

PUBLIC HEARING

A Public Hearing is scheduled for 6:30 p.m., Monday, March 14, 2016 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request by Russo Real Property, Ltd to rezone parcel numbers 85-31-02-19-000 & 85-31-02-18-000, also known as lot 35 and part of lot 36 of the Richland Place Subdivision, located on Cambridge Avenue from RM-1 (Low-Density Multi-Family Residential) to C-4 (Highway Commercial). All testimony for and against will be heard.

City Council meeting Agenda of business March 14, 2016

The Lord's Prayer

Pledge of Allegiance to the flag

Item
no.

A. Roll call

B. Approval of minutes

C. Communications, reports, and resolutions

1. Communications from Mayor Jeff Tilton – Zanesville-Muskingum County General Health Board – The Mayor is hereby recommending the appointment of Dr. John Hibler to the Zanesville-Muskingum County General Health Board. Dr. Hibler will be replacing Dr. Thomas Ruggles whose term expires on March 31, 2016. Dr. Hibler's term will begin April 1, 2016 and end on March 31, 2022. I thank Dr. Ruggles for his many years of service on this Board.
2. Communication on City Water Policies/Rate Revisions from Jay Bennett, Public Service Director- The Ohio Revised Code 743.02 provides that the director of public service may make such bylaws and regulations as he deems necessary and Ohio Revised Code 743.04 (A) provides for assessment and collection of water rents per the director of public service.

D. Proposed ordinances

3. Ordinance No. 16-26 – Introduced by Council – An Ordinance amending Ordinance No. 00-16, which adopted a Classification Plan for City Employees; amending Ordinance 13-15 (Amended), which authorized a maximum schedule of positions; and amending Ordinance 13-16 (Amended), which established pay, benefits and employment policies for unaffiliated employees. (First Reading)

4. Ordinance No. 16-27 – Introduced by Council – An Ordinance establishing the annual salary and benefits for the Public Safety Director of the City of Zanesville. (First Reading)
5. Ordinance No. 16-28 – Introduced by Council – An Ordinance approving a Labor Agreement with Zanesville Professional Fire Officers Association, Employee Organization and declaring an emergency. (Emergency or First Reading)
6. Ordinance No. 16-29 – Introduced by Council – An Ordinance authorizing the proper city official to provide funds to the Ohio Flags of Honor Foundation as a donation for the presentation of the Ohio Flags of Honor in Zane’s Landing Park. (First Reading)
7. Ordinance No. 16-30 – Introduced by Council – An Ordinance authorizing the proper city official to apply for an OPWC (Ohio Public Works Commission) Grant and Zero Interest Loan and execute contracts in connection with the Round 31 State Issue 1 Program if approved. (First Reading)
8. Ordinance No. 16-31 – Introduced by Council – An Ordinance relating to a Property License Agreement with the Ohio Department of Natural Resources; authorizing the Director of Public Service to execute the agreement for improvements for a recreational trail, and declaring an emergency. (Emergency or First Reading)
9. Ordinance No. 16-32 – Introduced by Council – An Ordinance authorizing the proper city official to pursue grant funding through the Recreational Trails Fund for development of the Canal Park Trail and amenities located between the Y-Bridge and the Sixth Street Bridge, and declaring an emergency. (Emergency or First Reading)
10. Ordinance No. 16-33 – Introduced by Council – An Ordinance authorizing the proper city official to pursue grant funding through the Ohio Department of Transportation Alternatives Program for the development of the Rotary Centennial Trail located between the Y-Bridge and the Sixth Street Bridge, and declaring an emergency. (Emergency or First Reading)
11. Ordinance No. 16-34 – Introduced by Council – An Ordinance establishing sanitary sewer rates. (First Reading)
12. Ordinance No. 16-35 – Introduced by Council – An Ordinance to amend and revise the Zoning Map and make permanent zoning in the City of Zanesville, Ohio as herein provided. (First Reading)

E. Ordinances for action

13. Ordinance No. 16-24 – Introduced by Council – An Ordinance providing appropriations for use during the Fiscal Year 2016, and declaring an emergency. (Emergency or Second Reading)

14. Ordinance No. 16-20 A – Introduced by Council – An Ordinance authorizing a Partnership Agreement between Muskingum County and City of Zanesville for the application and administration of the PY 2016 Community Housing Impact and Preservation Program (CHIP). (Third Reading)

F. Traffic orders

G. Miscellaneous and unfinished business

H. Private petitions and communications

Non-agenda item petitions filed

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking in regard to W.A.S.P.-M&M vs Women's Duties.

CITY COUNCIL MEETING – MONDAY, FEBRUARY 22, 2016

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, February 22, 2016 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Foreman moved to accept the minutes of February 08, 2016 as printed, seconded by Mrs. Osborn.

All were in favor. None were opposed.

Motion carries. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None

PROPOSED ORDINANCES

Ordinance No. 16-23 - Introduced by Council – An Ordinance authorizing the Director of Community Development to apply for a planning grant from the U.S. Environmental Protection Agency's Office of Sustainable Communities and the U.S. Department of Agriculture's Rural Utilities Service for the purpose of using broadband service to help promote economic development and downtown revitalization and declaring an emergency.

Ms. Gildow moved to waive the readings and it was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion on waiving of the readings? With that the deadline is February 24, 2016 to be able to apply. If no discussion, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mr. Roberts moved for passage, seconded by Mrs. Norman.

Mr. Vincent: Is there any discussion? Hearing none, Mr. Bennett, did you want to add anything here?

Mr. Bennett: Just another technical assistance application much like the Natural Parks Service that we applied for last year and have received. We are in the early parts of that where they lend us staff, they lend us their expertise on looking at this case and how to use existing or expanded broadband to attract, promote, and retain businesses in downtown Zanesville. When we have the application all done and ready if approved tonight we will push it through tomorrow.

Mrs. Osborn: Isn't this part of piggy backing on when we have to dig up streets any way so we might as well do something to benefit downtown.

