



UTILITY OPERATING RULES & REGULATIONS

PREFACE:

The rules and regulations contained herein as adopted by the Council of the City of Canal Winchester are published for the information and guidance of all residents of Canal Winchester, Ohio and are part of the contract between the Department of Public Service and each property owner.

Each section or part of section in these rules and regulations are hereby declared 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.

These rules and regulations are in addition to the provisions of public utilities as stipulated in Part Nine, Title Three of the Codified Ordinances of the municipal corporation of Canal Winchester Ohio.

RULE 1. PUBLIC UTILITIES SYSTEM

A. Water System

The public water supply system, including all water mains, valves, hydrants, meters, and services, is under the exclusive control of the Department of Public Service, Division of Water, the Director of Public Service and authorized agents and employees. Such control shall include all piping from the Department's mains to the curb stop and includes the meter and remote reading device. Such control shall be governed by these rules and regulations.

Whenever a break or leak occurs in a water main or water service line between the main and the curb box, the Division of Water will repair this at its own expense as soon as possible. If a break or leak occurs between the curb box and the meter at any place upon the property supplied, it shall be repaired by the owner at their own expense as soon as possible. If the Division of Water, in order to prevent excessive water waste and/or substantial damage, deems a leak or break to be an urgent and necessary action, utility service may be terminated per Rule 5 herein and/or shall cause the leak or break to be repaired and bill property owner at 2.5 times the actual cost of repair.

The Division of Water does not guarantee any fixed chemical quality, fixed pressure or continuous supply, but will, in case of accident that will cause sudden change in quality, pressure or supply, endeavor to notify consumers affected thereby. Those using fixtures or equipment on their property sensitive to such change should have protective equipment, including but not limited to reserve supply tanks, alarms or pressure regulating valves for emergency cases, as no claims will be considered for damage of any nature whatsoever arising from such action.

B. Sanitary Sewer System

The sanitary sewer collection system, including all sewer mains, pump stations, manholes and service connections, is under the exclusive control of the Department of Public Service, Division of Water Reclamation, the Director of Public Service and authorized agents and employees. Such control does not include any piping from the service connection at the Department's mains to the service structure. Such control shall be governed by these rules and regulations.

Whenever a leak, break or clog occurs in a sanitary sewer main, the Division of Water Reclamation will repair this at its own expense as soon as possible. If a leak, break or clog occurs between the service connection and the service structure at any place upon the property supplied or right-of-way, it shall be repaired by the owner at their own expense as soon as possible. If the Division of Water Reclamation, in order to prevent excessive water waste and/or substantial damage to the sanitary sewer system, deems a leak or break to be an urgent and necessary action, utility service may be terminated per Rule 5 herein and/or shall cause the leak, break or clog to be repaired and bill property owner at 2.5 times the actual cost of repair.

C. Storm Sewer System

The storm sewer collection system, including all storm mains, manholes, and drainage structures, is under the exclusive control of the Department of Public Service, Division of Storms and Drains, the Director of Public Service and authorized agents and employees. Such control does not include any roof drain or sump pump piping or drainage for individual properties (unless as part of an overall drainage plan). Such control shall be governed by these rules and regulations.

Whenever a break or clog occurs in a storm sewer main, the Division of Storms and Drains will repair this at its own expense as soon as possible. If a break or clog occurs at any place not under the Division's control, it shall be repaired by the owner at their own expense as soon as possible. If the Division of Storms and Drains, in order to prevent substantial damage to the storm sewer system, deems a leak or break to be an urgent and necessary action, utility service may be terminated per Rule 5 herein and/or shall cause the break or clog to be repaired and bill property owner at 2.5 times the actual cost of repair.

RULE 2. APPLYING FOR SERVICE

Any person, firm or corporation desiring utility service shall sign a contract for service before service will be provided, agreeing to be responsible for all charges to the premises in a form and manner approved by the City of Canal Winchester. Water will not be turned on at the street (curb box) unless City personnel have access to the meter. The City requires an applicant to submit proof of identity (valid state driver's license, valid state identification or valid passport).

