

UTILITIES – GENERAL PROVISIONS

(A) DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

- (1) The word "village" shall mean the Village of Aberdeen, Ohio
- (2) The word "utilities" shall mean those utility services supplied by the Village of Aberdeen and shall include water, sewer, and garbage.
- (3) The words "Village of Aberdeen" shall mean the department of the Village of Aberdeen responsible for furnishing, supplying, contracting for and billing for utility services.
- (4) The word "resident" shall mean the head of a family or one maintaining his or her separate living quarters on premises and shall include owners, tenants and occupants of all premises served by the Village of Aberdeen
- (5) The word "residence" shall mean the premises occupied by a resident.
- (6) The word "premises" shall mean the land or buildings (including mobile homes and house trailers) or both, or parts of both, occupied or formally occupied by a resident or commercial establishment.
- (7) The word "tenant" shall mean the non-owner occupant of premises in which the owner has entered into a contract to occupy said premises.
- (8) The word "occupied structure" shall mean any house, building, rental unit (including mobile homes and house trailers), or any portion thereof, to which any of the following applies:
 - (a) It is maintained as a permanent or temporary dwelling even though it is temporarily unoccupied and whether or not any person is currently present.
 - (b) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present.
- (9) The words "commercial establishment" shall mean all other premises and institutions, public and private, charitable or non-charitable, served by the Village of Aberdeen, Ohio.
- (10) The words "utilities customer" shall mean any residence or commercial establishment using utilities services provided by the Village of Aberdeen, Ohio.
- (11) The words "utilities applicant" shall mean any residence or commercial establishment applying for utilities services to be provided by the Village of Aberdeen, Ohio.
- (12) The word "council" shall mean the legislative authority of the village of Aberdeen, Ohio.
- (13) The word "administrator" shall mean the Village Administrator of the Village of Aberdeen, Ohio.
- (14) The word "disconnect" shall mean turning off the water meter connected to the premises.

(B) SEPARATE UTILITIES CUSTOMERS:

- (1) Each residence and each commercial establishment shall be considered a separate utilities customer notwithstanding that both may occupy the same premises.
- (2) Each resident shall be charged a residential rate for utilities services and each commercial establishment shall be charged a commercial rate for utilities services.

(C) APPLICATION FOR UTILITIES SERVICE:

- (1) Each applicant for utilities service shall make application for such service on a form to be furnished by the Village of Aberdeen, Ohio.
- (2) The Village of Aberdeen, Ohio may require proof of identification of any applicant for utilities service and may require the applicant to furnish the identification of all persons residing in the premises to be served.
- (3) The application shall be signed by the applicant or by a duly authorized representative of the applicant.
- (4) Any applicant wishing to open a new utility account will sign an "Assumption of Liability to Pay Utility Bill" indicating they will assume responsibility for payment of the utility bills.
- (5) Each applicant must furnish a utility deposit as set by Ordinance, unless the administrator acts on subsection (F)(2)(a) of this Ordinance.

(D) DENIAL OF UTILITIES SERVICE:

The Village of Aberdeen may deny utilities service if:

- (1) The premises to be served are subject to a delinquent utility bill owing to the Village of Aberdeen incurred by the applicant or a former occupant of the premises;
- (2) The applicant has a delinquent utility bill owing to the Village of Aberdeen incurred at a prior premises;
- (3) 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 Village of Aberdeen incurred at the same or different premises; or
- (4) It is determined, based on past experience of the Village of Aberdeen with the applicant or another adult resident of the applicant's household, that the applicant is not a good credit risk provide, however, that the Village of Aberdeen shall not deny utilities service to such applicant, if the applicant:
 - (a) Makes an additional deposit for the utilities services sought or required in such amount as may be required in such amount as may be required by the Village of

Aberdeen which amount may be up to three (3) times the regular deposit provided to the Village of Aberdeen

- (b) Otherwise establishes, by the satisfaction of the Village of Aberdeen, that the applicants; credit history has substantially Improved since the time of the past experience of the Village of Aberdeen past denial of service

(E) UTILITY DEPOSIT

- (1) A utility deposit, as set by Ordinance, will be required of all new utility customers as defined in subsection B of this ordinance.
- (2) Utility service will not be approved until the Village of Aberdeen receives the utility deposit.

(G) OCCUPENTS OF PREMISES

The owner or non-owner occupant shall inform the Village of Aberdeen as to the names of all people residing on the premises. Failure to do so may result in termination of services as described in subsection (L)

(H) 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 a late fee as set by Ordinance.

(I) UTILITY BILLS – BILLING AND PAYMENT DATES

- (1) Bills for utilities services shall be calculated and mailed monthly by the Village of Aberdeen to utilities customers on or about the 30th day of each month.
- (2) Each utility bill shall be clearly marked with a payment due date, which shall not be sooner than (15) days after such utility bill is mailed.
- (3) If a situation exists such that it is not possible for the Village of Aberdeen to mail such utility bills or provide for payment thereof in any given month as specified in subparagraphs (1) and (2) of this subsection, the dates and time periods specified therein may be altered or amended on a month by month basis by Village of Aberdeen Administrator, in the exercise of his discretion, to achieve the most equitable result given all the circumstances known to him.