Mr. Bennett: That certainly will be part of the consideration. We will look at those opportunities. As indicated in the Ordinance that we've installed broadband conduit within sidewalks over the last several years, so we have open conduit waiting for line. In those cases we would not need to be in the streets. Those already exist.

Mrs. Osborn: That is great.

Ms. Gildow: Mr. Bennett, is there anticipation there might be grant funding out there for actual installation?

Mr. Bennett: Absolutely. I think the first step is what is it? Where is it going to be? How much is it? Then you would follow thereafter to show what the results of this effort were and then make application.

Mr. Vincent: Is there anything else from Council? We will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-24 - Introduced by Council – An Ordinance providing appropriations for use during the Fiscal Year 2016, and declaring an emergency.

Mr. Vincent: A motion for first reading or to waive.

Mr. Roberts moved for first reading, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Ms. Gildow you are going to have a Ways & Means Committee meeting to discuss and answer questions.

Ms. Gildow: Yes, because there are always questions about the budget and then also in consideration that this would be the first time that some of our Councilmembers have gone through this process. We are going to have a Ways & Means Committee meeting to more thoroughly review the numbers with Ms. Heskett.

Mr. Vincent: Thank you. Is there anything else from Council? Okay, you will get that arranged then with a date that works with everyone and get it advertised? Alright, if no other questions, we are at first reading so all in favor of first reading signify by saying aye.

A voice vote was taken with all in favor. None were opposed.
Motion carries.

ORDINANCES FOR ACTION

Ordinance No. 16-20 Amended - Introduced by Council – An Ordinance authorizing a Partnership Agreement between Muskingum County and City of Zanesville for the application and administration of the PY 2016 Community Housing Impact and Preservation Program (CHIP) Grant.

Mr. Vincent: We are at second reading.

Mr. Foreman moved for second reading, seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye.

A voice vote was taken with all in favor. None were opposed.
Motion carries.

Ordinance No. 16-08 – Introduced by Council – An Ordinance establishing the wages for unaffiliated employees in the Municipal Service.

Mr. Vincent: We are at third reading.

Mr. Roberts moved for third reading and passage, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? If no discussion, we will move on to roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-10 - Introduced by Council – An Ordinance authorizing the proper city official to purchase items for employee recognition.

Mr. Vincent: We are at third reading.

Mrs. Osborn moved for third reading and passage, seconded by Mr. Wolfe.

Mr. Vincent: Is there any discussion? If no discussion, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-13 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a professional contract for the replacement of a boiler at the City Wastewater Treatment Plant.

Mr. Vincent: We are at third reading.

Mr. Roberts moved for third reading and passage, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: Next Monday at 7:00 o'clock p.m. here in Council Chambers I will be giving the State of the City Address. Everyone is invited.

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio speaking on Democracy.

Mr. Eric Jones said using the audience as a control mechanism he would describe the political health of our community, I think we have five people here. That represents one out of five or six thousand people showing up. Now that would not be bad if we have five or six citizens, but as I said before we are down to one citizen, me. The others are invitees. Mr. Jones spoke on lack of public participation. He then described the indications of a tyrant being someone who doesn't like to answer questions. Another trait of a tyrant is someone who does not want to state the rules. The third trait is someone who is opposed to citizens/community participation. Mr. Jones stated

Ordinance 15-44 is an example of tyranny. He used an analogy of a little circle is what you are allowed to talk about and a big circle is what you are not allowed to talk about. He asked individuals to read Ordinance 15-44 with this analogy in mind to see what you think. He again mentioned his request for Council to read two books: Roberts Rules of Order and The Federalist Papers.

Law Director Tarbert then asked for a motion to go into an executive session to talk about pending litigation the City is involved in.

A motion to adjourn to executive session to discuss pending litigation with City of Zanesville Law Director David Tarbert was made by Mr. Roberts and seconded by Mr. Baker.

Mr. Vincent then state since we are at the end of the meeting and he asked Mr. Tarbert if there was a need for any decisions to be made at the end of this session.

Mr. Tarbert said no.

Mr. Vincent then stated with that as a courtesy to everyone here if you would like to leave we will not make any decisions, other than to vote to adjourn the meeting. No decisions will be made other than that. So you are welcome to go home and you do not have to stick around, but otherwise we are going into executive session if Council passes this by vote. We will need to shut the cameras off and everyone will need to step out so we can talk about legal matters. So with that a motion and second and we will have roll call vote to go into executive session.

Roll call vote was taken with all in favor of the motion.

9 Ayes

0 Nays

Motion carries.

We are now in executive session so with that will everyone step out. You are welcome to stick around out there if you like and when we finish up the executive session we will invite you back in, but again we will just be adjourning the meeting. Please shut the cameras off. The public was excused from Council Chambers.

Whereupon Council adjourned into executive session at 7:15 p.m.

The public was asked to re-enter by the Clerk of Council.

A motion to adjourn the executive session was made by Mr. Roberts and seconded by Mrs. Osborn. Roll call vote was taken with all in favor of the motion. Whereupon the executive session was adjourned at 7:35 p.m. and no decisions were made in executive session.

Mr. Vincent then informed the audience that no decisions were made in executive session. We were there to listen to what the Law Director had to say and we listened to information and ask questions on pending litigation. Again no decisions were made in executive session. So with that we are at the end of our agenda, so I will entertain a motion to adjourn.

With no further business a motion to adjourn was made by Mr. Roberts. It was seconded by Mr. Wolfe.

Mr. Vincent declared the meeting adjourned at 7:38 p.m. and thanked everyone for attending and wished them a good evening.



