

RECORD OF ORDINANCES

Ordinance No. 2880-10

Passed 1-25-10

AN ORDINANCE AND JOINT RESOLUTION OF THE COUNCIL OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, AND THE LODI BOARD OF PUBLIC AFFAIRS AUTHORIZING AND ESTABLISHING SEWER RENTALS TO BE CHARGED FOR USE OF THE VILLAGE SEWER SYSTEM, AMENDING AND REPEALING ORDINANCE NO. 2793-07 AND ALL PREVIOUS SEWER RENTAL RATE ORDINANCES IN CONFLICT, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Lodi is authorized to regulate sewage disposal works and charges of rents for use of sewerage systems by Sections 715.40 and 735.28 of the Ohio Revised Code; and

WHEREAS, pursuant to Sections 735.28 and 735.29 of the Ohio Revised Code, the Council and the Village of Lodi established a Lodi Board of Trustees of Public Affairs to manage, conduct, and control the waterworks, electric, and similar public utilities in the Village of Lodi; and

WHEREAS, the Lodi Board of Trustees of Public Affairs has authority to manage, resolve, and make rules and regulations relating to certain public utilities in the Village of Lodi; and

WHEREAS, the Council of the Village of Lodi previously passed Ordinance No. 2793-07 relating to Sewer Rental Charges on December 17, 2007 for charges effective with the January, 2008 billing; and

WHEREAS, both the Council of the Village of Lodi, and the Board of Trustees of Public Affairs of the Village of Lodi, Medina County, Ohio have deemed it necessary to establish new rates relative to sewer system charges for residential, commercial, and industrial users ("users").

NOW THEREFORE, BE IT ORDAINED AND RESOLVED by the Council of the Village of Lodi, Medina County, Ohio and by two-thirds majority of the Lodi Board of Public Affairs that the prior Sewer Rental Ordinance shall be amended as follows:

SECTION 1: In order to provide for the adequate collection and disposal of sewage in the Village of Lodi, and in order to provide for the cost of construction, administration, management, operation, maintenance, expansion or replacement of the sewerage system, including treatment and disposal works together with facilities and appurtenances thereof, collection charges, and for the payment of the principal and interest on bonds issued and outstanding, there is hereby imposed upon each lot, parcel of land, tenement, building or premises having any active sewer connection with the sewerage system of the Village of Lodi of which otherwise discharges sewerage or industrial wastes, water or liquids, either directly or indirectly into the sewerage system, a sewerage service charge payable as herein after provided, and in the amounts specified as follows:

- (a) For every user on a monthly basis, based upon consumption of use of water, there shall be a charge of eighty-six cents (\$0.86) per one hundred (100) gallons, effective with the February, 2010 billing.
 (1) MINIMUM- There shall be a monthly minimum charge for every user of at least Seventeen Dollars and twenty cents (\$17.20) per month for up to and including two thousand (2,000) gallons, effective with the February, 2010 billing.
- (b) MULTIPLE OCCUPANCY- Where more than one dwelling or commercial unit is served through one meter, the number of gallons in each block served by said meter and/or the minimum charge above shall be multiplied by the number of dwelling or commercial units served.
- (c) Every user shall be assessed and charged a surcharge for the processing of sewage of an abnormal content of quality. Organic wastes significantly different than normal, or exceeding three hundred fifty (350) parts per million of suspended solids, or three hundred (300) parts per million of bio-chemical oxygen demand shall be subject to the following surcharge:
 (1) For the treatment of abnormal sewage, the normal rate shall be multiplied by the following factor:

$$\frac{F - S.S. + 1.5 BOD + 2700}{3500}$$

- (d) USE OUTSIDE VILLAGE LIMITS- Unless subject to a separate contract to provide service for use outside the Village of Lodi Municipal Corporation limits shall be as follows:
 (1) Every residential sewer customers not located within the municipal limits of the Village of Lodi, shall be assessed and charged a surcharge in an amount equal to twenty-five percent (25%) of each monthly billing. The surcharge collected by the Board of Public Affairs of the Village of Lodi shall be paid to the Village of Lodi utilities.
 (2) Every commercial or industrial sewer customer not located within the municipal limits of the Village of Lodi, shall be assessed and charged a surcharge of an amount equal to fifty percent (50%) of each monthly billing. The surcharge collected by the Board of Public Affairs shall be paid to the Village of Lodi utilities.

SECTION 2: Where the character of quantity of the sewage or industrial waste from any manufacturing, industrial, or processing plant, building or premises is such that it will damage the disposal plant, or such waste cannot be treated satisfactorily in the disposal plant, the Board of Public Affairs shall notify such user to dispose of such waste or such amounts thereof, so that the same do not enter the sewage system and hinder or damage the efficient and proper operation of the system or any facilities or appurtenances thereof.

