

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 62

Representative Ujvagi

**Cosponsors: Representatives McGregor, J., Stewart, D., Sayre, Miller, Brown,
Garrison, Stebelton, Foley, Dodd, Budish, Chandler, Letson, Fende,
Wagoner**

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A B I L L

To amend sections 6103.01, 6103.02, 6117.01, 6117.02, 1
and 6119.011 and to enact section 6119.091 of the 2
Revised Code to authorize a board of county 3
commissioners or a board of trustees of a regional 4
water and sewer district to offer discounts on 5
water and sewer rates to persons sixty-five years 6
of age or older. 7

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

Section 1. That sections 6103.01, 6103.02, 6117.01, 6117.02, 8
and 6119.011 be amended and section 6119.091 of the Revised Code 9
be enacted to read as follows: 10

Sec. 6103.01. As used in this chapter: 11

(A) "Public water supply facilities," "water supply 12
facilities," "water supply improvement," or "improvement" means, 13
without limiting the generality of those terms, water wells and 14
well fields, springs, lakes, rivers, streams, or other sources of 15
water supply, intakes, pumping stations and equipment, treatment, 16
filtration, or purification plants, force and distribution lines 17

or mains, cisterns, reservoirs, storage facilities, necessary 18
equipment for fire protection, other related structures, 19
equipment, and furnishings, and real estate and interests in real 20
estate, necessary or useful in the proper development of a water 21
supply for domestic or other purposes and its proper distribution. 22

(B) "Current operating expenses," "debt charges," "permanent 23
improvement," "public obligations," and "subdivision" have the 24
same meanings as in section 133.01 of the Revised Code. 25

(C) "Construct," "construction," or "constructing" means 26
construction, reconstruction, enlargement, extension, improvement, 27
renovation, repair, and replacement of water supply facilities, 28
but does not include repairs, replacements, or similar actions 29
that do not constitute and qualify as permanent improvements. 30

(D) "Maintain," "maintaining," or "maintenance" means 31
repairs, replacements, and similar actions that constitute and are 32
payable as current operating expenses and that are required to 33
restore water supply facilities to, or to continue water supply 34
facilities in, good order and working condition, but does not 35
include construction of permanent improvements. 36

(E) "Public agency" means a state and any agency or 37
subdivision of a state, including a county, a municipal 38
corporation, or other subdivision. 39

(F) "County sanitary engineer" means either of the following: 40

(1) The registered professional engineer employed or 41
appointed by the board of county commissioners to be the county 42
sanitary engineer as provided in section 6117.01 of the Revised 43
Code; 44

(2) The county engineer, if, for as long as and to the extent 45
that engineer by agreement entered into under section 315.14 of 46
the Revised Code is retained to discharge the duties of a county 47
sanitary engineer under this chapter. 48

(G) "Homestead exemption" means the reduction of taxes 49
allowed under division (A) of section 323.152 of the Revised Code. 50

(H) "Low- and moderate-income persons" has the same meaning 51
as in section 175.01 of the Revised Code. 52

Sec. 6103.02. (A) For the purpose of preserving and promoting 53
the public health and welfare, a board of county commissioners may 54
acquire, construct, maintain, and operate any public water supply 55
facilities within its county for one or more sewer districts and 56
may provide for their protection and prevent their pollution and 57
unnecessary waste. The board may negotiate and enter into a 58
contract with any public agency or any person for the management, 59
maintenance, operation, and repair of the facilities on behalf of 60
the county, upon the terms and conditions as may be agreed upon 61
with the agency or person and as may be determined by the board to 62
be in the interests of the county. By contract with any public 63
agency or any person operating public water supply facilities 64
within or without its county, the board also may provide a supply 65
of water to a sewer district from the facilities of the public 66
agency or person. 67

(B) The county sanitary engineer or sanitary engineering 68
department, in addition to other assigned duties, shall assist the 69
board in the performance of its duties under this chapter and 70
shall be charged with other duties and services in relation to the 71
board's duties as the board prescribes. 72