Council-Mayor Government
Jeff Tilton, Mayor

THE CITY OF
Zanesville

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MEMORANDUM

TO: *Members of City Council*

FROM: *Mayor Jeff Tilton* JT

DATE: *February 29, 2016*

SUBJECT: *Board Appointments*

ZANESVILLE-MUSKINGUM COUNTY GENERAL HEALTH BOARD

I am hereby recommending the appointment of Dr. John Hibler to the Zanesville-Muskingum County General Health Board. Dr. Hibler will be replacing Dr. Thomas Ruggles whose term expires on March 31. Dr. Hibler's term will begin April 1, 2016 and end on March 31, 2022. I thank Dr. Ruggles for his many years of service on this Board.

Thank you!

JT/blm



The City of Zanesville

401 Market Street, Zanesville, Ohio 43701
Phone: (740) 455-0601 X101
Email: jay.bennett@coz.org

Department of Public Service
Jay D. Bennett, DIRECTOR

TO: Members of City Council
FROM: Jay D. Bennett, Public Service/Community Development Director
DATE: March 9, 2016
RE: City Water Policies/Rate Revisions

Ohio Revised Code 743.02 provides that:

Bylaws and regulations.

"The director of public service may make such bylaws and regulations as he deems necessary for the safe, economical, and efficient management and protection of the water works of a municipal corporation. Such bylaws and regulations shall have the same validity as ordinances when not repugnant thereto or to the constitution or laws of the state."

Further, ORC 743.04 (A) provides:

Assessment and collection of water rents.

"(A) For the purpose of paying the expenses of conducting and managing the waterworks of a municipal corporation, including operating expenses and the costs of permanent improvements, the director of public service or any other city official or body authorized by charter may assess and collect a water rent or charge of sufficient amount and in such manner as the director, other official, or body determines to be most equitable from all tenements and premises supplied with water."

Therefore, please find attached to this communication, the revised Billing and Water Rules Regulations, effective March 14, 2016.

The modifications include a variety of minor adjustments dealing with the Utility Billing systems. The previously discussed 2016 water rate increase can be found on page 20 in the document.

Staff worked with the Water Superintendent and the Utility Billing Supervisor to develop the rate increase. The adjustment is premised upon the objective that the utility remain fully self-funded and financially stable, while both operating and capital needs being met without excessive year-over-year fluctuations over the evaluation period. The Water Division's recommended 2016 Operating and Capital Budgets, and five-year plans are considered together with the projected water consumption to generate the water rates which will self-finance the Water program over the next few year's planning period, including reserve contributions. The current financing model only relies upon debt issuance for the Putnam Hill Tank and Heritage Water Tank improvements. As always, I am available to answer your questions.

CITY OF ZANESVILLE
DEPARTMENT OF PUBLIC SERVICE



**UTILITIES BILLING DIVISION
&
WATER DIVISION**
RULES AND REGULATIONS

AUGUST, 1997

(Revised) MARCH 21, 2006

(Revised) JUNE 5, 2008

(Revised) December 31, 2008

(Revised) August 2, 2011

(Revised) September 18, 2012

(Revised) December 18, 2013

(Revised) March 14, 2016

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WATER DIVISION
RULES AND REGULATIONS

The following Rules and Regulations, as established by the Director of Public Service, are published for the information and guidance of the users of the public water supply of the City of Zanesville, Ohio, and are a part of the contract between the Department of Public Service and each user of the facilities.

CHAPTER 1 WATER SUPPLY SYSTEM

1.1 Ownership and Control

The public water supply system of the City of Zanesville, Ohio, including all real estate, reservoirs, wells, pumping and treatment equipment, water mains, laterals, valves, fire hydrants, meters and services (to the property line), is owned by the City of Zanesville and is under the control of the Director of Public Service and his duly authorized agents or employees. Such control includes all piping from the city water mains to the point of ultimate consumption or to where the city water is finally discharged freely at atmospheric pressure.

1.2 Cross Connections Prohibited

No person, firm or corporation shall make or maintain a physical connection between the public water supply and any other source of water or other liquid unless the auxiliary or other water system and the method of connection and use of such system shall have been approved by the appropriate City official and by the Ohio Environmental Protection Agency. No spigot or outlets shall be physically connected to a sewer or drain nor shall such spigot or outlet be below a free flow or submerged. Attention is called to Section 6109.13 of the Ohio Revised Code and to Chapter 3745-95 of the Ohio Administrative Code.

1.3 Contamination Prohibited

No person shall put filth, animal matter or any other substance in any city water reservoir or swim or bathe therein.

1.4 Continuous Supply Not Guaranteed

The City does not guarantee to consumers full volume, fixed pressure or an effective continuous supply of water, such matters being subject to the varying conditions which may disrupt the operation and require maintenance of the mains, services, pumping stations, reservoirs and other parts of the waterworks system. Those customers using steam boilers or other facilities which require a constant or uninterrupted supply and which take water directly from the mains are advised to have a tank of sufficient size to hold an ample supply for emergency needs as no claim will be considered for damages of any nature arising from such action. The water division will, however, in case of accident or necessity which requires the cutting off of the water supply, endeavor to notify its customers in advance. This will not occur, however, if a delay would cause a potential hazard to public health and safety or extensive property damage.

**CHAPTER 2
TAMPERING WITH WATER SYSTEM**

2.1 Remove Meter Seal and Insert Bypass

No person may connect to any public water line, tamper with or remove any meter seal, or insert a meter bypass without the permission of the Director of Public Service or his agents under penalty provided in Section 493.99 of the Ohio Revised Code and also under penalty of having the water turned off (until this matter is resolved).

2.2 Obtain Water Unlawfully

No person shall operate, open, or otherwise tamper with any valve, corp stop, curb stop or other device after same shall have been closed for violation of any rule or regulation of the Department of Public Service, or in any way take water for private use unlawfully or without first having secured the necessary permit from the authorized representative of the Department of Public Service.

(City Code 937.02)

(Turn on charge would go from \$20.00 to \$50.00, Tamper Charge would go from \$100.00 to \$200.00, and fee would go up with each offense).