On all rental properties, the property owner is liable for utility services incurred at their property. Direct billing is available for a tenant if the owner and tenant enter into a Tenant Billing Agreement with the City. Once the agreement is signed, the tenant will receive all bills and delinquent bills; the owner will receive only delinquent bills. Direct billing does not relieve the property owner of liability for utility charges.

Any property owner to which a utility service can be provided shall have the right to establish a utility service account to pay for future utility service to the premises unless:

- The property owner who has a delinquent utility service account or other obligations to the City of Canal Winchester for any premise in the applicant's own name; or,
- Conditions exist at the property for which utility service is sought which would be grounds for termination of the utility service; or,
- There is an outstanding balance on the property to be served.

Whenever the City denies applicant property owner the right to establish a utility service account, the property owner shall have the right to appeal per Rule 4.

RULE 3. UTILITY METERING, READING AND USE

Every utility service is subject to the following:

- Domestic and fire meters and remote reading equipment will be purchased by the original property owner and will then become the property of the City of Canal Winchester for operation and maintenance. The domestic and fire meters must meet specifications established by the city and will be purchased through city-approved vendors. Remote reading equipment will be purchased through the city at a cost administratively established and sufficient enough to include all appurtenances and installation costs. If an existing property increases the size of the meter are responsible for the purchase on larger meter and remote reading equipment.
For the purpose of maintaining meters, the Department of Public Service reserves the right to remove and then replace or repair any meter or remote reading equipment at any time with proper notice. The Department of Public Service will not be responsible for breakage of pipes or valves occurring during the removal or installation of meters.
- Each meter shall be sized according to the volume of water used by the consumer. The Department of Public Service reserves the right to size or change the size of any meter according to water use records of the consumer and the recommendations of the American Water Service Association standards for "Cold Water Meters". The customer is responsible for providing facilities for a proper meter setting and for any required piping changes. Residential meters shall be a minimum of $\frac{3}{4}$ "; Commercial/Industrial meters shall be a minimum of 1".
- Failure of the owner or consumer to permit the Department of Public Service employees access to the meter for periodic maintenance and replacement shall result in utility service termination per Rule 5 herein.
- Any outstanding balance is the responsibility of the property owner regardless of whether the property owner was the consumer. New accounts will not be established until all outstanding balances are paid.
- The property owner shall provide a valve before and after the meter.
- All water meters one and one half inch (1 1/2") and larger shall include a by-pass to permit repair of the meter without interruption of service. The by-pass must be installed and maintained per Canal Winchester Standards. Meter settings of the above size that are already in service which do not have a by-pass or valve may be required to be installed at the customer's expense. The bypasses will be locked and shall only be operated by Canal Winchester personnel.
- Meters should be installed no less than two feet from the floor and 12 inches from side walls in basements or utility rooms to allow ample room for reading and performing maintenance. There will be no vertical installation of water meters. The Department of Public Service shall not permit meters to be installed in locations deemed inaccessible. Upon demolition of a building, the meter shall be returned to the Division of Water inventory.

