

VILLAGE OF RIPLEY, OHIO
ORDINANCE NO. 1026

AN ORDINANCE AMENDING THE GENERAL PROVISIONS RELATING TO THE
OPERATION OF THE RIPLEY UTILITIES DEPARTMENT

BE IT ORDAINED by the Council of the Village of Ripley, Brown County, Ohio, two-thirds (2/3) or more of all members thereof concurring as follows:

SECTION 1. That existing Chapter 50 of Ordinance No. 689 (the Codified Ordinances of the Village of Ripley), as amended by Ordinance No. 914 of the Ordinances of the Village of Ripley be and the same is hereby repealed.

SECTION 2. That Ordinance No. 689 (the Codified Ordinances of the Village of Ripley), be amended to include the following new regulations which shall be a part of Title V, Public Works, and shall be designated Chapter 50, Utilities, General Provisions:

UTILITIES, GENERAL PROVISIONS

50.01 DEFINITIONS.

For the purposes of Title V of this Code, the following definitions shall apply:

- (A) The word "village" shall mean the Village of Ripley, Ohio.
- (B) The words "Village Administrator" shall mean the Village Administrator of the Village of Ripley, Ohio.
- (C) The word "utilities" shall mean those utility services supplied by the Village of Ripley and shall include electric, water, sewerage and garbage disposal service or any combination thereof.
- (D) The words "Ripley Utilities Department" shall mean the department of the Village of Ripley responsible for furnishing, supplying, contracting for and billing for utilities services.
- (E) The word "resident" shall mean the head of a family or one maintaining his or her separated living quarters on premises and shall include owners, tenants and occupants of all premises served by the Ripley Utilities Department.
- (F) The word "residence" shall mean the premises occupied by a resident.

(G) The word "premises" shall mean land or buildings (including mobile homes or house trailers) or both, or parts of or both, occupied by a resident or commercial establishment.

50.04 DENIAL OF UTILITIES SERVICE.

The Ripley Utilities Department may deny utilities service if:

(A) the applicant has a delinquent utility bill owing to the Ripley Utilities Department incurred at a prior premises;

(B) a person residing at the premises to be served, having a business interest or ownership interest in the premises to be served or having an interest in the business to be located at the premises to be served has a delinquent utility bill owing to the Ripley Utilities Department incurred at the same or a different premises;

(C) it is determined, based on past experience of the Ripley Utilities Department with the applicant or another adult resident of the applicant's household, that the applicant is not a good credit risk provided, however, that the Ripley Utilities Department shall not deny utilities service to such applicant if the applicant:

(1) makes an additional meter deposit for the utilities services sought or required in such amount as may be required by the Ripley Utilities Department which amount may be up to three (3) times the regular meter deposit provided by subsection 50.05 of the Codified Ordinances of the Village of Ripley, and/or

(2) otherwise establishes, to the satisfaction of the Ripley Utilities Department, that the applicant's credit history has substantially improved since the time of the past experience of the Ripley Utilities Department the basis of the denial;

(D) it is determined that the structure to which such utilities services would be connected is either unsafe or unsanitary or otherwise unfit for human habitation or if it is determined that such structure would be unsafe, unsanitary or unfit for human habitation if such utilities services were to be connected. For purposes of this subsection, it shall be lawful for the Ripley Utilities Department to deny all utilities service to such a structure if the furnishing of any utilities services provided by the Ripley Utilities Department would render such structure unsafe, unsanitary or unfit.

50.05 METER DEPOSITS FOR NEW UTILITIES CUSTOMERS.

(A) The Ripley Utilities Department shall charge each utilities customer a deposit for each new premises served.

(B) The deposit charged and collected by the Ripley Utilities Department shall be maintained as a separate identifiable account under the supervision and control of the Village Clerk-Treasurer.

such arrearage exists. If a utilities customer or his authorized representative is unable to produce a receipt, the Ripley Utilities Department may, upon satisfactory proof of identity, issue a refund based on information contained in the records maintained by the Ripley Utilities Department and may require the utilities customer to sign a statement that the utilities deposit receipt has been lost and that such customer will indemnify the Village of Ripley as to any and all claims which may be made against said Village by any other person claiming a right to a refund of such deposit.

50.06 UTILITY BILLS - AMOUNT.

Each utility bill shall itemize the utility services provided and shall indicate an amount, known as the net amount, which shall be the total amount for all utility services provided. Each utility bill shall also indicate an amount, known as the gross amount, which shall be the total amount for all utility services provided plus ten percent (10%).

50.07 UTILITY BILLS - BILLING AND PAYMENT DATES.

(A) Bills for utilities services shall be calculated and mailed monthly by the Ripley Utilities Department to utilities customers on or about the 15th day of each month.

(B) Each utility bill shall be clearly marked with a payment due date, which date shall not be sooner than ten (10) days after such utility bill is mailed.