Continuous evidence of water being turned on after having been turned off for nonpayment shall result in the disconnecting of the service branch from the mainline in which situation the customer shall pay all cost incurred in reconnecting the service branch, with the City retaining the option of replacing the service branch with new materials.

2.3 Installation and Removal of Meters, Turn On of Services

Approved meters may be installed and/or removed and water service turned on only under the supervision of City Water Division personnel. No water service will be turned on unless the property owner has a person present at the property. Qualified plumbers are authorized to turn off and on the water service for and following repairs.

(Upon city approval plumbers must call the pumping station before and after repairs, report type of repairs and if meter seal has been removed City personnel will replace meter seals at no charge to the customer).

2.4 Penalties

If the Water Division finds that a meter seal has been broken or any bypass inserted, or there is evidence that the meter has been tampered with, the water shall be shut off and shall not be turned on again until the consumer or owner of the premises shall pay for the estimated quantity of water which has been used and not registered, and in addition thereto, be charged a fee for turning on said water as prescribed in Section 10.4 the criminal laws of the State of Ohio provide severe penalties for tampering with water meters, meter seals, etc. The penalties hereinabove are in addition to the penalties provided by City ordinance and by the criminal laws of the State of Ohio and the making payment hereinabove will not in any way relieve any person from criminal prosecution. (Meter Techs will verify meter seal on each order and sign off on work order. Cost of repairs and man hours will be passed on to customer for illegal connections).

**CHAPTER 3
APPLICATIONS FOR WATER SERVICES**

3.1 Applications and Security Deposits

Any All property owners, or his duly authorized agent, desiring water service must sign for such service in person at the Utilities Billing Office showing a positive identification and documentation that demonstrates interest into subject property before such service will be provided (see Application and Contract Form, Appendix A).

(A Meter Technician or the Metering Supervisor and a Certified Plumbing Inspector must approve installation prior to water service being turned on).

A security deposit is required for certain new accounts as prescribed in Sec. 10.4. A deposit will be required of the following specified customers of Zanesville water who are starting water service with the City of Zanesville and who will have City water meters and accounts:

- 1) A new water/sewer customer with the City of Zanesville who has no prior credit experience with the City.
- 2) A tenant customer, except if the landlord furnishes the City with a written waiver for the deposit.
- 3) A customer that has been delinquent in the past 12 months.

Except for a tenant customer, the City of Zanesville will return credit any remaining balance of the security deposit to the customer's account who made the deposit after a one-year period provided the customer has kept his account current for the preceding 12 month period.

Each water meter account of a customer shall be treated separately. At the option of the City of Zanesville, should a customer of the City of Zanesville water move from a premises having a water meter on the premises, the City of Zanesville may credit the customer's new water meter account with any balance due to the customer on a previous deposit. For a customer moving from the City, credit will be given on the final bill.

Water service can be refused to an applicant where billings for previous service or for assessments are outstanding. Payment of all bills from previous service addresses is required prior to registration at a new service address.

3.2 When Service Branch Installation is Required

Any property owner or his duly authorized agent may make application at the Utilities Billing Office for the installation of a water service branch connection (see Application Form, Appendix B).

The Water Superintendent or his representative will determine the charges for such service branch connection according to the provisions of the Sources of Revenue Schedules of these Rules and Regulations and inform the applicant as to the amount of such charges. Upon payment of the charges as determined, the application for the service branch will be approved and the installation authorized. The Water Division will make and maintain the water tap which shall remain the property of the City.

In cases where a water main has not been installed across the entire frontage to be served but the property is within 200 feet of an existing water main and the area cannot be developed, the City will permit a service to be extended to the property line at the expense of the owner. Payment will be as outlined in Plan No. 1 of Sec. 4.1.

In the event the service branch connection is to be installed in a street or road outside the corporate limits of the city and the political subdivision (State, County or Township) requires a permit before excavations can be made, it shall be the responsibility of the applicant to obtain such permit.

3.3 Permit Refused

The request for a permit will be refused when any of the following conditions apply:

- 1) When the premises to be served does not abut a public street, road or way.
- 2) When a water main has not been installed across the entire frontage to be served (see exception in Sec. 3.2).
- 3) When in the judgment of the Director of Public Service the existing water main is of insufficient size to supply the additional demand and maintain satisfactory service to established consumers.
- 4) When the applicant is delinquent in the payment of previous rents or charges.

CHAPTER 4
WATER MAIN EXTENSIONS

4.1 Procedures for Obtaining Water Main Extensions

Anyone or more property owners may request the Department of Public Service to determine the feasibility of installing a water main extension to serve their premises.

Construction of an approved water main extension may proceed under one of the following plans:

Plan No. I - Payment of the Entire Cost in Advance

If the Director of Public Services shall approve the proposed extension and determine the estimated construction cost, such property owners may deposit with the department a sum equal to such estimated cost and the Department of Public Service will thereupon proceed with the construction. Any surplus in the deposit amount over and above the construction cost will be refunded to the owner or the owner's agent. Should the construction cost exceed the deposit amount, the owner or owners shall pay this excess amount and no water taps will be installed or water service rendered from the extension until the cost is paid in full. (Arrangements for payments, refer to Termination for Non-Payment)

Plan No. II - Construction by Owner

In new subdivisions, the Department of Public Service may permit or require the owner or owners to arrange for the laying of water main extensions by private contract; however, the work shall be done under the supervision of the Department of Public Service. In any such case, the Department of Public Service will require a deposit in the sum of 10 percent of the total estimated cost as a guarantee against defective workmanship or materials. Such deposit, less any sums expended by the department for repair or replacement of defective work or materials, shall be refunded one year after the water main extension has been placed in service. No other refund or payment will be made. Materials used for water main extension under Plan II must be approved by the Department of Public Service.

Plan No. III - Special Assessment in Accordance with the Ohio Revised Code

The owners of property to be served by a proposed water main extension may petition for, or council may authorize, the construction of such extension and the assessment of the cost thereof in accordance with the provisions of the Ohio Revised Code.

