

# As Introduced

127th General Assembly  
Regular Session  
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H. B. No. 103

## Representative Blessing

Cosponsors: Representatives Seitz, Wagoner, Gibbs, Brinkman

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### A B I L L

To amend sections 735.29, 743.04, 5321.03, 6103.02, 1  
and 6119.06 of the Revised Code to modify the 2  
circumstances under which a lien may be created to 3  
collect unpaid water rates and charges owed local 4  
authorities and to specify certain requirements 5  
prior to creation of the lien. 6

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 735.29, 743.04, 5321.03, 6103.02, 7  
and 6119.06 of the Revised Code be amended to read as follows: 8

**Sec. 735.29.** (A) The board of trustees of public affairs 9  
appointed under section 735.28 of the Revised Code shall manage, 10  
conduct, and control the waterworks, electric light plants, 11  
artificial or natural gas plants, or other similar public 12  
utilities, furnish supplies of water, electricity, or gas, collect 13  
all water, electric, and gas rents or charges, and appoint 14  
necessary officers, employees, and agents. 15

The board may make ~~such~~ any bylaws and rules ~~as~~ that it 16  
determines to be necessary for the safe, economical, and efficient 17  
management and protection of ~~such works~~ those waterworks, plants, 18  
and public utilities. These bylaws and rules, ~~when~~ if not 19

repugnant to municipal ordinances or to the constitution or laws of this state, shall have the same validity as ordinances.

For the purpose of paying the expenses of conducting and managing ~~such~~ the waterworks, plants, and public utilities or of making necessary additions ~~thereto~~ to them and extensions and repairs ~~thereon~~ on them, the board may assess a water rent or charge, or a light, power, gas, or utility rent, of sufficient amount, and in ~~such~~ the manner ~~as~~ that it determines to be most equitable, upon all tenements and premises supplied ~~therewith~~ with their service. ~~When such~~ If those rents, except water rents and charges, are not paid when due, the board may certify them to the county auditor to be placed on the tax list and duplicate and collected as other village taxes, or it may collect them by actions at law in the name of the village. ~~When~~

(B)(1) If water rents or charges for residential property that is not a multifamily residential property for which the water rents or charges are calculated based on a single master meter are not paid when due, the board may shall do either or both all of the following in order to certify the unpaid amount as a lien under division (B)(2)(a) of this section:

~~(A)(a)~~ Promptly send a written notice by ordinary mail to the owner of the property served by the waterworks after not more than thirty days have elapsed since the water rents or charges became due. The notice shall contain a statement that the applicable water rents or charges were not paid when due and shall specify the number of days that have elapsed since the water rents or charges became due.

(b) Terminate the service to the property for which the water rents or charges are due after not more than ninety days have elapsed since those rents or charges first became due, unless the rents or charges and any applicable penalties have been paid in full. This division does not preclude the board from terminating

service to the property for which the water rents or charges are 52  
due after the expiration of that ninety-day period. 53

(c) If the meter reading associated with the water rents or 54  
charges indicates water usage that is inordinately high compared 55  
to water usage under normal circumstances and the historical water 56  
usage at the property, promptly send a written notice to that 57  
effect by ordinary mail to the owner of the property served by the 58  
waterworks. As used in this division, "inordinately high" means 59  
forty per cent above the historical water usage at the property. 60

(2) If the water rents or charges are not paid after the 61  
board complies with division (B)(1) of this section or at the 62  
expiration of the ninety-day period specified in division 63  
(B)(1)(b) of this section if the board does not terminate service 64  
to the property within that period or if the water rents or 65  
charges for property to which division (B)(1) of this section does 66  
not apply are not paid when due, the board may do either of the 67  
following: 68

(a) Certify ~~them~~ the unpaid water rents or charges, together 69  
with any penalties, to the county auditor of the county where the 70  
property served is located. The Subject to division (B)(1) of this 71  
section if that division is applicable, the board may make a 72  
certification under division (B)(2)(a) of this section at any time 73  
and as often as necessary to further the collection of any unpaid 74  
water rents or charges and any applicable penalties. The board 75  
shall send a written notice of each certification to the owner of 76  
the property served. If the property served is residential 77  
property, the amount certified under division (B)(2)(a) of this 78  
section is any of the following, whichever is applicable: 79

(i) If the residential property served is individually 80  
metered for water usage and the owner of the property served 81  
occupies all or part of the property, the certified amount shall 82  
be the amount of any unpaid water rents or charges and any 83

applicable penalties. 84

(ii) If the residential property served is individually 85  
metered for water usage, the owner of the property served does not 86  
occupy all or part of the property and is not the party liable to 87  
pay the applicable water rents or charges, and the owner of the 88  
property served has provided to the board a copy of a written 89  
lease or rental agreement or an affidavit evidencing that the 90  
owner of the property served did not occupy all or part of the 91  
property served when the water rents or charges were incurred, the 92  
certified amount shall not exceed the amount of the water rents or 93  
charges for water service for a three-month period and any 94  
applicable penalties. 95

(iii) If the water rents or charges are for a multifamily 96  
residential property and are calculated based on a single master 97  
meter, the certified amount shall be the amount of any unpaid 98  
water rents or charges and any applicable penalties. 99

The county auditor shall place the certified amount on the 100  
real property tax list and duplicate against the property served 101  
by the connection if he also receives from the board additional 102  
certification that the unpaid rents or charges have arisen 103  
pursuant to a service contract made directly with an owner who 104  
occupies the property served. 105

