

CHAPTER 1040  
Water

EDITOR'S NOTE: The City contracts with the City of Avon Lake for water service. The City also contracts with the Regional Lorain County Water Authority (RLCWA) for purchase and sale of water on an emergency basis. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk of Council.

- 1040.01 Rates.
- 1040.02 Liability of owners and lessees; delinquency; remedies of City.
- 1040.03 Rules and regulations.
- 1040.04 Connections; fees; meters.
- 1040.05 Avon-Sheffield water system connection.
- 1040.06 Water use bans.
- 1040.07 Private water lines.
- 1040.08 Current account status statement.
- 1040.09 Establishment of a water, sanitary sewer and storm water account.  
(Repealed)
- 1040.99 Penalty.

CROSS REFERENCES

- Water pollution - see Ohio R.C. 715.08, 743.24 et seq.; GEN. OFF. 660.04
- Waterworks mortgage revenue bonds - see Ohio R.C. 715.09 et seq.
- Compulsory water connections - see Ohio R.C. 729.06, 743.23
- Management and control of waterworks - see Ohio R.C. 743.02 et seq., 743.26 et seq.
- Tampering with hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22
- Prosecutions for theft of utilities - see GEN. OFF. 642.26
- Private utilities in public rights of way - see S.U. & P.S. 1048.01
- Use of City water to fill swimming pools; fees - see B. & H. 1478.11

1040.01 RATES.

(a) Commencing with the billing date of September 1, 2021, the following monthly rates for all water users in the City are hereby established:

Gallons Used	Charge Per 1,000 Gallons
First 25,000	\$5.26
All over 25,000	\$4.44

There shall be no minimum consumption charge. A service charge of one dollar (\$1.00) will be charged per account per month.

(b) Effective January 1, 2023, there will be a service charge of thirty dollars (\$30.00) for connection of water and thirty dollars (\$30.00) for disconnection of water. The Director of Finance is hereby authorized and directed to adjust, from time to time, the dollar amount of the water usage rate fixed and established in this division to reflect any increase or decrease in such amount charged to the City of Avon by the City of Avon Lake or any other supplier of water at wholesale for distribution to users in the City of Avon, provided, however, that no such adjustment shall take effect until the Director has filed with the Clerk of Council a notice of the water rate adjustment. (Ord. 63-92. Passed 6-22-92.)

(c) The charges set forth in divisions (a) and (b) hereof are minimum charges, not maximum charges, and the City reserves the right and is obligated to increase the same at any time should the revenues of the Municipal waterworks system prove insufficient to pay the operating and maintenance expenses and the debt service charges of the bonds issued to construct such waterworks system.

(d) Fireline Rate. The City shall charge the following rate for all fireline and fire suppression systems. In addition to said rate, each account will be charged the monthly service charge set forth in Section (a).

Diameter of the Pipe Supplying the System	Rate/Charge
2"	\$2.00 + Current Service Charge
3"	\$3.00 + Current Service Charge
4"	\$4.00 + Current Service Charge
6"	\$6.00 + Current Service Charge
8"	\$8.00 + Current Service Charge
10"	\$10.00 + Current Service Charge
12"	\$12.00 + Current Service Charge

(Ord. 352. Passed 4-17-53; Ord. 27-09. Passed 3-9-09; Ord. 105-09. Passed 7-13-09; Ord. 57-14. Passed 5-27-14; Ord. 93-15. Passed 7-13-15; Ord. 67-16. Passed 6-13-16; Ord. 85-16. Passed 7-11-16; Ord. 59-17. Passed 7-3-17; Ord. 60-18. Passed 7-9-18; Ord. 67-19. Passed 7-8-19; Ord. 63-20. Passed 7-13-20; Ord. 58-21. Passed 8-9-21.)

**1040.02 LIABILITY OF OWNERS AND LESSEES; DELINQUENCY; REMEDIES OF CITY.**

The owner of any property which is served by the Municipal waterworks system by pipes connected with the system to convey water thereto shall be liable to the City for all water from such system used upon such premises. If a utility charge, i.e., a charge for water, sanitary sewer or stormwater utility, is not paid within 60 days after it becomes due and payable, the City shall mail notice to the owner of the premises, notifying said owner that water service shall be shut off ten days from the date specified in the notice.