4.2 General Water Main Extension policies

No extension of a water main will be approved for less than the entire frontage of the premises to be served plus the necessary length of water main required to extend the existing main to that frontage.

Plans for a subdivision shall be drawn by a registered engineer and must show complete water circulation within the area and between the area and the existing system. Connections to the existing water main system at more than one point may be required at the discretion of the Director of Public Service.

All water mains shall be installed to plan and profile in accordance with the standard drawings and specifications of the Department of Public Service.

The Department of Public Service shall in all cases specify the size and location of water main to be installed, as well as the type, number, and location of valves, fire hydrants or other appurtenances thereto. Water main construction shall be subject to inspection by the Department of Public Service.

All water mains extended or installed under these rules and regulations, whether within or without the corporate limits of the City of Zanesville, shall, upon being supplied with water, become the sole property of the City of Zanesville and all maintenance and repair costs and charges shall be assumed by the Water Division.

4.3 Water Main Replacement

The Department of Public Service may replace any existing distribution main as is necessary to improve the water distribution system. Such replacement may be in a different location, right-of-way or easement from the main being replaced, but shall be designed so as to serve all properties already connected to the existing main by means of individual service branches.

4.4 Water Main Extensions Outside the City Limits

If you live outside the city of Zanesville's corporation limits you need to follow the steps below to determine if water may be available to you:

- 1) A request for service needs to be sent to the Director of Public Service in writing, including the address of the property to be served.
- 2) Provide a copy of your deed of ownership for the property to be served with your letter of request for service.

- 3) The Director of Public Service will review your request and respond in writing within 30 days.
- 4) If you are in close proximity to an existing water main, and the Director of Public Service deems it appropriate to add additional connections to the main line, your request shall be submitted by the Director in ordinance form to Zanesville City Council for approval. Per ORC 743.12 only the legislative authority (city council) may permit water to be serviced outside the corporation limits of any municipality.
- 5) If no water main line exists in your area, and you desire to have the main line extended to your residence you will still need to follow Steps 1 thru 4 above. You will also be required to pay for all labor and materials as determined by the City to extend such line. (City Codified Ordinance 931.02)
- 6) Water usage fees include a 50% surcharge for all outside the city customers. Please refer to Utility Billing Rules and Regulations for details on rates.
- 7) Along with the other fees applicable above a \$750.00 tap-in fee plus any labor and materials for a $\frac{3}{4}$ inch tap is required. The total cost shall be calculated on a case by case basis, including with a \$75.00 meter deposit.

**CHAPTER 5
SERVICE BRANCHES**

The connection through which a customer receives water from a water main shall be known as a service branch.

The existence of a water service branch to serve private property shall bind the owner thereof to comply with the Rules and Regulations of the Department of Public Service and shall be evidence of his guarantee of payment for all water rents and assessments even though a tenant shall occupy the property.

A service branch shall serve only the premises described on the application and each branch shall be metered. Each house or building, including duplexes and apartment buildings, shall have a separate and distinct curb stop located outside the premises opposite such premises and on public right-of-way. The Director of Public Service may require properties or premises not so equipped to install additional services and/or curb stops at the expense of the property owner.

5.1 Portion Installed and Maintained by the Water Division

The service branch from the water main to and including the curb stop will be installed and maintained by the Water Division.

When a fill is placed over a curb box, the box must be raised. The City will raise the curb box if given two working days notice. Any associated costs will be charged to the customer if the box is covered by pavement or sidewalk or by a fill exceeding 3 inches in depth.

5.2 Portion Installed and Maintained by the Property Owner

The service branch from the curb stop to the point of connection with the building plumbing shall be installed and maintained by the property owner or his agent. This service branch shall have a minimum depth of cover of 36 inches and insofar as possible shall be laid in a straight line.

It will be the responsibility of the property owner to maintain the plumbing on the owner's side of the curb stop that will withstand turn on and turn offs at the curb stop and all natural stresses. The City will not be responsible for breaks on the property owner's side of the curb stop caused by private contractors or by the operation of the curb stop.

Should it be determined that a broken service line is causing a traffic hazard or property damage to others, the water may be turned off at once. The customer should make arrangements for a temporary water supply until such time as the necessary repairs can be made.

5.3 Failure to Make Repairs

Failure of the property owner to make repairs when necessary can result in the water being turned off at the curb stop and the property owner charged for the estimated quantity of water wasted.

5.4 Service Calls

Service calls will be made without charge for the following purposes:

- 1) Leak investigation
- 2) To locate the City-owned portion of the system
- 3) Meter inspection
- 4) Opening and closing accounts
- 5) During regular working hours

If during investigation it is determined that the leak is in the customer's portion of the system, the City will turn off the water at the curb stop. The customer is responsible for accurately locating the leak and for repair. There will be a charge for turning the service back on and for any additional turn offs by the City. Following repairs service may be turned back on by a plumber. There will be a special charge for any turn on after normal working hours. Charges are as prescribed in Sec. 10.4.

Any required repair to the curb stop will be performed by the City during normal working hours as soon as it can be scheduled.

5.5 Freezing

The City will not assume the cost of thawing water services on the customer's side of the curb stop. The customer must demonstrate that their portion of the service line is not frozen before the City will attempt to thaw the line on the street side of the curb stop. It is the City's policy not to use electric welders to thaw services.

**CHAPTER 6
METERING**

6.1 Meter Furnished by City

The water meter and Orion Radio Read Type Meter head unit, sized for the anticipated demand, will be furnished and owned by the City. Fees and charges will be as prescribed in Sec. 10.4.3. (City will determine meter size and furnish meters up to 1" in size. City will inspect, repair, and replace meters above 1" at owner's cost. No charge for work done).

6.2 Settings

Normally, meters will be installed inside the building or residence with an Orion Radio Read Type Meter head unit. In some cases the meter may need to be installed outside of the building in an approved type pit. An additional charge will be made for an outside meter setting. The charge for a normal meter installation is as prescribed in Section 10.4 (See Appendix C for typical inside setting details).