The to the waterworks. The certified amount placed on the tax 106  
list and duplicate shall be is a lien on the property served from 107  
the date placed on which the auditor places it on the tax list and 108  
duplicate and shall be collected in the same manner as other 109  
taxes, except that, notwithstanding section 323.15 of the Revised 110  
Code, a county treasurer shall accept a payment in such that 111  
amount when separately tendered as payment for the full amount of 112  
such those unpaid water rents or charges and associated penalties. 113  
The lien shall be released immediately upon payment in full of the 114  
certified amount. Any amounts collected by the county treasurer 115

under this division shall be placed for immediate distribution to 116  
the village, in the appropriate distinct fund established for 117  
water rents and charges. 118

~~(B)~~(b) Collect ~~them~~ the unpaid water rents or charges, 119  
together with any penalties, by actions at law in the name of the 120  
village, from an owner, tenant, or other person ~~who~~ that is liable 121  
~~to pay for the payment of~~ the rents or charges. 122

(C) The board shall have the same powers and perform the same 123  
duties ~~as~~ that are provided in sections 743.01, 743.05 to 743.07, 124  
743.10, 743.11, 743.18, 743.24, and 735.05 to 735.09 of the 125  
Revised Code, and all the powers and duties relating to waterworks 126  
in any of ~~such~~ those sections shall extend to and include electric 127  
light, power, and gas plants, and ~~such~~ other similar public 128  
utilities, ~~and such.~~ The board shall have ~~such~~ any other duties ~~as~~ 129  
that are prescribed by law or ordinance not inconsistent ~~herewith~~ 130  
with this section. 131

(D) Each board that assesses water rents or charges shall 132  
determine the actual amount of rents due based upon an actual 133  
reading of each customer's meter at least once in each three-month 134  
period, and at least quarterly the board shall render a bill for 135  
the actual amount shown by the meter reading to be due, except 136  
estimated bills may be rendered if access to a customer's meter 137  
was unobtainable for a timely reading. Each board that assesses 138  
water rents or charges shall establish procedures providing fair 139  
and reasonable opportunity for the resolution of billing disputes. 140

~~When~~ (E) If property to which water service is provided is 141  
about to be sold, any party to the sale or ~~his~~ the party's agent 142  
may request the board to read the meter at that property and to 143  
render within ten days following the date on which the request is 144  
made, a final bill for all outstanding rents and charges for water 145  
service. ~~Such a~~ The request shall be made at least fourteen days 146  
prior to the transfer of the title of ~~such~~ that property. 147

(F) At any time prior to a certification under division 148  
~~(A)~~(B)(2)(a) of this section or the filing of an action under 149  
division (B)(2)(b) of this section, the board shall accept any 150  
partial payment of unpaid water rents or charges, in the amount of 151  
ten dollars or more. 152

**Sec. 743.04.** (A) For the purpose of paying the expenses of 153  
conducting and managing the waterworks of a municipal corporation, 154  
including operating expenses and the costs of permanent 155  
improvements, the director of public service or any other city 156  
official or body authorized by charter may assess and collect a 157  
water rent or charge of sufficient amount and in ~~such~~ the manner 158  
~~as he~~ that the director, other official, or ~~it~~ body determines to 159  
be most equitable from all tenements and premises supplied with 160  
water. ~~When~~ 161

(B)(1) If water rents or charges for residential property 162  
that is not a multifamily residential property for which the water 163  
rents or charges are calculated based on a single master meter are 164  
not paid when due, the director or other official or body ~~may~~ 165  
shall do either or both all of the following in order to certify 166  
the unpaid amount as a lien under division (B)(2)(a) of this 167  
section: 168

~~(A)~~(a) Promptly send a written notice by ordinary mail to the 169  
owner of the property served by the waterworks after not more than 170  
thirty days have elapsed since the water rents or charges became 171  
due. The notice shall contain a statement that the applicable 172  
water rents or charges were not paid when due and shall specify 173  
the number of days that have elapsed since the water rents or 174  
charges became due. 175

(b) Terminate the service to the property for which the water 176  
rents or charges are due after not more than ninety days have 177  
elapsed since those rents or charges first became due, unless the 178

unpaid rents or charges and any applicable penalties have been 179  
paid in full. This division does not preclude the director or 180  
other official or body from terminating service to the property 181  
for which the water rents or charges are due after the expiration 182  
of that ninety-day period. 183

(c) If the meter reading associated with the water rents or 184  
charges indicates water usage that is inordinately high compared 185  
to water usage under normal circumstances and the historical water 186  
usage at the property, promptly send a written notice to that 187  
effect by ordinary mail to the owner of the property served by the 188  
waterworks. As used in this division, "inordinately high" means 189  
forty per cent above the historical water usage at the property. 190

(2) If the water rents or charges are not paid after the 191  
director or other official or body complies with division (B)(1) 192  
of this section or at the expiration of the ninety-day period 193  
specified in division (B)(1)(b) of this section if the director or 194  
other official or body does not terminate service to the property 195  
within that period or if the water rents or charges for property 196  
to which division (B)(1) of this section does not apply are not 197  
paid when due, the director or other official or body may do 198  
either of the following: 199