- Water services shall be equipped with a meter and a remote register. The remote register will be mounted on the outside of the building on either side (near the front) of the building and shall be unobstructed. When the wire is considered inaccessible for replacement, the wire is to be encased in weatherproof conduit. The Department of Public Service will perform remote register installation.
- The use of meter pits is permitted only with the express written consent of the Director of Public Service.
- Meters damaged by abuse, misuse, accident or any act of carelessness or neglect will be repaired or replaced by Canal Winchester at the expense of the property owner.
- Inspectors, operators or employees of Canal Winchester whose duty it may be to examine meters, pipes, structures or other fixtures used in connection with the utility system shall be equipped with proper identification necessary to identify themselves as agents of Canal Winchester. Such inspectors, operators or employees authorized must have free access at all reasonable hours to all parts of the property for the purpose of changing/inspecting meters, examining fixtures, ensuring proper operation and compliance with all applicable rules and regulations and observing the manner in which the utility systems is being used. Should any authorized personnel be refused admittance to any premises or shall be hindered or prevented from making such examinations, the utility service may be terminated in accordance with Rule 5, herein.
- Upon request from a consumer and/or owner, the Department of Public Service will remove any meter 3/4" or 1" in size and take to the Water Treatment Plant for testing. If upon examination and test it is found the meter registers outside the tolerable limits of plus or minus three percent (3%) on flows from one to twenty gallons per minute, then the meter shall be considered "inaccurate" and the water charges will be adjusted accordingly on the customer's next utility bill. If results show the meter performed within the tolerable limits, the cost of the meter testing shall be placed on the customer's next water bill. The Director of Public Service may reserve the right to authorize factory testing of meters. If charges are adjusted, only the last billing cycle will be considered. In-house meter testing will be free of charge. If factory certification is chosen, the charge for testing will depend on the size of the meter and whatever the cost may be when the testing is requested. Fees for testing will be available upon request at the Department of Public Service. There will be no testing charge if the meter is found to be registering above or below the 3% limit allowed. All water meters and equipment in question will remain in inventory until dispute has reached a settlement.

RULE 4. BILLING AND BILLING DISPUTES

Canal Winchester will determine the actual amount of charges due based upon meter readings and/or estimates. If the city is unable to obtain a meter reading, we will contact the property owner for access. Property owners shall not be relieved from an obligation for such fees that may be unpaid through failure of Canal Winchester to make collections as provided by its rules.

Bills for each utility service account shall be mailed (postal or email) to the customer and shall be due in full by the due date printed on the bill. Bills will be considered to be to be late unless they are paid in full by 4:30 p.m. on the due date if paid in person at the office or by 12:00 midnight if paying online by card. Drop box payments will be accepted as an on-time payment if received by 8:00 am on the day

following the due date. Failure to receive bill does not relieve customer of penalty fee. It is the owner's responsibility to contact the billing office if bill is not received by the first business day of the month in which they are due. Late fees are 10% of the total current bill or \$5.00 whichever is greater and will be applied to the account if payment is not received by the original billing due date. Late bills will be due by the date printed on the Final Notice bills. Final Notice bills must be paid in full by 9:00 am the day following the due date or utility termination process will begin. At 9:00 am the utility termination process begins. Once utility termination process begins a \$50 fee will be assessed regardless of whether utility termination actually occurs. See Termination of Service in Rule 5.

All payments to the Billing Office shall be in currency, check, money order, or bank cards. Payments will be accepted subject to collection at the bank. In the event a payment is not honored by the bank and is returned for refund, the account to which payment has been credited will be charged a twenty-five (\$25.00) dollar penalty.

Payments dishonored by the bank are subject to all the legal remedies available to Canal Winchester. If the dishonored payment is for service restoration following termination for nonpayment, the restitution shall be made within 24 hours or the service shall be discontinued for reason of nonpayment without further notice. If the dishonored payment is for initial or late bills, the restitution shall be made within 7 business days of the date of the letter or the service shall be discontinued for reason of nonpayment without further notice. Payments for one year following a dishonored payment are to be made in the form of cash, cashier's check, money order or credit card.

Owners must provide to the Billing Office an address to which a final utility service bill is to be mailed, and must specify a final date of service. The meter shall be read and the utility service finalized as near as possible to the requested final date. A final bill shall be prepared, mailed and become due 10 days after the final bill date.

When utility charges are not paid when due, the Finance Director or designee shall cause them to be certified to the County Auditor for placement as a lien upon the property served in accordance with the procedures set forth in Ohio R.C. 743.04 and Ohio R.C. 729.49.

