

ORDINANCE NO. 058-18

**AN ORDINANCE AMENDING SECTION 931.09 INCREASING
SANITARY SEWER RATES FOR THE YEAR 2019**

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on September 10, 2018, reviewed the existing sanitary sewer rates and determined a rate increase over a one (1) year period effective January 1, 2019 for the year 2019 is necessary in order to keep the sanitary sewer fund sound;

WHEREAS, the Council for the City of Napoleon now desires to increase sewer rates for the year 2019; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, Section 931.09 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

**“931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION
LIMITS.**

The sanitary sewer rates charged by the City shall be as follows, except as may otherwise be permitted by rule:

(a) It is determined and declared to be necessary to the protection of the public health, safety, welfare, and convenience of the City to establish and collect charges upon all lots, lands, and premises which are served by the municipal sanitary sewer system of the City.

(b) The following measures shall be used to determine the sewer charges provided to a premises served by the City sanitary sewer system:

(1) Any premises using water exclusively supplied by the City and having a water meter acceptable to the City shall be measured by said meter for determining the sanitary sewer charge for the premises.

(2) Any owner or other interested party of a premises using water supplied either in whole or in part from sources other than the waterworks system of the City may be required to install water meters satisfactory to the City to the extent necessary to measure all such supplies of water. The quantity of water consumed on said premises shall be deemed to be the aggregate amount disclosed by said meter for the purpose of determining the sanitary sewer charge for the premises.

(3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges.

(4) Effective with the billing cycle in January of the year ~~2015~~ 2019, to be reflected in the first billing in February of the year ~~2015-2019~~, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19 35.19	\$35.19 35.19
Outside Corporation Limits	\$70.59 70.59	\$70.59 70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$5.60 6.14	\$5.60 6.14
Outside Corporation Limits	\$11.88 12.28	\$11.88 12.28

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand
SS = Suspended Solids
MG/L = Milligrams per Liter
CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)
Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(c) Disposal of Domestic Septage.

(1) Domestic septage accepted. The City accepts hauled domestic septage from approved hauling companies for disposal at the City's Wastewater Treatment Plant or other place as may be designated by the City's Wastewater Superintendent. The City's Wastewater Superintendent shall determine what constitutes an "approved hauling

company". As used in this Ordinance, septage is considered waste collected from septic tanks in place for domestic type use. It contains partially treated household waste disposed through a homes plumbing system or other similar type waste commonly disposed in toilets, sinks, and showers.

(2) Company information required. Companies wishing to haul septage to the City's disposal site must apply to the City's Wastewater Superintendent and provide:

- A. Company contact and ownership information;
- B. Information about the types and capacities of the trucks used to haul septage;
- C. Information about the source and characteristics of the septage to be hauled; and,
- D. Approximate daily/weekly/monthly volumes which are planned to be hauled.

(3) Internal Policy Compliance. All hauled septage accepted at the City's dumping site must comply with any internal policies as may be established by the City's Wastewater Superintendent.

(4) Testing. Testing of the septage may be required prior to the disposal to ensure compliance with the internal policies.

(5) Waste manifest. A manifest document as provided by the Henry County, Ohio, Health Department, or other approved manifest as approved by the City's Wastewater Superintendent, is required for each load, prior to disposal. The City Wastewater Superintendent or designee may request to review this septage manifest document and/or inspect and test the load to confirm that the material being delivered can be accepted.

(6) Prior disposal arrangements. The City's Wastewater Treatment Plant or other designated facility must be contacted prior to each disposal so that arrangements can be made to access the facility.

(7) Rates. The rate for dumping septage shall be six cents (\$0.06) per gallon."

Section 2. That, Section 931.09 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.


Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: November 5, 2018


Joseph D. Bialorucki, Council President

Approved: November 5, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 058-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 10th day of November, 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 10th day of November, 2018.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
13th day of November, 2018

Beverly Griteman
Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$118.00

Notary Fee: \$2.00

**Summary of Ordinance No. 058-18
and Resolution No. 051-18**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance No. 058-18
AN ORDINANCE AMENDING SECTION 931.09 INCREASING
SANITARY SEWER RATES FOR THE YEAR 2019**

In this legislation, the City of Napoleon approved increasing the City sanitary sewer rates for 2019.

**Resolution No. 051-18
A RESOLUTION AMENDING THE RULES FOR THE
NAPOLEON OUTDOOR REFRESHMENT AREA (NORA)**

In this legislation, the City of Napoleon approved amending the rules for the Napoleon Outdoor Refreshment Area.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director