



# CITY COUNCIL REGULAR MEETING AGENDA

## Monday, September 09, 2024 at 7:00 PM

15 East Franklin Street Bellbrook, Ohio 45305  
T (937) 848-4666 | [www.cityofbellbrook.org](http://www.cityofbellbrook.org)

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
  - A. Approval of the August 26, 2024 Regular City Council Meeting minutes
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
9. **INTRODUCTIONS OF ORDINANCES**
  - A. Ordinance No. 2024-O-13 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 "WATER" OF TITLE FOUR "UTILITIES" OF PART TEN "STREETS, UTILITIES AND PUBLIC SERVICES CODE" OF THE BELLBROOK MUNICIPAL CODE (Ashley)
10. **ADOPTION OF RESOLUTIONS**
11. **OLD BUSINESS**
12. **NEW BUSINESS**
13. **CITY MANAGER'S REPORT**
14. **COMMITTEE REPORTS**
  - A. Safety Committee
  - B. Service Committee
  - C. Finance/Audit Committee
  - D. Community Affairs Committee
15. **CITY OFFICIAL COMMENTS**
16. **EXECUTIVE SESSION**
17. **ADJOURNMENT**

**File Attachments for Item:**

A. Ordinance No. 2024-O-13 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 "WATER" OF TITLE FOUR "UTILITIES" OF PART TEN "STREETS, UTILITIES AND PUBLIC SERVICES CODE" OF THE BELLBROOK MUNICIPAL CODE (Ashley)

# RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-13

September 23, 2024

## City of Bellbrook State of Ohio

### Ordinance No. 2024-O-13

#### **REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 “WATER” OF TITLE FOUR “UTILITIES” OF PART TEN “STREETS, UTILITIES AND PUBLIC SERVICES CODE” OF THE BELLBROOK MUNICIPAL CODE**

WHEREAS, Article XVIII, Section 3 of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws; and

WHEREAS, the City of Bellbrook previously adopted Chapter 1042 “Water” and incorporated it into the Bellbrook Municipal Code; and

WHEREAS, City Council wishes to repeal in its entirety and enact a new Chapter 1042 “Water” of Title Four “Utilities” of Part Ten “Streets, Utilities and Public Services Code” of the Bellbrook Municipal Code.

#### **NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:**

Section 1. The old Chapter 1042 “Water” of Title Four “Utilities” of Part Ten “Streets, Utilities and Public Services Code” of the Bellbrook Municipal Code is hereby repealed in its entirety.

Section 2. A new Chapter 1042 “Water” of Title Four “Utilities” of Part Ten “Streets, Utilities and Public Services Code” of the Bellbrook Municipal Code is hereby enacted, as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~striketrough~~ and additions shown by **bold** and underscoring.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this \_\_\_\_ day of \_\_\_\_ 2024.

\_\_\_\_ Yeas; \_\_\_\_ Nays.

#### AUTHENTICATION:

\_\_\_\_\_  
Michael W. Schweller, Mayor

\_\_\_\_\_  
Robert Schommer, Clerk of Council

APPROVED AS TO FORM:  
Stephen McHugh, Municipal Attorney

**Ordinance 2024-O-13 Exhibit A**

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE  
TITLE FOUR - UTILITIES  
CHAPTER 1042. WATER

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**CHAPTER 1042. WATER**

**Sec. 1042.01. Water supply generally.**

- (a) Because variable conditions may arise in the operation and maintenance of the water system, the supply of water to customers is without guarantee of a fixed quantity, quality, purity or temperature.
- (b) When, for any reason, the supply of water to the water system is inadequate to meet the demand for water, the City Manager shall declare that the use of water for lawns or gardens, commercial laundries, swimming pools, manufacturing, cooling, vehicle washing or other purposes not essential to the health, safety and welfare of the residents of the City, is prohibited during specified hours, during a specified time period or until notice is given, as provided herein, that such use is permitted, and notice of such prohibitions on the use of water for such purposes shall be given in the same manner as provided for the posting of ordinances.