(a) Certify ~~them~~ the unpaid water rents or charges, together 200  
with any penalties, to the county auditor of the county where the 201  
property served is located. The Subject to division (B)(1) of this 202  
section if that division is applicable, the director or other 203  
official or body may make a certification under division (B)(2)(a) 204  
of this section at any time and as often as necessary to further 205  
the collection of any unpaid water rents or charges and any 206  
applicable penalties. The director or other official or body shall 207  
send a written notice of each certification to the owner of the 208  
property served. If the property served is residential property, 209  
the amount certified under division (B)(2)(a) of this section is 210

any of the following, whichever is applicable: 211

(i) If the residential property served is individually 212  
metered for water usage and the owner of the property served 213  
occupies all or part of the property, the certified amount shall 214  
be the amount of any unpaid water rents or charges and any 215  
applicable penalties. 216

(ii) If the residential property served is individually 217  
metered for water usage, the owner of the property served does not 218  
occupy all or part of the property and is not the party liable to 219  
pay the applicable water rents or charges, and the owner of the 220  
property served has provided to the director or other official or 221  
body a copy of a written lease or rental agreement or an affidavit 222  
evidencing that the owner of the property served did not occupy 223  
all or part of the property served when the water rents or charges 224  
were incurred, the certified amount shall not exceed the amount of 225  
the water rents or charges for water service for a three-month 226  
period and any applicable penalties. 227

(iii) If the water rents or charges are for a multifamily 228  
residential property and are calculated based on a single master 229  
meter, the certified amount shall be the amount of any unpaid 230  
water rents or charges and any applicable penalties. 231

The county auditor shall place the certified amount on the 232  
real property tax list and duplicate against the property served 233  
by the connection if he also receives from the director or other 234  
official or body additional certification that the unpaid rents or 235  
charges have arisen pursuant to a service contract made directly 236  
with an owner who occupies the property served. 237

The to the waterworks. The certified amount placed on the tax 238  
list and duplicate shall be is a lien on the property served from 239  
the date placed on which the auditor places it on the tax list and 240  
duplicate and shall be collected in the same manner as other 241



taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in ~~such~~ that amount when separately tendered as payment for the full amount of ~~such~~ those unpaid water rents or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount. Any amounts collected by the county treasurer under this division shall be immediately placed in the distinct fund established by section 743.06 of the Revised Code.

~~(B)~~(b) Collect them the unpaid water rents or charges, together with any penalties, by actions at law, in the name of the city, from an owner, tenant, or other person ~~who~~ that is liable ~~to pay~~ for the payment of the rents or charges.

(C) Each director or other official or body that assesses water rents or charges shall determine the actual amount of rents due based upon an actual reading of each customer's meter at least once in each three-month period, and at least quarterly the director or other official or body shall render a bill for the actual amount shown by the meter reading to be due, except estimated bills may be rendered if access to a customer's meter was unobtainable for a timely reading. Each director or other official or body that assesses water rents or charges shall establish procedures providing fair and reasonable opportunity for the resolution of billing disputes.

~~When~~ (D) If property to which water service is provided is about to be sold, any party to the sale or ~~his~~ the agent of that party may request the director or other official or body to read the meter at that property and to render within ten days following the date on which the request is made, a final bill for all outstanding rents and charges for water service. ~~Such a~~ The request shall be made at least fourteen days prior to the transfer of the title of ~~such~~ that property.

(E) At any time prior to a certification under division

(B)(2)(a) of this section or the filing of an action under 274  
division (B)(2)(b) of this section, the director or other official 275  
or body shall accept any partial payment of unpaid water rents or 276  
charges, in the amount of ten dollars or more. 277

**Sec. 5321.03.** (A) Notwithstanding section 5321.02 of the 278  
Revised Code, a landlord may bring an action under Chapter 1923. 279  
of the Revised Code for possession of the premises if any of the 280  
following applies: 281

(1) The tenant is in default in the payment of rent~~+~~. 282

(2) The violation of the applicable building, housing, 283  
health, or safety code that the tenant complained of was primarily 284  
caused by any act or lack of reasonable care by the tenant, ~~or~~ by 285  
any other person in the tenant's household, or by anyone on the 286  
premises with the consent of the tenant~~+~~. 287

(3) Compliance with the applicable building, housing, health, 288  
or safety code would require alteration, remodeling, or demolition 289  
of the premises ~~which~~ that would effectively deprive the tenant of 290  
the use of the dwelling unit~~+~~. 291

(4) A tenant is holding over the tenant's term. 292

(5) The residential premises are located within one thousand 293  
feet of any school premises, and both of the following apply 294  
regarding the tenant or other occupant who resides in or occupies 295  
the premises: 296

(a) The tenant's or other occupant's name appears on the 297  
state registry of sex offenders and child-victim offenders 298  
maintained under section 2950.13 of the Revised Code. 299

(b) The state registry of sex offenders and child-victim 300  
offenders indicates that the tenant or other occupant was 301  
convicted of or pleaded guilty to either a sexually oriented 302  
offense that is not a registration-exempt sexually oriented 303

offense or a child-victim oriented offense in a criminal 304  
prosecution and was not sentenced to a serious youthful offender 305  
dispositional sentence for that offense. 306

(B) The maintenance of an action by the landlord under this 307  
section does not prevent the tenant from recovering damages for 308  
any violation by the landlord of the rental agreement or of 309  
section 5321.04 of the Revised Code. 310

(C) This section does not apply to a dwelling unit occupied 311  
by a student tenant. 312

(D) For purposes of division (A)(1) of this section, if a 313  
tenant is obligated under a rental agreement to pay directly for 314  
any charges for water service and the tenant does not pay for 315  
those charges within thirty days after they become due, the tenant 316  
is considered in default in the payment of rent. 317