6.3 Building Plumbing to Provide Space for Meter

(ENFORCE)

When a meter is to be installed inside a building, the plumbing shall provide the correct space for the meter. Plumbing to receive 5/8-inch, 3/4-inch, or 1-inch size meters shall be installed as shown in Appendix C.

Details on meter settings larger than 1-inch size will be supplied at the time the service branch permit is issued.

6.4 Admittance to Property

Inspectors, meter readers or employees of the Water Division, whose duty it may be to enter upon private premises to examine meters, pipes, or other fixtures used in connection with the city water supply, will be equipped with a proper badge, uniforms, or such other credentials as the Director of Public Service may deem necessary to identify them as agents of the Water Division. Such inspectors, meter readers, or employees authorized by the Water Division must have free access at all reasonable hours to all parts of the building for the purpose of inspecting meters, examining fixtures, disconnecting meter, and observing the manner in which the water is used. In case any authorized inspector, meter reader, or employee is refused admittance to any premises or is hindered or prevented from making such examination, the water can be turned off and not turned on again until free access is given.

It is the policy of the Water Division to inspect, annually, the meters installed inside buildings or residence to ascertain their general condition, check for leakage, improper hook-ups, and to compare inside

and outside meter readings. It is to the customer's advantage to facilitate access for meter readers to aid in early detection of unknown leaks.

6.5 Meter Damage

Water meters damaged by hot water, frost, or negligence shall be repaired by the Department of Public Service at the expense of the property owner. The minimum charge is as prescribed in Sec. 10.4, Special Service Charges. Any additional cost of repair or new meter, if required, will be added to this minimum.

6.6 Meter Testing

The Water Meter Division will, on its initiative, undertake to test and correct any meter, which in its judgment is registering incorrectly, without the consent of the property owner. The Water Meter Division will not be responsible for any breakage of pipes or valves occurring during removal or installation of meters, where such breakage is due to old or faulty plumbing.

Upon request from an owner or consumer and agreement to pay for the testing charge, the Water Meter Division will remove any meter and take it to the meter shop for tests, upon payment of the fee prescribed in Sec. 10.4 for a 5/8-inch through 1-inch size meter and for all other sizes a fee equal to the cost of removing and testing the meter. If upon examination and test it is found that the meter registers outside the tolerance limits of the following percentages of water through its size, 2% over or under on disc meters sizes 5/8-inch to 2-inch on flows from one to 20 gallons per minute; 5 percent over or under on all other types and sizes of meters on flows from low to high rating, then it shall be considered "inaccurate" and the water charges will be adjusted upon the basis of that test and no charge will be made for testing.

The City will make re-reads and check for leaks ~~ROM-type meters~~ as part of routine customer service. Routine customer requests for service, and for final readings, shall be scheduled at least 24 hours in advance.

6.7 Orion Radio Read Type Meter

In accordance with the provisions of Chapter 743.02 of the Ohio Revised Code, the Director of Public Service, city of Zanesville, hereby amends Chapter 6, Metering; Section 6.2, Settings by adding the following:

All active service properties existing as of January 2, 2006 shall have an Orion Radio Read Type meter installed wherever deemed feasible by the Director of Public Service on or before June 30, 2010. Failure

of the property owner to provide free access to the premises for installation of the new metering system, prior to June 30, 2010, shall be just cause for termination of water service to the premises.

ADOPTED: JANUARY 2, 2006

(All City meters must meet City of Zanesville specifications).

**CHAPTER 7
WATER SERVICE DISCONTINUED**

7.1 By User or Property Owner

Any water user or property owner may discontinue utilities service and be exempt from regular billing by requesting a final bill from the Utilities Billing Office and having the curb stop turned to the "Off" or closed position by Water Meter Division personnel. **A representative of the user or property owner must be present during the requested discontinuation of water service to a property.**

At least 14 days prior to the sale of real property, any party to the sale may request a meter reading, and a final bill for outstanding charges would be rendered within 10 days after the request is made. Owner must sign request for termination of service, transfer of account, and request for final read or shut off. Meter Technicians must have access to all metering equipment before an account will be opened **or closed**. Meter Technicians must sign off on all work orders as to the condition of all meter seals and metering equipment. Transfer of accounts, request for final reads or shut off is on a first come, first served basis. Owner pays for water usage over weekend, etc.

**CHAPTER 8
FIRE LINES AND FIRE HYDRANTS**

8.1 Connection

Any property owner desiring to obtain a connection with the City water mains to supply a private fire line or sprinkler system shall make application as provided in Section 3.2.

8.2 Charge for Connection

See "Sources of Revenue", Section 10.2.

8.3 Use of Pipes Restricted

Pipes or appurtenances installed to serve private fire lines or sprinkler systems shall not be tapped or used for the general water supply of any building, structure or premises. (See "Cross Connections Prohibited", Section 1.2). Permission to install a separate fire service for an individual building shall be granted only at the discretion of the Director of Public Service.

All fire lines must be equipped with a Badger Meter, Radio Transmission Read unit, shut-off valve, and proper backflow device.

8.4 Charges for Service

See "Water Rates and Charges", Section 10.4.

8.5 Use by City Fire Department

In case of fire, the Fire Department shall have the right to use any and all private fire lines or appurtenances even though the fire is not on the premises served by such private line.

8.6 Private Use of Fire Hydrants

No person except an authorized agent of the Water Division, or the Fire Department, or a person with a special permit from the Director of Public Service, shall take any water from fire hydrants under any circumstances. In case any damage is done to a fire hydrant by any person, he shall, upon demand of the Water Division, pay such damages and all costs and expenses incurred by reason thereof. A flat rate fee per day, or part thereof, shall be paid for water taken from fire hydrants for any reason except fire fighting as prescribed in Sec. 10.4. Payment arrangements must be made in advance at the Utilities Billing Office.

