

ORDINANCE NO. 95-68 AC CMS

**AN ORDINANCE AMENDING SECTION 909.02 AND SECTION 909.05(d)
OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN,
OHIO, RELATING TO ASSESSMENT OF DELINQUENT UTILITY
BILLS AND PROVIDING FOR A SECURITY DEPOSIT
FOR UTILITY SERVICE**

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Section 909.02 of the Codified Ordinances of the City of Oberlin, Ohio, relating to the assessment by the City of a delinquent rate against overdue utility bills be, and hereby is, amended to read as follows:

- (a) The City shall assess a delinquent rate of 10% of the total monthly utility bill for those bills paid after the due date. In addition, the City shall assess a delinquent rate of one percent per month of the total monthly utility bill for those bills outstanding thirty days beyond the due date.
- (b) In June of each year, the City Auditor shall present to Council all utility accounts four months or more delinquent. Upon Council Approval, the City Treasurer shall present the amounts due to the County Auditor to be assessed to the tax duplicate.
- (c) All charges for water usage, as provided in Chapter 911, all sewer charges, as provided in Chapter 915, and all charges for sanitation services, are assessed against the property to which the service is rendered and are a lien against said property, collectible the same as other liens and taxes. Transfer of ownership of property connected to the public water system and sanitary sewer system, shall not relieve the property of responsibility for charges assessed against the property.
- (d) Any City utility account established and maintained in the name of the tenant, lessee or other person or party for services provided to the premises shall not relieve the property or the owner of the property for liability for such charges.
- (e) No person, agent, firm or corporation shall sell, convey, exchange or otherwise transfer, by deed, lease, land contract or otherwise, any interest in any real property located within the corporate limits of the City, which is supplied with water, sanitary sewer and/or sanitation services by the City, without first furnishing to the purchaser or duly assigned escrow agent proof of payment of the final bill for such services. If such final bill has not been paid or proof of payment is not readily available, three hundred dollars (\$300.00) shall be held in escrow until such proof of payment has been furnished to the escrow agent.

(f) Any party to a sale, exchange, conveyance or transfer of property, or any such party's agent, may request the Division of Utilities to read the meter at that property. As soon as reasonably possible thereafter, the City will read the meter and render a final bill for all outstanding water, sanitary sewer, electric and sanitation charges will be rendered.

(g) No person, agent, firm or corporation acting in the capacity of escrow agent in any real estate transaction involving the sale of any real property or interest therein located within the corporate limits of the City, which is serviced or supplied with water, sanitary sewer, electric and/or sanitation services by the City, shall disburse any funds until the provisions of subsection (e) hereof have been met.

(h) Upon good cause shown, the City may waive the assessment described in subsection (a) hereof.

SECTION 2. That section 909.05 (d) of the Codified Ordinances of the City of Oberlin, Ohio, which set the amount of security deposit for utility service, be, and hereby is, amended to read as follows:

(d) The deposit shall be determined by the following formula.

Electric:

782 Kilowatt Hours X Current Annual Rate

Water:

800 Cubic Feet X Current Annual Rate

Sewer:

800 Cubic Feet X Current Annual Rate

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - August 21, 1995
2nd Reading - September 5, 1995
3rd Reading - September 19, 1995

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: September 22, 1995

EFFECTIVE DATE: October 19, 1995

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