**Sec. 6103.02.** (A) For the purpose of preserving and promoting 318  
the public health and welfare, a board of county commissioners may 319  
acquire, construct, maintain, and operate any public water supply 320  
facilities within its county for one or more sewer districts and 321  
may provide for their protection and prevent their pollution and 322  
unnecessary waste. The board may negotiate and enter into a 323  
contract with any public agency or any person for the management, 324  
maintenance, operation, and repair of the facilities on behalf of 325  
the county, upon the terms and conditions ~~as~~ that may be agreed 326  
upon with the agency or person and ~~as~~ may be determined by the 327  
board to be in the interests of the county. By contract with any 328  
public agency or any person operating public water supply 329  
facilities within or without its county, the board also may 330  
provide a supply of water to a sewer district from the facilities 331  
of the public agency or person. 332

(B) The county sanitary engineer or sanitary engineering 333  
department, in addition to other assigned duties, shall assist the 334

board in the performance of its duties under this chapter and 335  
shall be charged with other duties and services in relation to the 336  
board's duties as the board prescribes. 337

(C) The board may adopt, publish, administer, and enforce 338  
rules for the construction, maintenance, protection, and use of 339  
county-owned or county-operated public water supply facilities 340  
outside municipal corporations and of public water supply 341  
facilities within municipal corporations that are owned or 342  
operated by the county or that are supplied with water from water 343  
supply facilities owned or operated by the county, including, but 344  
not limited to, rules for the establishment and use of any 345  
connections, the termination in accordance with reasonable 346  
procedures of water service for nonpayment of county water rates 347  
and charges, and the establishment and use of security deposits to 348  
the extent considered necessary to ensure the payment of county 349  
water rates and charges. The rules shall not be inconsistent with 350  
the laws of ~~the~~ this state or any applicable rules of the director 351  
of environmental protection. 352

(D) No public water supply facilities shall be constructed in 353  
any county outside municipal corporations by any person, except 354  
for the purpose of supplying water to those municipal 355  
corporations, until the plans and specifications for the 356  
facilities have been approved by the board. Construction shall be 357  
done under the supervision of the county sanitary engineer. Any 358  
person constructing public water supply facilities shall pay to 359  
the county all expenses incurred by the board in connection with 360  
the construction. 361

(E) The county sanitary engineer or the county sanitary 362  
engineer's authorized assistants or agents, when properly 363  
identified in writing or otherwise and after written notice is 364  
delivered to the owner at least five days in advance or mailed at 365  
least five days in advance by first class or certified mail to the 366

owner's tax mailing address, may enter upon any public or private 367  
property for the purpose of making, and may make, surveys or 368  
inspections necessary for the design or evaluation of county 369  
public water supply facilities. This entry is not a trespass and 370  
is not to be considered an entry in connection with any 371  
appropriation of property proceedings under sections 163.01 to 372  
163.22 of the Revised Code that may be pending. No person or 373  
public agency shall forbid the county sanitary engineer or the 374  
county sanitary engineer's authorized assistants or agents to 375  
enter, or interfere with their entry, upon the property for the 376  
purpose of making the surveys or inspections. If actual damage is 377  
done to property by the making of the surveys or inspections, the 378  
board shall pay the reasonable value of the damage to the property 379  
owner, and the cost shall be included in the cost of the 380  
facilities and may be included in any special assessments levied 381  
and collected to pay that cost. 382

(F) The board shall fix reasonable rates, including penalties 383  
for late payments, for water supplied to public agencies and 384  
persons when the source of supply or the facilities for its 385  
distribution are owned or operated by the county and may change 386  
the rates from time to time as it considers advisable. When the 387  
source of the water supply to be used by the county is owned by 388  
another public agency or person, the schedule of rates to be 389  
charged by the public agency or person shall be approved by the 390  
board at the time it enters into a contract for the use of water 391  
from the public agency or person. When the distribution facilities 392  
are owned by the county, the board also may fix reasonable charges 393  
to be collected for the privilege of connecting to the 394  
distribution facilities and may require that, prior to the 395  
connection, the charges be paid in full or, if determined by the 396  
board to be equitable in a resolution relating to the payment of 397  
the charges, may require their payment in installments, as 398  
considered adequate by the board, at the times, in the amounts, 399

and with the security, carrying charges, and penalties as may be 400  
determined by the board in that resolution to be fair and 401  
appropriate. No public agency or person shall be permitted to 402  
connect to those facilities until the charges have been paid in 403  
full or provision for their payment in installments has been made. 404  
If the connection charges are to be paid in installments, the 405  
board shall certify, to the county auditor, information sufficient 406  
to identify each parcel of property served by a connection and, 407  
with respect to each parcel, the total of the charges to be paid 408  
in installments, the amount of each installment, and the total 409  
number of installments to be paid. The county auditor shall record 410  
and maintain the information so supplied in the waterworks record 411  
provided for in section 6103.16 of the Revised Code until the 412  
connection charges are paid in full. The board may include amounts 413  
attributable to connection charges being paid in installments in 414  
its billings of rates and other charges for water supplied. In 415  
addition, the board may consider payments made to a school 416  
district under section 6103.25 of the Revised Code when the board 417  
establishes rates and other charges for water supplied. 418

(G) ~~When~~ (1) If any water rates or charges for residential 419  
property that is not a multifamily residential property for which 420  
the water rates or charges are calculated based on a single master 421  
meter are not paid when due, the board may shall do any or all of 422  
the following in order to certify the unpaid amount as a lien 423  
under division (G)(2)(a) of this section: 424