Notwithstanding any other provision within this chapter, where utility service accounts are determined to be non-collectible by the Finance Director or designee, they may charge-off delinquent accounts in the categories set forth below. In no event shall any account in any of the following categories be charged-off from the account receivables unless and until the Finance Director or designee has, after diligent effort, determined that the account cannot reasonably be collected, after taking into consideration:

1. The age of the account, the ownership of the premises served
2. The condition of the property, including demolition of structures
3. Whether the property is occupied or vacant
4. Whether the property is improved or unimproved
5. The expense of collection when compared to the amount due
6. Any billing errors on the part of the City
7. The adequacy of City records substantiating the account
8. Any other factors relevant to such determination

9. Accounts older than six years and barred by the applicable statute of limitations

The Billing Office shall maintain adequate records on each account, which is charged off, indicating the reason that each such account is deleted from the account receivables. The procedures established by this subsection shall not be utilized as a method of resolving disputed accounts in lieu of the procedures set forth below, but shall be for internal bookkeeping purposes only and in order to remove uncollectible accounts from Canal Winchester's files.

Disputes:

Any owner of utility service disputing a utility billing may appeal the billing within 10 days of the mailing of the original utility bill. The owner shall state the grounds for the dispute and shall be submitted in writing and delivered to the Billing Office at 36 South High St. Canal Winchester, Ohio 43110. Within a reasonable time of receipt thereof, the Finance Director or designee will issue a determination as to the resolution of the billing dispute.

Any grievant in a billing dispute may request a meter test per Rule 3.

Water Leak Credit Policy:

Situations occur where excessive water is consumed due to a water leak or faulty equipment connected to the plumbing system. This policy document will establish departmental guidelines for handling such situations. In all excessive water usage situations, the customer shall be billed the full water usage amount.

1. Water Service Leak – If it is determined that a water service leak occurred and the water did not enter the sanitary sewer system, then the customer's sanitary sewer use charges shall be adjusted to the 12-month average usage.
2. Water Softener/Toilet Malfunction – If it is determined that a water softener, toilet or other similar water consuming equipment failed and resulted in a period of excessive water use, then the customer's sanitary sewer use charges shall be adjusted to 150% of the 12-month average. This is to account for the fact that the water did enter the sanitary sewer system and was treated at the wastewater treatment plant.
3. If a property experiences multiple utility usage issues over a period of time, the Finance Director and/or the Public Service Director reserves the right to bill the utility account the full utility charges for the metered water consumption.

After all other steps of this policy have been exhausted; owners have the right to request and attend a hearing in front of Council Committee for final determination of dispute. Whenever an owner requests a hearing pursuant to this section, they shall not be obligated to pay the disputed portion of the bill unless and until a decision has been rendered at the hearing.

Medical Hardship and Life Changing Events:

Payment of utility service accounts shall be deferred up to two (2) billing cycles where the customer established an inability to pay a utility bill by the date on which such payment is due and that termination of water service: 1) would be especially dangerous to the health of consumer at the unit, or; 2) make the operation of necessary medical or life-supporting equipment impossible or impractical as certified in writing by a physician. Upon the establishment of either the foregoing conditions (1 or

2), payment shall be deferred entirely for so long as either condition exists, or for two (2) billing cycles, whichever occurs first. At the end of the deferment the customer shall be required to pay the past due bills in full.

A customer experiencing a life changing event is someone who desires to pay, but due to financial difficulties is unable to pay within the timeframe set out in the payment terms set with Canal Winchester. In the event of hardship (i.e. loss of job, death of immediate family (spouse, child, step-child or legal guardian), military leave for active duty, divorce), proof of hardship must be presented in writing before bill is due. Customers experiencing a life-changing event have the right, subject to meeting minimum payment guidelines (minimum \$25.00 per week); to renegotiate the amount of their installment if there is a demonstrable change in their circumstances. An arrangement plan will be established no later than 30 calendar days after notification of hardship. Full repayment of bill shall not exceed 180 calendar days from time of application.

Swimming Pool Credit Policy:

The following procedures will be followed in order to provide proper credit on sewer billing when filling swimming pools:

1. Contact the Utility Billing Clerk at 614-837-7716 prior to filling pool in order to establish a work order to obtain current water meter reading and inspection of pool.
2. Contact clerk immediately after completion of filling pool in order to dispatch personnel to obtain second reading.
3. Based on these readings and factoring in normal water usage and the capacity of the pool, an adjustment will be made on the sewer portion **only** for the following water billing cycle.
4. This credit will be provided **only** (1) time during each year.
5. Failure to follow this policy will result in all sewer charges being billed in full.