SECTION 3: Where the character of quantity of the waste accepted by the sewerage system of any processing plant, building or sewerage system or treatment plant other than that imposed by average or normal users, the Board of Public Affairs may, if it deems advisable for the safety and health of the inhabitants of the Village of Lodi, compel such processing plant, building, or premises (of whatever use) to pre-treat such sewage and regulate the flow thereof into the municipal system in such a manner as to quantity or quality as is acceptable to the Board of Public Affairs.

SECTION 4: Every user of the sewerage system having sources of water supply other than through the metered sources of the municipal system of the Village of Lodi, shall make available to the Village of Lodi Utility Department, each month, an accurate amount of quantity of such water used on the user's premises and discharged into the municipal sewerage system.

SECTION 5: Every user shall be subject to termination, the closing of the supply of utilities to a user's premises, or the removal or closure of any sewer connection to a user's premises and property, in the discretion of the Board of Public Affairs if:

- (a) The offending user discharges into the sewerage system sewage of a character, content, or quantity over and above an acceptable amount as determined by the discretion of the Board of Trustees of Public Affairs, or of an abnormal quality that is significantly different than those ranges indicated in Section 1(c) of this Ordinance; or
 - (b) The offending user fails to comply with demands made by the Board of Trustees of Public Affairs in accordance with Sections 2, 3, or 4 of this Ordinance; or
 - (c) The offending user does not pay for sewerage charges or surcharges established herein when due.
- (1) **TERMS OF PAYMENT-** Billings shall be rendered and due each month. Rates specified are net and payable on the 25th day of each month. On all bills not paid in full on the 26th day of each month by 5:00 p.m., an additional ten percent (10%) late charge will be charged on the amount billed. Upon each account not paid in full on the 28th day of each month, the Village shall give notice to the customer that the customer's service will be terminated on the 10th day of the following month. No customer who has received notice that the customer's service will be terminated shall receive an extension of such notice, unless a payment plan is accepted by the Board of Public Affairs. Any account not paid by the 10th day of the following month is considered delinquent. Any delinquent customer paying any delinquent utility bill after notice of termination, but before utility service is terminated, shall pay the delinquent bill in full. This includes the ten percent (10%) late charge, and a delinquency charge of Twenty Dollars (\$20.00) which is not a penalty but is related to the administrative cost to the Village in providing notice of the delinquency to the customer and mobilization of personnel as a result of the customer's delinquency. If it is necessary to terminate a delinquent customer's utility service, said customer shall pay the delinquent bill in full, the ten percent (10%) late charge and a re-connection fee, if the customer is permitted to re-establish utility service under other applicable law.

If the re-establishment of service occurs during working hours the re-connection fee shall be Forty Dollars (\$40.00), or if the re-establishment of service occurs during non-working hours, the re-connection fee shall be Sixty Dollars (\$60.00). Working hours of the Village of Lodi are hereby established as the hours between 7:30 a.m. and 5:00 p.m., for purpose of this resolution. No employee of the Lodi Utility Department, other than the employees of the Clerk/Treasurer, is authorized to receive cash from any utility customer. Employees of the Lodi Utility Department may receive checks and/or money orders for payment of utility services as provided above.

- A. Should any user request termination of sewerage services, the user shall pay a fee of Twenty-Five Dollars (\$25.00) prior to disconnection. There will be no additional fee for reconnection unless reconnection is requested outside the working hours discussed above. Any user, who requests a disconnection and reconnection outside the working hours discussed above, shall pay an additional charge of Twenty-Five Dollars (\$25.00) payable prior to reconnection.

SECTION 6: The strength, character, and quantity of any waste or sewage discharge into the sewerage system, where the industry, processing plant, building, or premises does not provide an acceptable metering, measuring device, process, or place to secure samples of such sewage or water discharge, shall be determined from samples taken at the nearest manhole to such premises. Each monthly bill shall then be determined in accordance with the billing procedures contained in this Ordinance.

SECTION 7: This Ordinance and Joint Resolution shall, and it does repeal all previous sewer rental rate charge ordinances or resolutions inconsistent herewith, including Ordinance No. 2793-07. The rates provided by this Ordinance shall be applied on all utility billings for sewerage commencing with the billing to be made on or after February 1, 2010.



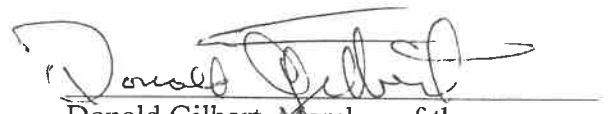
SECTION 8: The Board of Trustees of Public Affairs is hereby authorized to adopt such rules and regulations which it may deem necessary and proper in the proper and efficient operation of the sewerage system and disposal plant, all in conformity with this Ordinance and for the orderly execution of this Ordinance. Further, pursuant to statute, when a sewer bill is not paid by a user, the Board of Trustees of Public Affairs may certify the bill to the County Auditor to be placed on the duplicate and collected as other taxes, or the Board of Public Affairs may take such other actions provided by law, including but not limited to collected as actions at law in the name of the Village of Lodi.