~~(1)~~(a) Promptly send a written notice by ordinary mail to the 425  
owner of the property served by the public water supply or 426  
distribution facility after not more than thirty days have elapsed 427  
since the water rates or charges became due. The notice shall 428  
contain a statement that the applicable water rates or charges 429  
were not paid when due and shall specify the number of days that 430  
have elapsed since the water rates or charges became due. 431

(b) Terminate the service to the property for which the water rates or charges are due after not more than ninety days have elapsed since those rates or charges first became due, unless the rates or charges and any applicable penalties have been paid in full. This division does not preclude the board from terminating service to the property for which the water rates or charges are due after the expiration of that ninety-day period. 432  
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(c) If the meter reading associated with the water rates or charges indicates water usage that is inordinately high compared to water usage under normal circumstances and the historical water usage at the property, promptly send a written notice to that effect by ordinary mail to the owner of the property served by the public water supply or distribution facility. As used in this division, "inordinately high" means forty per cent above the historical water usage at the property. 439  
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(2) If the water rates or charges are not paid after the board complies with division (G)(1) of this section or at the expiration of the ninety-day period specified in division (G)(1)(b) of this section if the board does not terminate service to the property within that period or if the water rates or charges for property to which division (G)(1) of this section does not apply are not paid when due, the board may do any of the following: 447  
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(a) Certify the unpaid water rates or charges, together with any penalties, to the county auditor of the county where the property served is located. The Subject to division (G)(1) of this section if that division is applicable, the board may make a certification under division (G)(2)(a) of this section at any time and as often as necessary to further the collection of any unpaid water rates or charges and any applicable penalties. The board shall send a written notice of each certification to the owner of the property served. If the property served is residential 455  
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property, the amount certified under division (G)(2)(a) of this 464  
section is any of the following, whichever is applicable: 465

(i) If the residential property served is individually 466  
metered for water usage and the owner of the property served 467  
occupies all or part of the property, the certified amount shall 468  
be the amount of any unpaid water rates or charges and any 469  
applicable penalties. 470

(ii) If the residential property served is individually 471  
metered for water usage, the owner of the property served does not 472  
occupy all or part of the property and is not the party liable to 473  
pay the applicable water rates or charges, and the owner of the 474  
property served has provided to the board a copy of a written 475  
lease or rental agreement or an affidavit evidencing that the 476  
owner of the property served did not occupy all or part of the 477  
property served when the water rates or charges were incurred, the 478  
certified amount shall not exceed the amount of the water rates or 479  
charges for water service for a three-month period and any 480  
applicable penalties. 481

(iii) If the water rates or charges are for a multifamily 482  
residential property and are calculated based on a single master 483  
meter, the certified amount shall be the amount of any unpaid 484  
water rates or charges and any applicable penalties. 485

The county auditor shall place the certified amount upon the 486  
real property tax list and duplicate against the property served 487  
by the connection to the public water supply or distribution 488  
facility. The certified amount shall be is a lien on the property 489  
served from the date placed on which the auditor places it on the 490  
real property tax list and duplicate and shall be collected in the 491  
same manner as taxes, except that, notwithstanding section 323.15 492  
of the Revised Code, a county treasurer shall accept a payment in 493  
that amount when separately tendered as payment for the full 494  
amount of the unpaid water rates or charges and associated 495



penalties. The lien shall be released immediately upon payment in 496  
full of the certified amount. 497

~~(2)~~(b) Collect the unpaid water rates or charges, together 498  
with any penalties, by actions at law in the name of the county 499  
from an owner, tenant, or other person or public agency that is 500  
liable for the payment of the rates or charges; 501

~~(3)~~(c) Terminate, in accordance with this section and 502  
established rules, the water service to the particular property 503  
unless and until the unpaid rates or charges, together with any 504  
penalties, are paid in full; 505

~~(4)~~(d) Apply, to the extent required, any security deposit 506  
made in accordance with established rules to the payment of the 507  
unpaid rates and charges, together with any penalties, for water 508  
service to the particular property. 509

(3) All moneys collected as rates, charges, or penalties 510  
fixed or established in accordance with division (F) of this 511  
section for water supply purposes in or for any sewer district 512  
shall be paid to the county treasurer and kept in a separate and 513  
distinct water fund established by the board to the credit of the 514  
district. 515

(4) Each board that fixes water rates or charges may render 516  
estimated bills periodically, provided that at least quarterly it 517  
shall schedule an actual reading of each customer's meter so as to 518  
render a bill for the actual amount shown by the meter reading to 519  
be due, with credit for prior payments of any estimated bills 520  
submitted for any part of the billing period, except that 521  
estimated bills may be rendered if a customer's meter is not 522  
accessible for a timely reading or if the circumstances preclude a 523  
scheduled reading. Each board also shall establish procedures 524  
providing a fair and reasonable opportunity for the resolution of 525  
billing disputes. 526

(5) When property to which water service is provided is about 527  
to be sold, any party to the sale or an agent of a that party may 528  
request the board to have the meter at that property read and to 529  
render, within ten days following the date on which the request is 530  
made, a final bill for all outstanding rates and charges for water 531  
service. The request shall be made at least fourteen days prior to 532  
the transfer of the title of the property. 533

(6) At any time prior to a certification under division 534  
(G)~~(1)~~(2)(a) of this section or the filing of an action under 535  
division (G)(2)(b) of this section, the board shall accept any 536  
partial payment of unpaid water rates or charges in the amount of 537  
ten dollars or more. 538