No person shall use water from the water system for lawns or gardens, manufacturing, agriculture, cooling, vehicle washing or other purposes not essential to the health, safety and welfare of the residents of the City when the City Manager has prohibited such use as provided herein.

- (c) Water supply through the City's water mains may be shut off without notice to consumers if breaks in mains, pumping equipment breakdowns, reservoir failures or the construction, reconstruction, repair, replacement, cleaning, extending or tapping of mains requires, and no claims for damages of any nature whatsoever arising from such action will be paid.
- (d) The City shall hold any consumer or other person responsible for damage to the water system. No person shall obstruct the water system or make any cross connection between the water system and any other source of water. No person shall make any connection tap or draw water from the water system without first having received the permits to do so as required in this chapter.
- (e) No person shall operate any corporation cock or stop except in the performance of a test by a licensed plumber with the permission and supervision of the Service Superintendent.

(Ord. 86-14, passed 11-24-86)

**Sec. 1042.02. Connections; fees.**

- (a) Water connection fees shall be as follows:

Meter Size (in) Connection Charge

¾ or less \$400.00

1 1500.00

1½ 700.00

2 1,200.00

Above 2 meter size × 1,000.00

- (b) Connections shall be made in a manner and of a size approved by the Director of Service. The cost, size and manner of connection for manufacturing plants, commercial structures and other large buildings shall be determined by negotiation and contract with the Manager.

(Ord. 86-14, passed 11-24-86; Ord. 2011-2, passed 1-10-11)

Sec. 1042.03. Service charges.

- (a) Each customer connected to the City water system for domestic or commercial uses shall pay a monthly service charge for the first 1,000 gallons or part thereof, and three dollars and ninety cents (\$3.90) for each 1,000 gallons thereafter. The monthly service charge shall be based on the meter size as follows:

Meter Size (in.) Monthly Minimum Charge for 1,000 Gallons

¾\$ 8.90

¾40.00

(domestic accounts)

¾80.00

(commercial accounts)

1110.00

1½140.00

2170.00

3380.00

4640.00

61,070.00

81,810.00

10 or more3,600.00

- (b) Each customer connected to the City water system for irrigation uses shall not be charged a monthly service charge. Each irrigation account will be charged for water usage in the amount of four dollars and seventy-five cents (\$4.75) for each 1,000 gallons or part thereof.

- (c) Publicly and privately owned water systems may be supplied water. The water service charge for such facilities shall be negotiated by the Manager on a contract basis and approved by Council. Charges for the sale of bulk water shall be set by the Manager based upon competition from other areas and requirements of the coin-operated mechanisms currently in use.

(Ord. 86-14, passed 11-24-86; Ord. 95-8, passed 5-22-95; motion of Council, passed 2-12-01; Ord. 2002-4, passed 4-22-02; motion of Council, passed 2-23-04; motion of Council, passed 2-26-07; motion of Council, passed 2-8-10; Ord. 2011-2, passed 1-10-11; motion of Council, passed 2-14-11; Ord. No. 2015-11 , § 1, 8-17-2015)

Sec. 1042.04. Billing.

- (a) The water service billing procedure shall be established by the Director of Finance and may be changed from time to time to conform with good business practices. The billing procedures shall be approved by the Manager.