SECTION 9: This Ordinance and Joint Resolution is hereby determined to be an emergency measure necessary for the preservation of public peace, health, safety, and well-being of the inhabitants of the Village of Lodi; the specific reason for the emergency being the immediate need to maintain efficient sewerage systems, fund state mandated improvements to the sewerage system, and therefore this Ordinance and Joint Resolution shall take immediate effect upon its passage.

ATTEST:



Annette Geissman
Clerk/Treasurer and Clerk
of the Board of Public Affairs


Daniel Goodrow, Mayor
Robert Geissman, President of the Board
of Public Affairs
Donald Gilbert, Member of the
Board of Public Affairs
Randy Jameyson, Member of the
Board of Public Affairs

AS TO FORM:


Irving B. Sugarman
Village Solicitor

RECORD OF RESOLUTIONS

Resolution No. 21-11

Passed 3-22-11

A RESOLUTION APPROVING AND ADOPTING RULES AND REGULATIONS RELATING TO SEWERAGE RENTALS AND USE OF THE VILLAGE SEWER SYSTEM, AND DECLARING THE SAME TO BE AN EMERGENCY.

WHEREAS, the Council of the Village of Lodi is authorized to regulate sewage disposal works and charges of rents for use of sewerage systems by Sections 715.40 and 735.28 of the Ohio Revised Code; and

WHEREAS, pursuant to Sections 735.28 and 735.29 of the Ohio Revised Code, the Council and the Village of Lodi established a Lodi Board of Trustees of Public Affairs to manage, conduct, and control the waterworks, electric, and similar public utilities in the Village of Lodi; and

WHEREAS, the Lodi Board of Trustees of Public Affairs has authority to manage, resolve, and make rules and regulations relating to certain public utilities in the Village of Lodi; and

WHEREAS, the Council of the Village of Lodi and the Lodi Board of Trustees of Public Affairs previously passed Ordinance and Joint Resolution No. 2880-10 relating to Sewer Rental Charges on January 25, 2010 for charges effective January of 2010; and

WHEREAS, pursuant to Section 8 of Ordinance No. 2880-10, the Council of the Village of Lodi specifically authorized the Lodi Board of Trustees of Public Affairs to adopt such subsequent rules and regulations that it deems necessary for the efficient operation of the sewerage system and disposal plant, in conformity with that Ordinance; and

WHEREAS, the Board of Trustees of Public Affairs of the Village of Lodi, has deemed it necessary and proper to revise certain rules and procedures relating to the sewer system for residential, commercial, and industrial users ("users"); and

WHEREAS, the Board of Trustees of Public Affairs of the Village of Lodi wishes to approve and adopt these rules and regulations by this resolution.

NOW THEREFORE, BE IT RESOLVED by two-thirds majority of the Lodi Board of Public Affairs, of the Village of Lodi, Ohio that:

1. Lodi shall only assume management, control, or any maintenance responsibilities for sewerage main lines. Users shall be responsible for any maintenance for lateral and service lines between the sewerage main lines and the users' structures or facilities.
2. Lodi shall not be responsible for removing or remedying any obstructions, stoppage, or refuse-clogs. Lodi shall not be liable for any injury, death, or loss to

persons or property caused by any act or omission in connection with any effort or lack thereof of stoppage or clogs.

3. In the event that Lodi becomes aware of any necessary repairs or maintenance for a lateral or service line for the user's connection, Lodi shall notify the user or property owner of the necessary repair by notice sent certified mail. The notice shall provide the user or home owner thirty (30) days to remove the obstruction, or repair or remedy the condition. The user or property owner may be granted additional time in the absolute discretion of the Board of Public Affairs, if requested in writing to the Board of Public Affairs.
4. If the user or property owner fails to make the necessary repair or maintenance identified in the Notice within thirty (30) days, or any extension granted thereof, Lodi may order the removal, closure, or termination of any sewer connection to a user's premises and property. Lodi shall notify the Medina County Health Department fifteen (15) days in advance of said termination, unless the immediate termination of the lateral or service line for the user's connection is necessary because it poses a danger to the public health or safety as determined by the Board of Public Affairs.
5. In the alternative, the Board of Public Affairs may in its discretion, elect to make the necessary repairs or maintenance and certify the costs thereof to the County Auditor to be placed on the duplicate and collected as other taxes, or take such other actions provided by law, including but not limited to collected as actions at law in the name of the Village of Lodi.