(a) If water service is disconnected for non-payment of a utility, all delinquencies must be paid in full prior to reconnection, including the charges to turn off

the water and to turn the water back on. In the case of a hardship, the Mayor or the Finance Director may authorize service to be continued or restored during the process of collecting delinquent amounts due the City. For good cause shown, the Mayor is hereby authorized to waive delinquencies in amounts up to \$2,500 for any property. Council shall have authority to audit these waivers annually.

(b) Any accounts that are delinquent may be certified to the County Auditor, who shall then place the same on the tax duplicate of the County, with interest and penalties allowed by law, to be collected as taxes are collected.

(c) A notice will be sent to each account owner, via certified mail, return receipt requested, that has a delinquent amount certified to the County Auditor. If the notice is returned unclaimed, undeliverable or refused, the Utilities Department may use any other means of communication to notify the property owner that a delinquent utility amount is being placed on the tax duplicate including notice in a newspaper of general circulation for a period of one week.

(d) Any account certified to the County Auditor must include the following information:

- (1) Name on account/property owner;
- (2) Address of service;
- (3) Permanent parcel number;
- (4) Amount to certify (delinquent amount).

(e) After an account has been certified to the County Auditor for collection, the delinquent party must make payment to the County Treasurer's Office to remove the delinquency from the tax duplicate. This payment must include any administrative service charges added to the tax duplicate by the County.

(f) In addition to the procedures set forth herein for the collection of unpaid and delinquent water bills, the City, through the office of the Law Director, may bring a civil action in court against the delinquent party to enforce collection of any unpaid water bill, unless, in the opinion of the Finance Director and Law Director, the costs of such litigation outweighs the benefit.

(Ord. 165-97. Passed 11-10-97; Ord. 107-09 Passed 7-13-09; Ord. 34-19. Passed 5-28-19.)

### 1040.03 RULES AND REGULATIONS.

The Superintendent of Utilities shall prescribe such rules and regulations for the operation of the Municipal waterworks system as may be required in furtherance of the provisions of this chapter. No person shall violate or fail to comply with any such rule or regulation. (Ord. 352. Passed 4-17-53.)

### 1040.04 CONNECTIONS; FEES; METERS.

(a) All water tap connections shall be made by the Department of Utilities of the City. (Ord. 51-84. Passed 7-9-84.)

(b)(1) The owner of real property upon which there is made a water tap connection with the Municipal waterworks system shall pay a fee according to the following schedule:



The additional increase for tap-in fees shall be deposited into a Water Department Capital Improvement Fund. These funds shall be reserved for permanent improvement of the water system only.

(Ord. 47-88. Passed 7-11-88; Ord. 108-02. Passed 8-12-02; Ord. 28-14. Passed 3-10-14; Ord. 42-14. Passed 4-14-14; Ord. 65-15. Passed 6-8-15.)

(c) All residential taps shall have the meter inside the dwelling, with a readout box outside the dwelling.

(d) Pit meters shall be allowed only when there is no building. The Superintendent of Utilities may authorize a variation from this policy only if the residence or building to be serviced is in excess of 200 feet from the road right-of-way.

(e) A meter must be installed before an occupancy permit is issued on residential property. (Ord. 51-84. Passed 7-9-84.)

(f) If, in the judgment of the Superintendent of Utilities, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his or her own expense, install such an approved device at a location and in a manner approved by the Superintendent and shall have inspections and tests made of such approved devices as required by the Superintendent.

(g) No person shall establish or maintain, or permit to be established or maintained, any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the City, may enter the supply or distributing system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Superintendent of Utilities and by the Ohio Environmental Protection Agency.

(h) The Superintendent of Utilities 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 Superintendent deems necessary.

(i) The Superintendent of Utilities or his or her duly authorized representative may enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system thereof. On demand, the owner, the lessee or occupant of any property so served shall furnish to the Superintendent any information which he or she may request regarding the piping system or water use on such property. The refusal to furnish such information when demanded shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this section.

(j) The Superintendent of Utilities is hereby authorized to promulgate all necessary rules and regulations as to the installation and maintenance of backflow prevention control devices. Such regulations shall at all times be on file in the office of the Utilities Department of the City and shall be available for inspection during regular business hours. All backflow prevention control devices required by this section shall be installed in accordance with such regulations.