(C) The board may adopt, publish, administer, and enforce 73
rules for the construction, maintenance, protection, and use of 74
county-owned or county-operated public water supply facilities 75
outside municipal corporations and of public water supply 76
facilities within municipal corporations that are owned or 77
operated by the county or that are supplied with water from water 78
supply facilities owned or operated by the county, including, but 79

not limited to, rules for the establishment and use of any 80
connections, the termination in accordance with reasonable 81
procedures of water service for nonpayment of county water rates 82
and charges, and the establishment and use of security deposits to 83
the extent considered necessary to ensure the payment of county 84
water rates and charges. The rules shall not be inconsistent with 85
the laws of the state or any applicable rules of the director of 86
environmental protection. 87

(D) No public water supply facilities shall be constructed in 88
any county outside municipal corporations by any person, except 89
for the purpose of supplying water to those municipal 90
corporations, until the plans and specifications for the 91
facilities have been approved by the board. Construction shall be 92
done under the supervision of the county sanitary engineer. Any 93
person constructing public water supply facilities shall pay to 94
the county all expenses incurred by the board in connection with 95
the construction. 96

(E) The county sanitary engineer or the county sanitary 97
engineer's authorized assistants or agents, when properly 98
identified in writing or otherwise and after written notice is 99
delivered to the owner at least five days in advance or mailed at 100
least five days in advance by first class or certified mail to the 101
owner's tax mailing address, may enter upon any public or private 102
property for the purpose of making, and may make, surveys or 103
inspections necessary for the design or evaluation of county 104
public water supply facilities. This entry is not a trespass and 105
is not to be considered an entry in connection with any 106
appropriation of property proceedings under sections 163.01 to 107
163.22 of the Revised Code that may be pending. No person or 108
public agency shall forbid the county sanitary engineer or the 109
county sanitary engineer's authorized assistants or agents to 110
enter, or interfere with their entry, upon the property for the 111

purpose of making the surveys or inspections. If actual damage is done to property by the making of the surveys or inspections, the board shall pay the reasonable value of the damage to the property owner, and the cost shall be included in the cost of the facilities and may be included in any special assessments levied and collected to pay that cost.

(F) The board shall fix reasonable rates, including penalties for late payments, for water supplied to public agencies and persons when the source of supply or the facilities for its distribution are owned or operated by the county and may change the rates from time to time as it considers advisable. When the source of the water supply to be used by the county is owned by another public agency or person, the schedule of rates to be charged by the public agency or person shall be approved by the board at the time it enters into a contract for the use of water from the public agency or person. ~~When~~

When the distribution facilities are owned by the county, the board also may fix reasonable charges to be collected for the privilege of connecting to the distribution facilities and may require that, prior to the connection, the charges be paid in full or, if determined by the board to be equitable in a resolution relating to the payment of the charges, may require their payment in installments, as considered adequate by the board, at the times, in the amounts, and with the security, carrying charges, and penalties as may be determined by the board in that resolution to be fair and appropriate. No public agency or person shall be permitted to connect to those facilities until the charges have been paid in full or provision for their payment in installments has been made. If the connection charges are to be paid in installments, the board shall certify, to the county auditor, information sufficient to identify each parcel of property served by a connection and, with respect to each parcel, the total of the

charges to be paid in installments, the amount of each 144
installment, and the total number of installments to be paid. The 145
county auditor shall record and maintain the information so 146
supplied in the waterworks record provided for in section 6103.16 147
of the Revised Code until the connection charges are paid in full. 148
The board may include amounts attributable to connection charges 149
being paid in installments in its billings of rates and other 150
charges for water supplied. In addition, the board may consider 151
payments made to a school district under section 6103.25 of the 152
Revised Code when the board establishes rates and other charges 153
for water supplied. 154

A board may establish discounted rates or charges or may 155
establish another mechanism for providing a reduction in rates or 156
charges for persons who are sixty-five years of age or older. The 157
board shall establish eligibility requirements for such discounted 158
or reduced rates or charges, including a requirement that a person 159
be eligible for the homestead exemption or qualify as a low- and 160
moderate-income person. 161