President of the Board
Of Public Affairs



Member of the Board
Of Public Affairs



Member of the Board
Of Public Affairs

ATTEST:



Annette Geissman
Clerk-Treasurer

APPROVED AS TO LEGAL
FORM AND CORRECTNESS:



Irving B. Sugerman,
Village Solicitor

RECORD OF RESOLUTIONS

Resolution No. 13-09

Passed 7-14-09

A RESOLUTION AND ASSESSMENT OF THE BOARD OF TRUSTEES OF PUBLIC AFFAIRS FOR THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, AMENDING SECURITY DEPOSIT AMOUNTS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL CUSTOMERS; AND REPEALING ALL OTHER SECURITY DEPOSIT RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, the Board of Trustees of Public Affairs is authorized by statute to establish the rates and charges for electrical services and water works pursuant to Sections 735.28 and 735.29 or the Ohio Revised Code; and

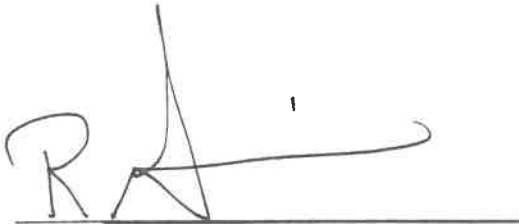
WHEREAS, the Board of Trustees of Public Affairs of the Village of Lodi has deemed it necessary to establish and clarify rates for residential, commercial, and industrial utility deposits for customers of the Lodi Utility Departments; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF PUBLIC AFFAIRS OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, HEREBY RESOLVE AS FOLLOWS:

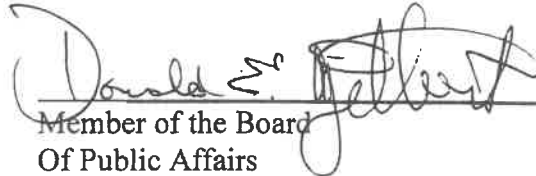
1. The Board of Public Affairs assesses the following security deposit charges to be levied and collected by the Board of Trustees of Public Affairs effective with the date of this resolution, and repeals all previously established security deposits.
2. RESIDENTIAL SECURITY DEPOSITS- Unless subject to a separate contract approved by the Board of Trustees of Public Affairs, shall be as follows:
 - A. Every residential utility customer of the Village of Lodi Utility Department shall post a Two Hundred Seventy-Five Dollar (\$275.00) security deposit to be held by the Village of Lodi, when that residential utility customer wishes to obtain all three utility services. If a residential utility customer wishes to obtain water services only, that customer shall post a Fifty Dollar (\$50.00) security deposit to be held by the Village of Lodi. If a residential utility customer wishes to obtain sewer services only, that customer shall post a Fifty Dollar (\$50.00) security deposit to be held by the Village of Lodi and shall provide metering of their water usage for sewer billing purposes. If a residential utility customer wishes to obtain electric services only, that customer shall post a Two Hundred Dollar (\$200.00) security deposit to be held by the Village of Lodi. A computer name change for a surviving spouse will be permitted in lieu of a new deposit in the event of the death of a spouse. No deposit will be required for landlords when a tenant moves out of a property and the bill is temporarily put back into the landlord's name.
3. COMMERCIAL SECURITY DEPOSITS- Every commercial utility customer of the Village of Lodi Utility Department shall post a Five Hundred Dollar (\$500.00)

security deposit for all utilities, to be held by the Village of Lodi.

4. INDUSTRIAL SECURITY DEPOSITS- Every industrial utility customer of the Village of Lodi Utility Department shall post a Five Hundred Dollar (\$500.00) security deposit for all utilities, to be held by the Village of Lodi.
5. The Village of Lodi shall hold the security deposit from the date of commencement so long as the customer remains in good standing. If a customer moves within the utility system, but the deposit being held is less than the current deposit amount, the difference between the current deposit and the former deposit amount shall be paid as a security deposit to be held by the Village of Lodi. If a customer moves within the utility system, but there is no deposit being held, the full deposit amount shall be paid as a security deposit to be held by the Village of Lodi.
6. This Resolution shall and does repeal all previous utility security deposit ordinances or resolutions inconsistent herewith.



President of the Board
Of Public Affairs



Member of the Board
Of Public Affairs



Member of the Board
Of Public Affairs

ATTEST:



Annette Geissman
Clerk-Treasurer

APPROVED AS TO LEGAL
FORM AND CORRECTNESS:


(0075499)
Irving B. Sugerman,
Village Solicitor

1st Reading: 6-6-09

2nd Reading: 6-23-09

3rd Reading: 7-14-09