(J) UTILITY BILLS _ OWNER LIABLE

- (1) Beginning with the effective date of this Ordinance, no utility account may be transferred or opened without first requiring the owner of the real estate for which the utilities are to serve to sign a written "Utility Account Guarantee" guaranteeing payment of all bills for utility services and granting a lien upon all real estate which they own if the utility bills under that account become past due.
- (2) No new utility accounts will be opened for a location unless all utility bills for services provided to that location are paid current
- (3) Any utilities applicant wishing to open a new utility account will sign an "Assumption of Liability to Pay Utility Bill" indicating they will assume responsibility for payment of the utility bills. The assumption, however, will not relieve the owner of the guarantee to pay the utility account in the event that the tenant failed to make the utility bill payment.
- (4) The Village Administrator is prohibited from authorizing service to a location without the signed "Assumption of Liability to Pay Utility Bill" and "Utility Account Guarantee" being on file.
- (5) No utility service will be provided to a real estate location where the landowner or the tenant has an unpaid utility account with the Village of Aberdeen until said account is paid in full.
- (6) When the balance due on the utility account has been in arrears for 90 days, in accordance to Section 729.49 and Section 735.29 of the Ohio Revised code, the Village of Aberdeen may certify such balance to the County Auditor to be placed on the duplicate and collected as other village taxes, together with interest and penalties pursuant to said Section.
- (7) The Village of Aberdeen, shall the request of the owner of any non-owner occupied premises, provide the owner with a statement as to the current status of the utilities account for such premises. Such statement shall be furnished within a reasonable time after the request is made and may be given orally.
- (8) This subsection does not apply to any unpaid balance of a non-owner account prior to the effective date of this ordinance.
 - (a) This does not prohibit the Village of Aberdeen from pursuing other methods of collection

(K) SERVICE SHUT-OFF – VOLUNTARY

- (1) The Village of Aberdeen shall disconnect utility service to any premises at the request of the person in whose name the account is carried or at the request of such person's duly authorized representative and upon satisfactory proof of identity.

(L) SERVICE DISCONNECT – INVOLUTARY

(1) The Village of Aberdeen shall disconnect all utility service to any premises if the utilities account, or any part thereof, is in arrears at the end of the third (3rd) day of the month following the payment due date. Shut-off will be scheduled for 8:00 A.M. on the next business day.

(2) The Village of Aberdeen may disconnect all utility services if it becomes aware that a person described in subsection (D)(3) is residing on the premises and/or that subsection (E) was violated.

(3) The Village of Aberdeen may disconnect utility services if it becomes aware of an unauthorized connection.

(a) The Village of Aberdeen may establish an unauthorized connection fee as set by Ordinance, for unauthorized connection of service. This fee does not preclude criminal prosecution for theft of service.

(4) The Village of Aberdeen may disconnect all utility service if it is determined that the utilities customer provided false, inaccurate or misleading information on the application for utilities services

(5) The Village of Aberdeen may disconnect all utility service if it is determined that current circumstances would have resulted in the denial of utility service at the time of application.

(6) The Village Administrator may extend the disconnect date, in the exercise of his discretion, to achieve the most equitable result given all the circumstances known to him, without notice given to utilities customers

(7) No involuntary service disconnect will take place on Friday or the day before Village offices are closed.

(8) The Village of Aberdeen may add an involuntary disconnect fee as set by Ordinance.

(a) The disconnection fee will be charged for any account scheduled for disconnection even if actual physical disconnection has not occurred.

(9) The Village of Aberdeen may establish an unauthorized reconnection fee, as set by Ordinance, for unauthorized reconnection of service. This fee does not preclude criminal prosecution for theft of service.

(10) No service will be restored until the account balance is paid in full including any disconnect fees

(M) UNAUTHORIZED CONNECTION

Only a village employee under the direction of the Village Administrator, may connect water to a utilities customer. The following will be deemed an "unauthorized connection"

- (1) Turning on water without an utilities application form approved by the Village Administrator
- (2) Turning on water after an involuntary disconnection
- (3) Tampering with a meter
- (4) Directly using a water source other than the one directly associated with the property in question.
- (5) Any other action that the Village may specify through Ordinance

(N) UTILITY BILL ADJUSTMENTS

(1) The Village administrator shall have sole authority to make adjustments on utility bills, unless set by ordinance, and may grant or deny any request.

(2) Adjustments will be made only to current charges. No adjustments to prior charges may be made.

(3) Adjustments for the filling of swimming pools will be made only to the sewer portion of the utility bill.

(O) VILLAGE ADMINISTRATOR

The Village Administrator has the sole decision making authority involving the Aberdeen Utilities Department. However, this is not the case if:

- (1) An ordinance takes precedence over the administrators action
- (2) The Ohio Revised Code takes precedence over his actions.