Use of fire hydrants for lawn sprinkling or filling swimming pools will not be permitted.

CHAPTER 9
ACCOUNTING PRACTICE AND PROCEDURE

9.1 Districts and Account Numbers

For accounting purposes the entire water service area has been divided into districts. Individual accounts are also numbered with the first digit designating the accounting district in which it is located. Residential customers are billed bi-monthly while larger users (commercial and industrial) are billed monthly. All customers are billed monthly.

9.2 Liability and Registration of Property Owners (Section 937.06 of City of Zanesville Codified Ordinances)

A. Liability

1. Each owner of real property supplied with water by the City of Zanesville shall be liable for charges for water supplied to the premises.
2. Water service may be terminated or denied at any premises where there are outstanding water or sewer charges, or to any person who has outstanding water or sewer bills with the City of Zanesville.
3. The agreement by the City of Zanesville to carry an account in the name of a tenant or other non-owner in no way relieves the owner(s) of liability for water and sewer charges for the premises.

B. Registration of Ownership

1. The owner(s) of premises supplied with water by the City of Zanesville shall register with the Utilities Billing office within sixty (60) days after the effective date of the ordinance; within thirty (30) days after any change of ownership of the premises; and prior to any change in the account for water to said premises. Water service may be terminated or denied for any premises for which a current registration card is not on file.
2. The registration card shall contain the name, address, phone number and Social Security number of each owner; the name and address of the person to whom the regular bill is to be sent; and the signature of at least one owner of the premises, acknowledging personal liability for water and sewage charges. A separate registration card must be filed for each separate account, unit, meter meter, or service location.

3. ~~The willing of a registration card by one owner shall be sufficient to satisfy the requirement of registration for all owners of said premises.~~ **The City will consider transferring registration when the other inhabitant's name appears on the property deed.**

9.3 Billing Practice

A bill for applicable services will be issued for each billing period or part of a billing period during which the curb stop in the service branch is listed on the records of the Utilities Billing Office as being in the "On" or open position.

The charge will normally be determined from the difference between two consecutive meter readings. When for any reason a meter reading has not been obtained, the charge may be "estimated" from quantities of water used during previous periods.

Charges covering less than the full billing period may either be calculated from previous meter readings (estimated) or may be prorated (based on days of service).

~~Bills are due and payable upon issue by the Utilities Billing Office and must be paid at that office within 30 days. Accounts not cleared by 30 days from date of issue shall be considered as being delinquent and water service may be discontinued at any time thereafter.~~ **Bills are due approximately 19 to 22 days after invoice is sent out. (Payments are required by due date. An extension may be granted. Only one extension can be granted in a 12-month period.)**

The Utilities Billing Office will endeavor to give proper notice of water and/or sewer service charges but by law cannot guarantee delivery of mail. Failure to receive notice by mail shall not excuse customers from prompt payment of bills.

Water accounts are established and assigned to the property itself. Billings are sent in care of individuals. Owners of property will be held responsible for water **and sewer** used in their premises, but payments will be accepted from tenants under the conditions stated herein.

Where water and/or sewer rents and charges are unpaid for at least 60 days and where the unpaid bill has arisen from a service contract made directly with the owner of the property served by the connection, as described herein, the City may file a lien against the property by certifying the unpaid amount, plus any associated penalties, to the county auditor. The Utilities Billing Office will send the property owner written notice of the impending certification at least 30 days prior to the certification in accordance with the Ohio Revised Code (ORC 743.04). If, however, the City determines that a transfer of the property is about to occur, it may file the lien without having to meet the requirements

that the rents or charges be unpaid for 60 days and the property owner receive 30 days' advance notice of the impending certification.

Any lien for unpaid water and/or sewer charges will be immediately released upon payment in full of the amount certified as unpaid rents, charges and penalties.

As an alternative to the above procedure, delinquent water bills may be turned over to the Law Director for collection.

It is the established policy of the Utilities Billing Office to accept only total and complete payments for **water and** sewer charges billed. At any time prior to a certification of unpaid bills to the county auditor, as described above, the Utilities Billing Office **may** ~~will accept any partial payment of unpaid water charges in the amount of ten dollars (\$10.00) or more~~ **make payment arrangements with the property owner for water, sewer, sanitation, and storm sewer charges.** ~~(Payments are required by due date. An extension may be granted. Only one extension can be granted in a 12-month period.)~~

It shall be the responsibility of the owner of property to maintain the piping and plumbing fixtures in good condition and no adjustments will be made for leaks that register on water meters.

9.4 Adjudication Procedure

Procedures for resolving disputes involving the water and sewer utilities or the Utilities Billing Office have been established as follows:

- Step 1 Customer notified the clerk in the billing office. The clerk will thoroughly research the problem within five (5) working days of the customer request. An answer will be transmitted to the customer within ten (10) calendar days of the original complaint.
- Step 2 If the customer is not satisfied with the answer received, the customer may request a hearing before the Review Board. The Review Board consists of the following individuals:
 - Public Service Director or Designee
 - Water Superintendent or Designee
 - Wastewater Superintendent or Designee
 - Utility Billing Supervisor
 - Meter Supervisor
- Step 3 If the customer is still not satisfied with the resolution of the problem, the customer may file a claim with the City Council.

**CHAPTER 10
WATER RATES AND CHARGES**

To provide funds necessary for the operation and maintenance of the municipal water system, the following schedule of rates and charges has been established. These rates are subject to adjustment as necessary.

10.1 City Water Rates

- A. The rates for water consumption for consumers within the corporate limits of the City are as follows (effective ~~01/01/2007~~ **6/1/2016**):

~~BI-MONTHLY AND~~ MONTHLY WATER RATES

Residential (first 300 C.F.)		\$11.70
Business (first 300 C.F.)		\$18.40
Minimum Charge (Includes 300 C.F.)		\$13.38
Next 4,700 C.F.	\$2.97/Ccf	\$3.12/Ccf
Next 25,000 C.F.	\$2.52/Ccf	\$2.66/Ccf
Over 30,000 C.F.	\$1.74/Ccf	\$1.84/Ccf

(C.F. = cubic feet; Ccf 100 cubic feet)

- B. A 50% surcharge shall be added to the rates listed above for all customers residing outside the City corporation limits.