(k) The Superintendent of Utilities 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 deemed 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 condition(s) shall have been eliminated or corrected in compliance with the provisions of this section.

(Ord. 117-89. Passed 12-26-89; Ord. 58-17. Passed 7-3-17; Ord. 45-20. Passed 5-11-20.)

#### 1040.05 AVON-SHEFFIELD WATER SYSTEM CONNECTION.

(a) A connection between the Municipal waterworks system and the Sheffield water system is hereby authorized and approved for the purpose of providing an additional source of water for use during periods of emergency. A physical connection between the two systems at State Route 611 and the Sheffield-Avon City limit and a physical connection between the two systems at State Route 254 and the Sheffield-Avon City limit are approved.

(Ord. 32-81. Passed 3-23-81.)

(b) The City hereby agrees to provide water, through the connection authorized by subsection (a) hereof, to the Village of Sheffield in periods of emergency insofar as such water is available. The Village of Sheffield, for any water used, shall pay the rates established for City users plus a surcharge of ten percent of such rates, such water used to be measured by meters placed at such connection sites.

(c) All services rendered by the City shall be in conformity with an existing contract for water supply between the City of Avon and the City of Avon Lake.

(d) The terms and conditions surrounding the Avon-Sheffield water system connection shall be subject to termination and renegotiation upon thirty days written notice of termination or renegotiation to the Mayor of either municipality.

(e) The Mayor is hereby authorized and directed to accept, on behalf of the City, the terms and conditions contained in legislation passed by the Village of Sheffield on October 28, 1968, subject to acceptance by the Village of Sheffield of the terms and conditions contained in this chapter.

(Ord. 429-69. Passed 2-13-69.)

#### 1040.06 WATER USE BANS.

(a) The Mayor is hereby authorized to declare a ban on the use of water for sprinkling or other excessive uses during a time of water shortage or other emergency within the City water system.

(b) The Mayor shall request the cooperation of the local press and radio and television stations to announce the ban and the time that the ban shall become effective, which time shall be not sooner than one hour after the first announcement. Such announcement by the local press and radio and television stations shall constitute notice to the general public of the existence of such a ban.

(c) No person shall allow, permit, suffer or cause the use of water contrary to the ban as established and declared by the Mayor after such person has received actual notice of the ban. (Ord. 57-88. Passed 6-27-88.)

#### 1040.07 PRIVATE WATER LINES.

On and after the effective date of this section (Ordinance 84-88, passed September 12, 1988), the City shall not grant permission for the construction or tie-in of any private water line not connected to the municipal water system. (Ord. 84-88. Passed 9-12-88.)

#### 1040.08 CURRENT ACCOUNT STATUS STATEMENT.

(a) Statement of Correct Account Status and Acknowledgment of Receipt. No person shall sell or convey, by deed, land contract or otherwise, any interest in any real property located within the City, which is supplied with water and/or sewer services of the Utilities Department without first furnishing the purchaser with a statement from the Department setting forth the current status of the water and sewer account of such real property, and, when an escrow account has been established, without first depositing in such account, prior to delivery of possession or transfer of title, a statement from the purchaser acknowledging the receipt of such document and accepting responsibility for all future bills on both accounts and in accordance with these Codified Ordinances and the rules and regulations of the Utilities Department.

(b) Disbursement of Funds by Escrow Agent. No person acting in the capacity of an escrow agent in any real property transaction involving the sale of real property located within the City, which is serviced or supplied with water and/or sewer services of the Utilities Department shall disburse any funds unless division (a) hereof has been complied with.

(c) Rights of Purchaser. Conviction under Section 1040.99 of any section of this Chapter 1040 shall not be a bar to the right of the purchaser of real property to recover by civil suit, from either the previous owner, the seller, the real estate agent or the escrow agent, the amount of money due for water and sewer services supplied by the Utilities Department to the previous owner or seller and paid for by the purchaser. (Ord. 106-09 Passed 7-13-09.)

#### 1040.09 ESTABLISHMENT OF A WATER, SANITARY SEWER AND STORM WATER UTILITY ACCOUNT. (REPEALED)

(EDITOR'S NOTE: Section 1040.09 was repealed by Ordinance 121-22, passed November 14, 2022.)

#### 1040.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Adopting Ordinance)

(b) Whoever violates Sections 1040.04(g) or 1040.06 is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 57-88. Passed 6-27-88.)