(C) If a situation exists such that it is not possible for the Ripley Utilities Department to mail such utility bills or provide for payment thereof in any given month as specified in subparagraphs (A) and (B) of this subsection, the dates and time periods specified therein may be altered or amended on a month by month basis by the Ripley Utilities Department, in the exercise of its discretion, to achieve the most equitable result given all of the circumstances known to it.

50.08 UTILITY BILLS, PAYMENT - BAD CHECK CHARGE.

(A) Payment of utility bills shall be made on or before the due date marked on the utility bill. If paid on or before such date, the net amount shall be paid; if paid after such date, the gross amount shall be paid. Each utility bill shall be considered paid on the due date if the proper remittance is deposited in the deposit box at the Ripley Utilities Department prior to 8:00 a.m. of the first business day following the due date.

(B) Payment by check on or before the due date shall be considered timely subject to such check being honored by the drawer's bank. Any check not honored by the drawer's bank upon presentation thereof for collection shall result in a \$20.00 bad check charge being added to such utilities customer's account and,

For purposes of this subsection, it shall be lawful for the Ripley Utilities Department to disconnect all utilities service to such a structure if the furnishing of any utilities services provided by the Ripley Utilities Department would render such structure unsafe, unsanitary or unfit.

50.12 NOTICE OF UTILITIES DISCONNECT.

(A) Prior to disconnecting any utilities service pursuant to subsection 50.11 of the Codified Ordinances of the Village of Ripley, the Ripley Utilities Department shall serve a Notice of Disconnection on the utilities customer.

(B) The Notice of Disconnection shall be deemed properly and timely served:

(1) by mailing a copy thereof, by regular U.S. mail, postage prepaid, to the utilities customer at the address maintained by the Ripley Utilities Department for billing purposes, not less than seven (7) days prior to the proposed service disconnect date; or

(2) by delivering a copy thereof personally to the utilities customer, by leaving a copy thereof with a person of suitable age at the premises, or, if no person of such description is at the premises, by leaving a copy thereof at a conspicuous place at the premises, not less than five (5) days prior to the proposed service disconnect date.

(C) The Notice of Disconnection shall clearly state the date after which utilities service is to be disconnected unless the utilities account for such premises is brought current and shall further state that the utilities customer may seek review of the disconnect order by filing a Request for Review with the Ripley Utilities Department not later than 4:00 p.m. of the last business day prior to the proposed service disconnect date provided in the Notice. The Notice shall also state that a request for review will automatically suspend disconnection until the decision of the Ripley Utilities Department as provided by subsection 50.17.

50.13 SERVICE RECONNECT CHARGE.

(A) If any utilities service is voluntarily disconnected or reconnected in excess of two (2) times during any twelve month period to the same premises at the request of same utilities customer, the Ripley Utilities Department may charge and collect from the utilities customer a fee of \$10.00 for each such subsequent disconnection or reconnection.

(B) If any utilities service is involuntarily disconnected pursuant to subsection 50.11 of the Codified Ordinances of the Village of Ripley, service to such premises shall not be reconnected until such time as a reconnect fee of \$50.00 is paid and until such time as the utilities account at such premises is

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Appeal with the Clerk of the Village of Ripley within ten (10) business days of the date of the Village Administrator's written decision.

(B) The Notice of Appeal provided by subparagraph (A) of this subsection shall not operate to stay or suspend, pending appeal, any decision of the Village Administrator.

(C) Upon receipt of a Notice of Appeal, the Clerk of the Village of Ripley shall schedule an appeal hearing before the Council of the Village of Ripley at the earliest possible time, which shall be not more than thirty (30) days after the filing of the Notice of Appeal, and shall notify the appellant, the Village Administrator and such other person or persons who may have an interest in the matter of the date, time and place of the Appeal Hearing. Notice of the Appeal Hearing shall be provided to the appellant in writing not less than twenty-four (24) hours before the time set for the Appeal Hearing provided, however, that if the appellant is provided notice by mail service, the appellant shall be deemed to have received timely notice if the Notice of the Appeal Hearing is mailed at least three (3) business days prior to the date set for the Appeal Hearing. Notice of the Appeal Hearing to all other persons need not be in writing and may be communicated by any method calculated to give notice.

(D) At the Appeal Hearing, the Council of the Village of Ripley shall receive such evidence as any interested party may present and shall be empowered to uphold, modify or reverse any decision made by the Village Administrator. The Council of the Village of Ripley may continue or adjourn such hearing from time to time as it may determine to be necessary or convenient. A majority of the members of the Council of the Village of Ripley shall concur in any decision and shall issue their findings and orders in writing. The decision of the Council of the Village of Ripley shall be final.

SECTION 3. That this Ordinance shall be in full force and effect from and after the earliest date allowed by law; to wit, thirty days after the adoption hereof.

PASSED: June 11, 1996

David Gray
David Gray, Mayor

ATTEST:

Hilda Frebis
Hilda Frebis, Clerk