(7) Except as otherwise provided in any proceedings 539  
authorizing or providing for the security for and payment of any 540  
public obligations, or in any indenture or trust or other 541  
agreement securing public obligations, moneys in the water fund 542  
shall be applied first to the payment of the cost of the 543  
management, maintenance, and operation of the water supply 544  
facilities of, or used or operated for, the sewer district, which 545  
cost may include the county's share of management, maintenance, 546  
and operation costs under cooperative contracts for the 547  
acquisition, construction, or use of water supply facilities and, 548  
in accordance with a cost allocation plan adopted under division 549  
(H) of this section, payment of all allowable direct and indirect 550  
costs of the district, the county sanitary engineer or sanitary 551  
engineering department, or a federal or state grant program, 552  
incurred for the purposes of this chapter, ~~and~~. Moneys in the 553  
water fund shall then be applied ~~second~~ to the payment of debt 554  
charges payable on any outstanding public obligations issued or 555  
incurred for the acquisition or construction of water supply 556  
facilities for or serving the district, or for the funding of a 557  
bond retirement or other fund established for the payment of or 558

security for the obligations. Any surplus remaining may be applied 559  
to the acquisition or construction of those facilities or for the 560  
payment of contributions to be made, or costs incurred, for the 561  
acquisition or construction of those facilities under cooperative 562  
contracts. Moneys in the water fund shall not be expended other 563  
than for the use and benefit of the district. 564

(H) A board of county commissioners may adopt a cost 565  
allocation plan that identifies, accumulates, and distributes 566  
allowable direct and indirect costs that may be paid from the 567  
water fund of the sewer district created pursuant to division 568  
(G)(3) of this section, and that prescribes methods for allocating 569  
those costs. The plan shall authorize payment from the fund of 570  
only those costs incurred by the district, the county sanitary 571  
engineer or sanitary engineering department, or a federal or state 572  
grant program, and those costs incurred by the general and other 573  
funds of the county for a common or joint purpose, that are 574  
necessary and reasonable for the proper and efficient 575  
administration of the district under this chapter. The plan shall 576  
not authorize payment from the fund of any general government 577  
expense required to carry out the overall governmental 578  
responsibilities of a county. The plan shall conform to United 579  
States office of management and budget Circular A-87, "Cost 580  
Principles for State, Local, and Indian Tribal Governments," 581  
published May 17, 1995. 582

**Sec. 6119.06.** Upon the declaration of the court of common 583  
pleas organizing ~~the~~ a regional water and sewer district pursuant 584  
to section 6119.04 of the Revised Code and upon the qualifying of 585  
its board of trustees and the election of a president and a 586  
secretary, ~~said the~~ the district shall exercise in its own name all 587  
the rights, powers, and duties vested in it by ~~Chapter 6119. of~~ 588  
~~the Revised Code, and, subject~~ this chapter. Subject to ~~such any~~ 589  
reservations, limitations and qualifications ~~as~~ that are set forth 590

in this ~~Chapter~~ chapter, ~~such~~ the district may do the following: 591

(A) Adopt bylaws for the regulation of its affairs, the 592  
conduct of its business, and notice of its actions; 593

(B) Adopt an official seal; 594

(C) Maintain a principal office and suboffices at ~~such~~ any 595  
places within the district ~~as~~ that it designates; 596

(D) Sue and plead in its own name; be sued and impleaded in 597  
its own name with respect to its contracts ~~or~~, to torts of its 598  
members, employees, or agents acting within the scope of their 599  
employment, or to ~~enforce~~ its obligations and covenants made under 600  
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any 601  
~~such~~ of those types of actions against the district shall be 602  
brought in the court of common pleas of the county in which the 603  
principal office of the district is located, or in the court of 604  
common pleas of the county in which the cause of action arose, ~~and~~ 605  
all. All summonses, exceptions, and notices of every kind shall be 606  
served on the district by leaving a copy ~~thereof~~ at the principal 607  
office with the person in charge ~~thereof~~ or with the secretary of 608  
the district~~;~~. 609

(E) Assume any liability or obligation of any person or 610  
political subdivision, including a right on the part of ~~such~~ the 611  
district to indemnify and save harmless the other contracting 612  
party from any loss, cost, or liability by reason of the failure, 613  
refusal, neglect, or omission of ~~such~~ the district to perform any 614  
agreement assumed by it or to act or discharge ~~any such~~ that 615  
obligation; 616

(F) Make loans and grants to political subdivisions for the 617  
acquisition or construction of water resource projects by ~~such~~ 618  
those political subdivisions and adopt rules, regulations, and 619  
procedures for making ~~such~~ the loans and grants; 620

(G) Acquire, construct, reconstruct, enlarge, improve, 621

furnish, equip, maintain, repair, operate, lease or rent to or 622  
from, or contract for operation by or for, a political subdivision 623  
or person, water resource projects within or without the district; 624

(H) Make available the use or service of any water resource 625  
project to one or more persons, one or more political 626  
subdivisions, or any combination ~~thereof~~ of them; 627

(I) Levy and collect taxes and special assessments; 628

(J) Issue bonds and notes and refunding bonds and notes as 629  
provided in ~~Chapter 6119. of the Revised Code~~ this chapter; 630

(K) Acquire by gift or purchase, hold, and dispose of real 631  
and personal property in the exercise of its powers and the 632  
performance of its duties under ~~Chapter 6119. of the Revised Code~~  
this chapter; 633  
634

