, or other entity who or which is the owner of property served by a connection to the Village water system. Utility bills with an outstanding balance of at least \$25.00 not paid by the 20th of the month due are subject to a one-time 10% penalty which will be added to the unpaid balance. With respect to a utility bill not paid by the 25th day of the second month after such utility bill is due, the Village shall have the right to shut off water service to the property that is subject to the delinquent utility bill as a result of such nonpayment.

Section Nineteen: Property Owner Responsible for Unpaid Utility Bills.

Regardless of the name in which the utility account is registered or billed, the legal owner or owners of the property are responsible for the payment of all unpaid utility bills. This responsibility for unpaid utility bills remains with the property and is assumed by the current owner at the time of collection of outstanding utility bills. All Village utility bills must be paid in full to the Fiscal Officer or utility Billing Clerk before an account is transferred to a new customer or reactivated.

Section Twenty: Property Tax Assessments for Unpaid Balances.

An additional surcharge of One Hundred Dollars (\$100) shall be added to each utility bill which is delinquent in excess of Three Hundred Dollars (\$300) and which results in the Village assessing such delinquent charges with the Auditor's Office of Miami County, Ohio. As provided by Revised Code Section 743.04, such charges, together with the applicable surcharges, shall constitute a lien on the property so served, and if not paid when due shall be collected in the same manner as municipal corporation taxes.

Section Twenty-One: Requirement for Backflow Prevention.

All commercial, industrial and institutional water customers are required to install a reduced pressure backflow preventer approved by the Village Administrator on the municipal water connection where such connection enters the building prior to the connection of any branch connections or service lines.

Any residential customers who have any other pressurized water source entering the building or any potential for hazardous cross-connections, as determined by the Village, must install an approved reduced pressure backflow preventer on the municipal water connection where such connection enters the building prior to the connection of any branch connections or service lines.

Backflow preventers must be tested and certified annually by a certified and licensed person. Test results must be displayed on site, and copies of such test results must be submitted to the Village of Covington and the Miami County Health Department.

Backflow preventers not passing the annual test must be repaired immediately or the water service will be deactivated until such repairs are made and the backflow preventer is certified to be in good working condition.

Section Twenty-Two: Requirements to Have Wells Inspected and to Cap Abandoned Wells.

All wells located within the Village Corporation limits are subject to annual inspections by the Village Administrator or his designee. Wells that are found to be inoperable must be made operable or capped by a person licensed to do so within thirty (30) days of receipt of notice from the Village. A copy of the well capping report must be submitted to the Village of Covington and the Miami County Health Department. If no action is taken by the property owner within thirty (30) days of receipt of notice, the Village Administrator will cause the well to be capped and the property owner will be billed the full cost of capping the well, including administrative fees.

Section Twenty-Three: Removing Meter, Breaking Seal and Tampering.

No unauthorized person shall maliciously, willfully or negligently remove or tamper with any water meter or break any meter seal or break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the waterworks or water distribution system.

Section Twenty-Four: Unlawful Water Tapping.

- (a) No person shall tap into the municipal water system, whether at the main or by a connection with another property already attached to the municipal water system, without first making application to the Village and paying the tap-in fee. Anyone who violates this section shall be guilty of a misdemeanor of the fourth degree.
- (b) No owner or occupant of real property in or outside the Village shall connect or cause his property to be connected to water lines of the municipal water system without first applying for and paying the tap-in fee.
- (c) The Village Administrator shall order the discontinuation of a service to any person found violating the provisions of this section, and such person shall be immediately deprived of such service until proper application has been made and the tap-in fee has been paid.
- (d) Any property owner, occupant, plumber or other person who violates this section shall have added to his water bill, any cost the Village may incur in shutting off and reactivating such service including the required activation fee.

Section Twenty-Five: Tampering with Fire Hydrants.

No person, other than a duly authorized representative of the Village, shall tamper with or turn on a fire hydrant for any other purpose, without first obtaining the consent of the Village Administrator.

Section Twenty-Six: Penalty

Unless the penalty is contained within this ordinance, whoever violates or fails to comply with any of the provisions of this ordinance is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each separate offense. Each day of failing to comply with any of the provisions herein shall constitute a separate offense.

Section Twenty-Seven:

That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were conducted in meetings open to the public, in compliance with all legal requirements.

Section Twenty-Eight:

If any section, subsection, paragraph, clause or provision, or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision, or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section Twenty-Nine: Enactment of This Ordinance

This ordinance is deemed necessary to facilitate the fair and equitable provision of water and sewer service and shall take effect at the earliest day provided by law.

PASSED, this 15th day of October 2012.

EDWARD McCORD, MAYOR

ATTEST: _____
CARMEN SIEFRING, FISCAL OFFICER

APPROVED AS TO FORM: _____

FRANK PATRIZIO, VILIAGE SOLICITOR