- (b) Statements of the charges for water service shall be rendered once each quarter on or about the first day of the billing month for the customers due to receive bills that month. The amount of all such charges shall be paid to the City on or before the due date listed on the bill. If the unpaid charges are not paid on or before the due date listed on the bill, an additional charge of ten percent of the unpaid charges shall be added thereto and become part of such unpaid charges. A shut-off notice will be mailed if the charges remain unpaid 20 days after the original due date. The shut-off notice will include a final due date for payment that will be no longer than 35 days from the original due date. If full payment is not received by such date, service will be terminated without further notice. Restoring water service or maintaining service once a Water Department employee has already arrived at the customer's property to disconnect service shall require an additional nonpayment shut-off fee to restore or maintain service.
- (c) A customer whose payment by check is returned to the City by the bank due to insufficient funds in the customer's account or because the check was written on a closed account shall be charged a returned check fee, as set forth in Section 1042.07. The utility billing office shall also require that the repayment be made in cash and may also require that future payments by that customer be made in cash or by money order.
- (d) Overpaid amounts of less than **five dollars (\$5.00)** ~~one dollar (\$1.00)~~ on closed accounts shall not be refunded.
- (e) For service to and inspection of both connected and shut-off domestic and commercial water meters, the monthly minimum charge for the meter shall continue year-round. The monthly minimum charge for all shut-off meters shall be at the rate set for a standard ½ inch meter. Once a meter has been shut-off for a minimum of six months, the meter shall be disconnected and removed from the system. There shall be no monthly minimum charge for disconnected and removed meters. A reconnection fee of forty dollars (\$40.00) will be charged to the customer to return the meter to service.
- (f) Customers who do not intend to use their irrigation system at any time during the year may notify the Water Department. Upon this notification, the Water Department will remove the irrigation meter from the system. A reconnection fee of forty dollars (\$40.00) will be charged to the customer to return the irrigation meter to service.

(Ord. 2000-16, passed 1-18-01; Ord. 2002-4, passed 4-22-02; Ord. 2011-2, passed 1-10-11; Ord. No. 2015-11 , § 1, 8-17-2015)

#### Sec. 1042.05. Responsibility for unpaid water bills.

The responsibility for the payment of water bills lies with the individual or business that used the water service. However, where that individual or business is a tenant, the ultimate responsibility lies with the property owner. All fees and charges imposed by this chapter shall be collectible, together with any penalties thereon, by action at law, in the name of the City, as other debts of like amount are recoverable.

Unpaid water bills are hereby made a lien upon the real property served by the water system of the City. If such bills are not paid in accordance with the billing procedure adopted by the City, they shall be certified to the County Auditor's office by a certification signed by the Director of Finance. The Auditor shall then place the same on the tax duplicate, with interest and penalties allowed by law, and the same shall be collected.

(Ord. 86-14, passed 11-24-86; Ord. 2013-6, passed 5-13-13)

#### Sec. 1042.06. Construction and inspection fees.

Construction and inspection fees are hereby established as follows:

- (a) Main line water inspection fee...Cost

(b) Water service installation inspection fee...Cost

(c) Water line tap for one-inch service...Cost

(Ord. 86-14, passed 11-24-86)

Sec. 1042.07. Operation fees.

Operation fees are hereby established as follows:

(a) Nonpayment shut-off/turn-on\$30.00

(b) Nonpayment turn on after hours90.00

(c) Shut-off and turn-on at meter pit during working hours (upon request for maintenance purposes30.00

(d) Shut-off and turn-on at meter pit during non-working hours (upon request for maintenance purposes)90.00

(e) Visit to install or inspect a new water service following two visits made at no charge to the builder30.00

(f) Vacation shut-off and/or storage of meter (upon customer request) Monthly minimum

(g) Damaged meter repair...Cost  
..... (including labor)

(h) Damaged fire hydrant...Cost  
..... (including labor)

(i) Shut-off at main (upon request for maintenance or violation) Cost  
..... (including labor)

(j) Returned check fee30.00

(Ord. 2000-16, passed 1-8-01; Ord. 2002-4, passed 4-22-02; Ord. No. 2019-12 , § 1, 6-24-2019)

Sec. 1042.08. Tap-in fees.

