

ORDINANCE NO. 086-20

**AN ORDINANCE AMENDING SECTION 931.07 INCREASING THE
WATER RATES FOR RESIDENTIAL, COMMERCIAL,
INDUSTRIAL AND WHOLE CUSTOMERS FOR THE YEARS 2021,
2022, 2023 AND 2024; AND DECLARING AN EMERGENCY**

WHEREAS, the Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee in a regular meeting held on December 14, 2020, reviewed the existing water rates and determined a commodity charge rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the City Council of Napoleon in a regular meeting held on December 21, 2021 reviewed the existing water rates and determined a commodity charge rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the Council for the City of Napoleon now desires to increase commodity charge rates for the years 2021, 2022, 2023 and 2024; **Now Therefore**,

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

Section 1. That, Section 931.07 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

“931.07 WATER RATES.

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

- (a) A City approved water meter shall be utilized for determining use of water.
- (b) The following rates are established and shall be charged to all classes of water users, until otherwise changed.

- (1) Effective with the first ~~billing cycle~~ readings in ~~Feburary~~ in the year ~~2016~~ 2021, to be reflected in the first billing in ~~February~~ March of the year ~~2016~~ 2021, except for direct sales as established in subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(6) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the corporation:

Units: 1 up to 10 = ~~\$7.38~~ \$7.90 each unit, then

Units: 11 up to 250 = ~~\$7.02~~ \$7.51 each unit, then

Units: Over 250 = ~~\$5.32~~ \$5.69 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

B. Units of water used outside the corporation:*

Units: 1 up to 10 = ~~\$11.07~~ \$11.84 each unit, then

Units: 11 up to 250 = ~~\$10.53~~ \$11.27 each unit, then

Units: Over 250 = ~~\$7.98~~ \$8.54 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity Of Service (Meter size in Inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 And Less	\$11.07 \$11.84	\$16.60 \$17.76
B. 1.25	39.72 42.50	59.58 63.75
C. 1.50	62.93 67.34	94.41 101.02
D. 2.00	128.01 136.97	192.02 205.46
E. 3.00 AND UP	353.14 377.86	529.68 566.76
F. 4.00	600.00 642.00	900.00 963.00
G. 6.00	1,000.00 1,070.00	1,500.00 1,605.00
H. 8.00	1,500.00 1,605.00	2,250.00 2,407.50
I. 10.00 AND UP	2,000.00 2,140.00	3,000.00 3,210.00

(3) Effective with the first ~~billing cycle~~ reading in January of the year ~~2017~~ 2022, to be reflected in the first billing in February of the year ~~2017~~ 2022, except for direct sales as established in subsection (b)(7)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(8) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the corporation:
 Units: 1 up to 10 = ~~\$7.90~~ \$8.45 each unit, then
 Units: 11 up to 250 = ~~\$7.51~~ \$8.04 each unit, then
 Units: Over 250 = ~~\$5.69~~ \$6.09 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- B. Units of water used outside the corporation:*
 Units: 1 up to 10 = ~~\$11.84~~ \$12.67 each unit, then
 Units: 11 up to 250 = ~~\$11.27~~ \$12.06 each unit, then
 Units: Over 250 = ~~\$8.54~~ \$9.14 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(4) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.84 \$12.67	\$17.76 \$19.01
B. 1.25	42.50 45.48	63.75 68.21
C. 1.50	67.34 72.05	101.02 108.09
D. 2.00	136.97 146.56	205.46 219.84

E. 3.00 AND UP	377.86 404.31	566.76 606.43
F. 4.00	642.00 686.94	963.00 1,030.41
G. 6.00	1,070.00 1,144.90	1,605.00 1,717.35
H. 8.00	1,605.00 1,717.35	2,407.50 2,576.03
I. 10.00 AND UP	2,140.00 2,289.80	3,210.00 3,434.70

- (5) Effective with the first ~~billing-cycle~~ reading in January of the year ~~2018~~ 2023 to be reflected in the first billing in February of the year ~~2018~~ 2023, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the Corporation:

Units: 1 up to 10 = ~~\$8.45~~ \$9.04 each unit, then

Units: 11 up to 250 = ~~\$8.04~~ \$8.60 each unit, then

Units: over 250 = ~~\$6.09~~ \$6.52 each unit.