(L) Dispose of, by public or private sale, or lease any real 635  
or personal property determined by the board of trustees to be no 636  
longer necessary or needed for the operation or purposes of the 637  
district; 638

(M) Acquire, in the name of the district, by purchase or 639  
otherwise, on ~~such~~ the terms and in ~~such~~ the manner ~~as that~~ it 640  
considers proper, or by the exercise of the right of condemnation 641  
in the manner provided by section 6119.11 of the Revised Code, 642  
~~such~~ any public or private lands, including public parks, 643  
playgrounds, or reservations, or parts ~~thereof~~ of or rights 644  
~~therein~~ in them, rights-of-way, property, rights, easements, and 645  
interests ~~as that~~ it considers necessary for carrying out ~~Chapter~~  
~~6119. of the Revised Code~~ this chapter, but excluding the 646  
acquisition by the exercise of the right of condemnation of any 647  
waste water facility or water management facility owned by any 648  
person or political subdivision, ~~and compensation.~~ Compensation 649  
shall be paid for public or private lands so taken~~+~~. 650  
651

(N) Adopt rules and regulations to protect from depletion 652

augmented flow by the district in waters of ~~the~~ this state, to the 653  
extent augmented by a water resource project, ~~from depletion so it~~ 654  
the augmented flow will be available for beneficial use~~;~~ to 655  
provide standards for the withdrawal~~,~~ from waters of ~~the~~ this 656  
state~~,~~ of the augmented flow created by a water resource project 657  
~~which is~~ and not returned to the waters of ~~the~~ this state so 658  
augmented~~;~~ and to establish reasonable charges ~~therefor~~ for those 659  
actions, if considered necessary by the district; 660

(O) Make and enter into all contracts and agreements and 661  
execute all instruments necessary or incidental to the performance 662  
of its duties and the execution of its powers under ~~Chapter 6119.~~ 663  
~~of the Revised Code~~ this chapter; 664

(P) Enter into contracts with any person or any political 665  
subdivision to render services to ~~such~~ the contracting party for 666  
any service the district is authorized to provide; 667

(Q) Make provision for, contract for, or sell any of its 668  
by-products or waste; 669

(R) Exercise the power of eminent domain in the manner 670  
provided in ~~Chapter 6119.~~ this chapter; 671

(S) Remove or change the location of any fence, building, 672  
railroad, canal, or other structure or improvement located in or 673  
out of the district~~,~~ and~~,~~ in case it is not feasible or economical 674  
to move ~~any such~~ that building, structure, or improvement situated 675  
in or upon lands required, and if the cost is determined by the 676  
board to be less than that of purchase or condemnation, to acquire 677  
land and construct, acquire, or install ~~therein or thereon~~ in or 678  
upon the land buildings, structures, or improvements similar in 679  
purpose, to be exchanged for ~~such~~ the buildings, structures, or 680  
improvements under contracts entered into between ~~the~~ their owner 681  
~~thereof~~ and the district; 682

(T) Receive and accept, from any federal or state agency, 683

grants for or in aid of the construction of any water resource 684  
project, and receive and accept aid or contributions from any 685  
source of money, property, labor, or other things of value, to be 686  
held, used, and applied only for the purposes for which ~~such~~ the 687  
grants and contributions are made; 688

(U) Purchase fire and extended coverage and liability 689  
insurance for any water resource project and for the principal 690  
office and suboffices of the district, insurance protecting the 691  
district and its officers and employees against liability for 692  
damage to property or injury to or death of persons arising from 693  
its operations, and any other insurance the district may agree to 694  
provide under any resolution authorizing its water resource 695  
revenue bonds or in any trust agreement securing the same; 696

(V)(1) Charge, alter, and collect rentals and other charges 697  
for the use of services of any water resource project as provided 698  
in section 6119.09 of the Revised Code. ~~Such district may refuse~~ 699  
~~the services of any of its projects if any of such rentals or~~ 700  
~~other charges, including penalties for late payment, are not paid~~ 701  
~~by the user thereof, and, if such~~ If any water rentals or other 702  
water charges for water supplied by the district to residential 703  
property that is not a multifamily residential property for which 704  
the water rentals or other water charges are calculated based on a 705  
single master meter are not paid when due ~~and upon certification~~ 706  
~~of nonpayment, the board of trustees of the district shall do all~~ 707  
~~of the following in order to certify the unpaid amount as a lien~~ 708  
under division (V)(2)(a) of this section: 709

(a) Promptly send a written notice by ordinary mail to the 710  
owner of the property served by the water supply facility after 711  
not more than thirty days have elapsed since the water rentals or 712  
charges became due. The notice shall contain a statement that the 713  
applicable water rentals or charges were not paid when due and 714  
shall specify the number of days that have elapsed since the water 715

rentals or charges became due. 716

(b) Terminate the service to the property for which the water 717  
rentals or charges are due after not more than ninety days have 718  
elapsed since those rentals or charges first became due, unless 719  
the water rentals or charges and any applicable penalties have 720  
been paid in full. This division does not preclude the board from 721  
terminating service to the property for which the water rentals or 722  
charges are due after the expiration of that ninety-day period. 723

(c) If the meter reading associated with the water rentals or 724  
charges indicates water usage that is inordinately high compared 725  
to water usage under normal circumstances and the historical water 726  
usage at the property, promptly send a written notice to that 727  
effect by ordinary mail to the owner of the property served by the 728  
water supply facility. As used in this division, "inordinately 729  
high" means forty per cent above the historical water usage at the 730  
property. 731