(a) Tap-in fees are hereby established as follows:

Meter Size (in.) Tap-in Charge

¾ or less\$3,000.00

16,700.00

1½8,200.00

29,500.00

2½10,900.00

312,500.00

415,300.00

629,900.00

844,300.00

1059,100.00

1273,200.00

- (b) A tap-in/connection fee of three thousand dollars (\$3,000.00) per unit shall be charged for multifamily dwellings and for multi-unit businesses served by a common entrance regardless of the number and sizes of meters required to provide adequate service to the building. However, in the case of a multi-unit business building in which small offices share common restroom facilities and for which only one meter of one inch or more is required, the tap-in and connection fee shall be based upon the size of the one meter instead of the fee per unit shown above, upon request by the building owner and the approval of the City Manager. The number and sizes of the water meters required shall be commensurate with the usage and load of such establishment, as determined by the City Service Director.

(Motion of Council, passed 2-23-04; motion of Council, passed 2-26-07; motion of Council, passed 2-8-10; Ord. No. 2015-2 , § 1, 3-9-2015)

#### Sec. 1042.09. Mandatory hook-up.

Any new residence which is constructed within the City shall be connected to the City water system, unless it is more than 500 feet from the nearest water main and can be served by a well approved by the County Health Department and the owners of the residence provide to the City a notarized guarantee (with a deposit equal to the current applicable tap-in fee) that they will connect to the City water system if and when it is built within 500 feet of their property. Upon connection to the water system, the deposit shall satisfy the tap-in fee requirement in effect at that time.

(Ord. 95-8, passed 5-22-95)

#### Sec. 1042.10. Reserved.

Editor's note(s)—Ord. No. 2015-11 , § 1, adopted August 17, 2015, repealed § 1042.10, which pertained to the establishment of water districts and derived from Ord. 86-14, passed 11-24-86.

#### Sec. 1042.11. Rules and regulations for sanitary engineering.

Pursuant to Section 5.07 of the City Charter, the Rules and Regulations and Construction Specifications of the Greene County Sanitary Engineering Department, the most recent edition, are hereby adopted for the City, except the Schedule of Charges appearing therein and except where such Rules and Regulations conflict with City ordinances.

(Ord. 86-14, passed 11-24-86)

#### Sec. 1042.12. Billing adjustments.

Adjustments to bills for billing errors such as incorrect readings, incorrect service starting and/or ending dates may be granted by the Utility Billing Department. Adjustments for billing errors are limited to three years from the current billing date except in the case of fraud or criminal act. All other adjustments must be approved by the City Manager or his/her designee.

The City may adjust the bill for customers who have a repairable plumbing problem (leak) resulting in excess water usage. Adjustments are subject to the following:

- (a) The customer must make written application to the City within 30 days of receiving the billing with the excess water usage.



- (b) The customer must demonstrate that the leak was discovered as a result of the billing process and was otherwise undetectable.
- (c) The problem must be repaired and proof of repair must be provided. No adjustments can be made until the problem is fixed and proof of repair is provided.
- (d) Adjustments are limited to the last two meter readings.

Excess water usage is defined as a 200 percent increase in usage over the customer's average quarterly usage for the previous 12 months. If an adjustment is deemed appropriate, the adjustment will be 50 percent of the difference between the customer's previous 12 month quarterly average and the excess water usage. For new buildings with less than one year of usage history, the Utility Department shall substitute the average quarterly use for that type and size of building and family size on the City Water System.

(Ord. 2011-2, passed 1-10-11)

#### Sec. 1042.13. Payment of extraordinary water bills due to leaks.

The Manager shall have authority to accept payment of extraordinary water bills in regular payments spread out over a period not to exceed 24 months. Such authority shall not be exercised for customers who have been habitually late in paying their water bills and shall be revoked for customers who did not make payments as agreed. For the purposes of this section, an extraordinary water bill is one which includes a charge for a substantial amount of water lost through a leak.

(Ord. 97-13, passed 10-13-97)

#### Sec. 1042.99. Penalty.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 86-14, passed 11-24-86)