RULE 5. TERMINATION OF SERVICE

The City may terminate utility service to any property, in accordance with the procedures set forth in this section, for any of the following reasons:

1. A final meter reading is performed
2. Nonpayment by the owner for utility service to the service address affected
3. At the request of the owner, in accordance with Ohio landlord/tenant laws when applicable.
4. Tampering with the water meter(s), theft of service, or fraud for the premises by the owner or consumer;
5. Failure to install remote reading meter(s) and register(s), or to have installed meter inspected;
6. Failure to permit Canal Winchester access to the meter(s);
7. Emergency termination
8. For the purpose of water emergency as defined by Canal Winchester;
9. Violation of the Canal Winchester Plumbing Code, Canal Winchester regulations and/or failure to cooperate with any department of the City of Canal Winchester.
10. Abandonment of the property;
11. Condemnation of property
12. Wasting of water

The owner of any property in which utility service was terminated for any of the reasons stated above shall have the right to appeal per Rule 4.

All terminations of service shall be documented by a written service order recording the date, time, and identity of the Canal Winchester employee performing termination; such documentation shall be retained in the service address file.

Termination methods shall be performed in a manner that is most practical to the City. In most cases terminations will occur at the water curb box valve. In cases where the water curb box valve is inaccessible or termination at the water curb box valve will interrupt another consumer with a current account, the water meter will be removed and the inside water shutoff valve will be locked. In extreme circumstances, one of the utility service lines will be excavated in the right of way or utility easement and terminated through mechanical means. In this instance, the property owner will have the costs of the materials and labor associated with this termination practice multiplied by 2.5 times the actual costs and such costs added to the outstanding account balance.

Terminations shall not occur on any day which precedes a holiday or weekend except for in emergency or scheduled situations.

Multi-family dwellings with one service line and multiple billing accounts will have utility service terminated if one of the accounts are delinquent.

A utility service account terminates upon the date of the final meter reading of the account.

If a request for voluntary termination is made, the owner, resident or representative must be present before service is terminated.

In the event a consumer, who is not an owner, and who resides in a single-occupant structure or dwelling unit of a multi-occupant structure for which there is an individual water meter, has utility service terminated due to non-payment, may establish an individual payment account. The consumer shall be liable only for the cost of utility service supplied to the consumer. In order to establish an individual payment account, the consumer must visit the Billing Office during its business hours to obtain the necessary forms.

In the event a consumer, who is not an owner and who resides in a dwelling unit of a multiple-occupant structure for which there is no individual water meter, utility service terminated due to non-payment, may establish a group payment account for the entire multiple-occupant structure. A group payment account is a procedure by which the consumer(s) may maintain the water service to the unit(s) by paying only the current month's bill. The burden of collecting any amounts in arrears remains with the City, and the consumer(s) may exercise such legal remedies as are available to them. Amounts sufficient to cover the current billing must be rendered to the Billing Office. Canal Winchester is under no obligation to accept payment from each individual consumer, but rather from one representative acting on behalf of all of the consumers. One payment will be issued to the Billing Office and one receipt will be issued by the Billing Office to the consumer's representative rendering payment. In order to establish a group payment account, the consumer or the consumer's representative must visit the offices of the Billing Office during its business hours and, at that time, an employee of the Billing Office shall provide the consumer or the consumer's representative the necessary forms and assistance for establishing the group payment account. Canal Winchester may require the representative to provide the names and addresses of all members establishing the group payment account.

RULE 6. RULES FOR USAGE

Extensions or Alterations to the Utility Service Lines

No owner shall allow any extensions or alterations to the utility services on any premise until first contacting the City of Canal Winchester and receiving approval from the Director of Public Service. Should any of the work not be in compliance with Canal Winchester standards, that portion must be changed. Failure to make such changes may result in the utility service being terminated per Rule 5 until brought up to standards.

Rates, Tapping Fees, Front Foot Fees, Etc.