Note: one unit of water is defined as 100 cubic feet.

B. Units of water used outside the Corporation:*

Units: 1 up to 10 = ~~\$12.67~~ \$13.56 each unit, then

Units: 11 up to 250 = ~~\$12.06~~ \$12.90 each unit, then

Units: over 250 = ~~\$9.14~~ \$9.78 each unit.

Note: one unit of water is defined as 100 cubic feet.

C. Direct sales at the plant: \$8.18 per 1,000 gallons.

- (6) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 and less	\$12.67 \$13.56	\$19.01 20.34
B. 1.25	45.48 48.66	68.21 72.99
C. 1.50	72.05 77.09	108.09 115.66
D. 2.00	146.56 156.82	219.84 235.23
E. 3.00 and up	404.31 432.61	606.43 648.88
F. 4.00	686.94 735.03	1,030.41 1,102.54
G. 6.00	1,144.90 1,225.04	1,717.35 1,837.56
H. 8.00	1,717.35 1,837.56	2,576.03 2,756.35
I. 10.00 and up	2,289.80 2,450.09	3,434.70 3,675.13

- (7) Effective with the first ~~billing-cycle~~ reading in January of the year ~~2019~~ 2024 to be reflected in the first billing in February of the year ~~2019~~ 2024, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the Corporation:

Units: 1 up to 10 = ~~\$9.04~~ \$9.67 each unit, then

Units: 11 up to 250 = ~~\$8.60~~ \$9.20 each unit, then

Units: over 250 = ~~\$6.52~~ \$6.97 each unit.

Note: one unit of water is defined as 100 cubic feet.

B. Units of water used outside the Corporation:*

Units: 1 up to 10 = ~~\$13.56~~ \$14.51 each unit, then

Units: 11 up to 250 = ~~\$12.90~~ \$13.80 each unit, then

Units: over 250 = ~~\$9.78~~ \$10.46 each unit.

Note: one unit of water is defined as 100 cubic feet.

C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(8) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$13.56 \$14.51	\$20.34 \$21.76
B. 1.25	48.66 52.06	72.99 78.10
C. 1.50	77.09 82.49	115.66 123.75
D. 2.00	156.82 167.79	235.23 251.70
E. 3.00 and up	432.61 462.89	648.88 694.30
F. 4.00	735.03 786.48	1,102.54 1,179.72
G. 6.00	1,225.04 1,310.80	1,837.56 1,966.19
H. 8.00	1,837.56 1,966.19	2,756.35 2,949.29
i. 10.00 AND UP	2,450.09 2,621.59	3,675.13 3,932.39

(c) The capacity of service shall be determined by the City and, normally, shall be equal to the size of the consumer's water meter.

*Except for bulk sales direct from the Water Plant, both capacity and commodity water charges outside the City are charged at approximately fifty percent (50%) higher than in the City, unless otherwise modified by rule or terms of a contract. Nothing in this section shall be construed to prohibit the City from increasing or decreasing the percentage stated in a contract where not otherwise prohibited by law.

(d) No deduction in capacity charge (from the beginning of time) is applicable as it relates to governmental buildings, schools, and charitable institutions.

(e) Water testing fees shall be as follows:

- (1) Testing bacteria mmo/mugg /Smp \$20.00
- (2) Calibrate chlorine meters /Mtr \$30.00
- (3) Testing for special samples /Smp \$40.00
- (4) Weekend testing for any sample /Smp \$100.00

Section 2. That, Section 931.07 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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper processing of rates, and for further reasons as stated in the Preamble hereof.

Passed: February 1, 2021


Joseph D. Bialorucki, Council President

Approved: February 1, 2021


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:



Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 086-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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.

Roxanne Dietrich, Clerk of Council