10.2 Water Tap Charges

The water tap charges are as follows (figured cost plus time and materials):

For taps larger than one (1) inch in nominal diameter, the charge shall be the actual cost of labor, equipment and materials. A cash deposit equal to the estimated charge shall be required. Any excess deposit will be refunded and any deficiency shall be paid before the water is turned on.

The water tap charges set forth above shall be reviewed annually and any adjustments needed will be based upon actual cost.

All taps will be subject to a minimum waiting period of 30 days depending upon delivery of material.

10.3 Frontage Charge

In addition to the foregoing tap installation charge, a charge is made for any premises connecting for the first time to an existing distribution main to help defray the cost of installation or replacement of such main. Such charge is in the amount of \$34.00 per

foot of frontage abutting such distribution main (\$34.00 per foot where applicable), and is to be paid at the time of application. The charge in this paragraph will not be levied against any premises in a real estate subdivision developed to city standards where distribution mains have been installed without cost to the city.

10.4 Special Service Charges

10.4.1 Private Fire Line or Sprinkler System:

Three (3) inch or less.....\$15.00 per month
Over three (3) inch but
less than eight (8) inch\$30.00 per month
Eight (8) inch or over.....\$45.00 per month

10.4.2 Water Hauls:

The charge for water hauls is \$0.01 per 1 gallon with a \$1.00 minimum charge. These charges are billed quarterly.

10.4.3 Meter Service Fee:

A meter service fee, or installation charge, shall be paid when a permit is issued for a service connection as follows:

Meter of 1-inch size
or smaller..... Current city cost

10.4.4 Special Charges:

A. Special meter reading at the request of consumer except for final bill or initial service..... **No Charge**

B. Meter installation on fire hydrant for temporary use:
5/8 x 3/4-inch meter..... \$200.00
3-inch meter ~~\$1,800.00~~ **\$2,500.00** **Deposit**
1-inch meter..... **\$500.00** **Deposit**
(Cost will be \$100.00 unless the amount of water used exceeds that amount. Water usage over and above the \$100.00 limit will be charged at \$0.01 per gallon. The balance of the deposit will be returned when the meter is returned in good working order. If the meter is damaged the contractor will forfeit the entire deposit.)

****If hydrant is not returned within 30 days of rental, a \$2.00 a day charge will be assessed.**

- C. Charge per trip to turn-off and turn-on services for non-payment of account (during regular working hours only)..... **\$25.00**
- D. Trip to turn-on or turn-off service at curb box at request of consumer and service calls as described in Chapter 5, Section 5.4 (during regular working hours)..... **No Charge**
- E. Illegal turn on charge..... **\$200.00**
- F. Meter tampering charge..... **\$200.00**
- G. Charge for resealing, recalibration, and turn-on following discovery of tampering (See Chapter 2, Section 2.4)... **\$50.00**
- H. Minimum charge for meter damage (See Chapter 6, Section 6.5)..... **\$75.00**
- I. Requested meter testing for 5/8-inch through 1-inch size (See Chapter 6, Section 6.6) **\$25.00**
- J. Security Deposit required when opening an account. (See Chapter 3, Section 3.1)..... ~~\$75.00~~ **\$100.00**
- K. Flat rate daily fee for water taken from fire hydrants for purposes other than fire fighting (See Chapter 8, Section 8.6).
 - 1. When prior arrangements are made the rate **Will be estimated**
 - 2. When prior arrangement are **NOT** made the rate..... **Will be estimated**
- L. ~~Bad check charge~~..... ~~\$15.00~~ **\$25.00**

10.5 Benefited Unit Charge

In the event a single meter services two or more residential dwelling units, commercial or industrial establishments, the applicable minimum (base) charge per billing period shall be charged to the owner for each benefited unit served in addition to the applicable volume charge.

10.6 Filling Swimming Pools

Before a pool can be filled, the customer must obtain a zoning

certificate from the Code Enforcement Office and submit it to the Utilities Billing Office.

A fee of \$35.00, which includes a \$20.00 service charge, will be required before filling pools. The City will require a meter reading before and after the pool is filled. Appointments for meter readings must be coordinated with the Utilities Billing Office 24 hours in advance. Water consumption in excess of the cost of \$15.00 will be added to the customer's bill. The volume of water required to fill the pool, metered as described above, will be deducted from the volume of water upon which sewer charges are based for the applicable billing period.

Pools must be filled from regular service lines and not from fire hydrants. This service will be offered during regular working hours only.

10.7 Outside City Charges

A surcharge of 50 percent will be added to the rates and charges in Chapter 10, Sections 10.1, 10.2, 10.3, 10.4.1 and 10.5.

10.8 Late Payment Service Charge

If payment is not made on or before the due date as stated on the utility bill, a ten percent (10%) charge shall be added to the total amount due as stated on the billing.

10.9 Special Agreements

No statement contained herein shall be construed as preventing any special agreement or arrangement between the City and any person under special circumstances.

10.10 No Charge to City-Owned Public Buildings

All public buildings belonging to the City of Zanesville shall, in accordance with Ohio Revised Code 743.09, be supplied with water at no cost (meters will be installed and monthly readings will be taken).

CHAPTER 11
SEVERABILITY

Each section or part of section in these Rules and Regulations is hereby declared to be a separate and distinct enactment, and should any section or part of section be held inoperative or void, it shall not affect the validity of any other section or part of section.

CHAPTER 12
AUTHORIZATION

Publication of these Rules and Regulations is made pursuant to Ohio Revised Code Sections 743.02 and 743.04.

Jay D. Bennett,
Director of Public Service