Canal Winchester shall assess and collect a fee for utility service in sufficient amounts and in such manner as deemed most equitable to provide an adequate level of service.

Utility Fees along with Tapping Fees, Water Meter Charges, Front Foot Fees, Fire Standby Fees, and any other fees determined to be charged by ordinance of the Canal Winchester City Council., are not included with these Rules and Regulations and are subject to change periodically. They are available upon request from the Department of Public Service.

Tampering with Utility System:

No unauthorized person may connect to any public water, storm or sanitary sewer line, tamper with or remove any meter, registering device, fire hydrant, manhole, pumping structure or drainage structure, device, channel or swale. If the Department of Public Service finds evidence of any tampering to the utility system, utility service to the unit may be terminated per Rule 5 herein.

No unauthorized person shall operate, open or otherwise tamper with any valve or other device after the same has been closed for violation of any rule or regulation of Canal Winchester or unlawfully secure a supply of water through such valve or other device after same has been closed for the violation of any rule or regulation of Canal Winchester or in any way take utility service for private use unlawfully.

The penalties herein above are in addition to the penalties provided by the criminal laws of the City of Canal Winchester and/or the State of Ohio.

RULE 7. CROSS CONNECTION

No person or firm shall make or maintain a physical connection between any other source of water or liquid and the public water system. If such a connection is made, it shall be considered as a cross-connection and subject to termination of utility service per Rule 5.

1. Canal Winchester shall provide an effective means for protecting the public water system from contaminants through any water service connection into the City water system.
2. If in the judgment of Canal Winchester, an approved backflow prevention device is necessary for the safety of the public water system, Canal Winchester shall give notice to the water consumer to install such an approved device immediately. The owner shall, at his own expense and in a timely manner, install such an approved device at a location and in a manner approved by Canal Winchester and shall have inspections and tests made of such approved devices required annually between the months of May and June.

3. No person, firm or corporation shall establish or maintain any connection whereby a private, auxiliary or emergency water supply may enter the Public Water System.
4. The Water Superintendent or his designate shall cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the City shall deem necessary.
5. The Water Superintendent or his designate shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City of Canal Winchester for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served shall furnish to the City any information, which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall within the discretion of the Water Superintendent, be deemed evidence of the presence of improper connections as provided in this section.
6. The Water Superintendent or his designate is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this section.

RULE 8. WATER CONSERVATION POLICY

Purpose: To implement a responsible, efficient policy for the use of outside water for lawn watering that will lessen high demand peak usage, educate the public of the environmental impact of outdoor water usage and minimize the operational and capital costs associated with the supply and treatment of water.

Policy: During times designated by the City, watering or sprinkling of lawns will only be permitted using the following schedule:

Monday – no lawn watering permitted

Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday – no lawn watering from 10:00 a.m. to 6:00 p.m.

When conditions warrant (i.e. long periods of drought, mechanical failure of the water system, etc.) the City may declare a Water Emergency and may establish any or all of the following additional restrictions:

Level I: Restricted hours 7:00 am to 9:00 am and 7:00 pm to 9:00 pm

Level II: No unattended water usage; no lawn sprinkling

These additional measures will be established as needed to assure that there will be sufficient reserve water to provide minimum water pressure to all customers and reasonable reserves for emergencies.

Enforcement:

Any person in violation of this policy is guilty of a fourth degree misdemeanor and may result in the termination of water service. If service is terminated, a \$200.00 fee will be charged to turn on the water service.

Policy will be enforced as follows:

- 1st Offense: Friendly reminder of water conservation policy by technician and requesting compliance from property owner. (Should property owner not be available the technician will shut off the sprinkler system at the faucet)
- 2nd Offense: Final reminder of water conservation policy by technician and requesting compliance from property owner along with water shut off notification. (Should property owner not be available the technician will again shut off the sprinkler system at the faucet)
- 3rd Offense: Technician will terminate water service at the curb. Property owner will be required to pay \$200.00 water turn on fee before water is restored.
- 4th Offense: Technician will terminate water service at the curb and the Sheriff's Department will be contacted to pursue charges of a fourth degree misdemeanor.