(2) If the water rentals or charges are not paid after the 732  
board complies with division (V)(1) of this section or at the 733  
expiration of the ninety-day period specified in division 734  
(V)(1)(b) of this section if the board does not terminate service 735  
to the property within that period, if the water rentals or 736  
charges for property to which division (V)(1) of this section does 737  
not apply are not paid when due, or if any other rentals or 738  
charges for the use of services of any other water resource 739  
project of the district are not paid when due, the board may do 740  
either of the following: 741

(a) Certify the unpaid rentals or charges, together with any 742  
penalties, to the county auditor, ~~such rentals or other charges~~ 743  
constitute of the county where the property served is located. 744  
Subject to division (V)(1) of this section if that division is 745  
applicable, the board may make a certification under division 746  
(V)(2)(a) of this section at any time and as often as necessary to 747



further the collection of any unpaid rentals or charges and any applicable penalties. The board shall send a written notice of each certification to the owner of the property served. If the property served by a water supply facility is residential property, the amount certified under division (V)(2)(a) of this section is any of the following, whichever is applicable:

(i) If the residential property served is individually metered for water usage and the owner of the property served occupies all or part of the property, the certified amount shall be the amount of any unpaid water rentals or charges and any applicable penalties.

(ii) If the residential property served is individually metered for water usage, the owner of the property served does not occupy all or part of the property and is not the party liable to pay the applicable water rentals or charges, and the owner of the property served has provided to the board a copy of a written lease or rental agreement or an affidavit evidencing that the owner of the property served did not occupy all or part of the property served when the water rentals or charges were incurred, the certified amount shall not exceed the amount of the rentals or charges for water service for a three-month period and any applicable penalties.

(iii) If the water rentals or charges are for a multifamily residential property and are calculated based on a single master meter, the certified amount shall be the amount of any unpaid water rentals or charges and any applicable penalties.

The county auditor shall place the certified amount upon the real property tax list and duplicate against the property served by the water supply facility or any other water resource project. The certified amount is a lien upon the property so served, ~~shall be placed by him~~ from the date on which the auditor places it upon the real property tax list and duplicate, and shall be collected

in the same manner as other taxes~~+~~. The lien shall be released 780  
immediately upon payment in full of the certified amount. 781

(b) Collect the unpaid rentals or charges and any applicable 782  
penalties, by actions at law in the name of the district, from an 783  
owner, tenant, or other person who is liable for the payment of 784  
the rentals or charges. 785

(W) Provide coverage for its employees under Chapters 145., 786  
4123., and 4141. of the Revised Code; 787

(X) Merge or combine with ~~any other~~ another regional water 788  
and sewer district into a single district, which shall be one of 789  
the constituent districts, if two-thirds of the members of each of 790  
the two boards consent to the merger or combination, on terms ~~so~~ 791  
that the surviving district shall ~~be possessed of~~ possess all 792  
rights, capacity, privileges, powers, franchises, and authority of 793  
the constituent districts and shall be subject to all the 794  
liabilities, obligations, and duties of each of the constituent 795  
districts and ~~all~~ any other terms that are agreed upon. All rights 796  
of creditors of ~~such~~ those constituent districts shall be 797  
preserved unimpaired, limited in lien to the property affected by 798  
~~such~~ any liens immediately prior to the time of the merger ~~and~~ 799  
~~all.~~ All debts, liabilities, and duties of the respective 800  
constituent districts shall thereafter attach to the surviving 801  
district and may be enforced against it, ~~and such other terms as~~ 802  
~~are agreed upon, provided two thirds of the members of each of the~~ 803  
~~boards consent to such merger or combination.~~ ~~Such~~ The merger or 804  
combination shall become legally effective unless, prior to the 805  
ninetieth day following the later of the consents, qualified 806  
electors residing in either district equal in number to a majority 807  
of the qualified electors voting at the last general election in 808  
~~such~~ the district file with the secretary of the board of trustees 809  
of their regional water and sewer district a petition of 810  
remonstrance against ~~such~~ the merger or combination. The secretary 811

shall cause the board of elections of the proper county or 812  
counties to check the sufficiency of the signatures on ~~such the~~ 813  
petition. 814

(Y) Exercise the powers of the district without obtaining the 815  
consent of any other political subdivision, provided that all 816  
public or private property damaged or destroyed in carrying out 817  
the powers of the district shall be restored or repaired and 818  
placed in its original condition as nearly as practicable or 819  
adequate compensation made ~~therefor~~ by the district; 820

(Z) Require the owner of any premises located within the 821  
district to connect ~~his~~ the owner's premises to a water resource 822  
project determined to be accessible to ~~such the~~ premises and found 823  
to require ~~such the~~ connection so as to prevent or abate pollution 824  
or protect the health and property of persons in the district. 825  
~~Such~~ The connection shall be made in accordance with procedures 826  
established by the board of trustees of ~~such the~~ district and 827  
pursuant to ~~such the~~ orders ~~as that~~ the board may find necessary 828  
to ensure and enforce compliance with ~~such the~~ procedures. 829

(AA) Do all acts necessary or proper to carry out the powers 830  
granted in ~~Chapter 6119. of the Revised Code~~ this chapter. 831

**Section 2.** That existing sections 735.29, 743.04, 5321.03, 832  
6103.02, and 6119.06 of the Revised Code are hereby repealed. 833