

**CITY OF OBERLIN, OHIO**

**ORDINANCE No. 14-14 AC CMS**

**AN ORDINANCE AMENDING CHAPTER 909, OF THE CITY OF OBERLIN CODIFIED ORDINANCES AND AMENDING THE UTILITY ASSESSMENT PROCESS AND DECLARING AN EMERGENCY**

BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Section 909.02 (b), (c), (e), and (f) of the City of Oberlin's Codified Ordinances, are hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference and amending the utility assessment process.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: in order to process utility assessments with the County Auditor in an efficient and timely manner and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading: April 7, 2014 (E)

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
H. SCOTT BROADWELL  
PRESIDENT OF COUNCIL

POSTED: 04/08/2014

EFFECTIVE DATE: 04/07/2014

## EXHIBIT A

### 909.02 ASSESSMENT OF DELINQUENT UTILITY BILLS.

- a) The City shall assess a delinquent rate of 10% of the total monthly utility bill for those bills paid after the due date. In addition, the City shall assess a delinquent rate of one percent per month of the total monthly utility bill for those bills outstanding thirty days beyond the due date.

~~In June of each year, the Finance Director shall present to Council all utility accounts four months or more delinquent. Upon Council approval, the City Treasurer shall present the amounts due to the County Auditor to be assessed to the tax duplicate.~~

- b) **From time to time during each calendar year, the Finance Director shall present to the Law Director for collection, utility accounts that have become delinquent for four months, or more, or which are otherwise deemed to be uncollectable. Such amounts, together with the delinquency rates prescribed under section (a) hereof, may be certified to the County Auditor, by the Law Director, or his or her designee, for collection the same as other taxes and assessments are collected.**
- c) All charges for water usage, as provided in Chapter 911, all sewer charges, as provided in Chapter 915, **all electric charges, as provided in Chapter 913**, and all charges for sanitation services, are assessed against the property to which the service is rendered and are a lien against said property, collectible the same as other liens and taxes, **in accordance with subsection (b)**. Transfer of ownership of property connected to the public water system and sanitary sewer system, shall not relieve the property owner of responsibility for charges assessed against the property.
- d) Any City utility account established and maintained in the name of the tenant, lessee or other person or party for services provided to the premises shall not relieve the property or the owner of the property for liability for such charges.
- e) No person, agent, firm or corporation shall sell, convey, exchange or otherwise transfer ~~by deed, lease, and contract or otherwise~~, any **ownership** interest in any real property located within the corporate limits of the City, which is supplied with water, sanitary sewer, **electric** and/or sanitation services by the City, without first furnishing to the ~~transferee purchaser~~ or duly assigned escrow agent proof of payment of the final bill for such services. If such final bill has not been paid or proof of payment is not readily available, three hundred dollars (\$300.00) shall be held in escrow until such proof of payment has been furnished to the escrow agent.
- f) Any party to a sale, exchange, conveyance or transfer of property, or any such party's agent, may request the Division of Utilities to read the meter(s) at that property. As soon as reasonably possible thereafter, the City will read the meter(s) and render a final bill for all outstanding water, sanitary sewer, electric and sanitation charges.
- g) No person, agent, firm or corporation acting in the capacity of escrow agent in any real estate transaction involving the sale of any real property or interest therein located within the corporate limits of the City, which is serviced or supplied with water, sanitary sewer, electric and/or sanitation services by the City, shall disburse any funds until the provisions of subsection (e) hereof have been met.

Upon good cause shown, the City may waive the assessment described in subsection (a) hereof