(G) When any rates or charges are not paid when due, the 162
board may do any or all of the following: 163

(1) Certify the unpaid rates or charges, together with any 164
penalties, to the county auditor. The county auditor shall place 165
the certified amount upon the real property tax list and duplicate 166
against the property served by the connection. The certified 167
amount shall be a lien on the property from the date placed on the 168
real property tax list and duplicate and shall be collected in the 169
same manner as taxes, except that, notwithstanding section 323.15 170
of the Revised Code, a county treasurer shall accept a payment in 171
that amount when separately tendered as payment for the full 172
amount of the unpaid rates or charges and associated penalties. 173
The lien shall be released immediately upon payment in full of the 174
certified amount. 175

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

(3) Terminate, in accordance with established rules, the water service to the particular property unless and until the unpaid rates or charges, together with any penalties, are paid in full;

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

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

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

When property to which water service is provided is about to be sold, any party to the sale or an agent of a party may request the board to have the meter at that property read and to render,

within ten days following the date on which the request is made, a 207
final bill for all outstanding rates and charges for water 208
service. The request shall be made at least fourteen days prior to 209
the transfer of the title of the property. 210

At any time prior to a certification under division (G)(1) of 211
this section, the board shall accept any partial payment of unpaid 212
water rates or charges in the amount of ten dollars or more. 213

Except as otherwise provided in any proceedings authorizing 214
or providing for the security for and payment of any public 215
obligations, or in any indenture or trust or other agreement 216
securing public obligations, moneys in the water fund shall be 217
applied first to the payment of the cost of the management, 218
maintenance, and operation of the water supply facilities of, or 219
used or operated for, the sewer district, which cost may include 220
the county's share of management, maintenance, and operation costs 221
under cooperative contracts for the acquisition, construction, or 222
use of water supply facilities and, in accordance with a cost 223
allocation plan adopted under division (H) of this section, 224
payment of all allowable direct and indirect costs of the 225
district, the county sanitary engineer or sanitary engineering 226
department, or a federal or state grant program, incurred for the 227
purposes of this chapter, and shall be applied second to the 228
payment of debt charges payable on any outstanding public 229
obligations issued or incurred for the acquisition or construction 230
of water supply facilities for or serving the district, or for the 231
funding of a bond retirement or other fund established for the 232
payment of or security for the obligations. Any surplus remaining 233
may be applied to the acquisition or construction of those 234
facilities or for the payment of contributions to be made, or 235
costs incurred, for the acquisition or construction of those 236
facilities under cooperative contracts. Moneys in the water fund 237
shall not be expended other than for the use and benefit of the 238

district. 239

(H) A board of county commissioners may adopt a cost 240
allocation plan that identifies, accumulates, and distributes 241
allowable direct and indirect costs that may be paid from the 242
water fund of the sewer district created pursuant to division (G) 243
of this section, and that prescribes methods for allocating those 244
costs. The plan shall authorize payment from the fund of only 245
those costs incurred by the district, the county sanitary engineer 246
or sanitary engineering department, or a federal or state grant 247
program, and those costs incurred by the general and other funds 248
of the county for a common or joint purpose, that are necessary 249
and reasonable for the proper and efficient administration of the 250
district under this chapter. The plan shall not authorize payment 251
from the fund of any general government expense required to carry 252
out the overall governmental responsibilities of a county. The 253
plan shall conform to United States office of management and 254
budget Circular A-87, "Cost Principles for State, Local, and 255
Indian Tribal Governments," published May 17, 1995. 256

Sec. 6117.01. (A) As used in this chapter: 257

(1) "Sanitary facilities" means sanitary sewers, force mains, 258
lift or pumping stations, and facilities for the treatment, 259
disposal, impoundment, or storage of wastes; equipment and 260
furnishings; and all required appurtenances and necessary real 261
estate and interests in real estate. 262

(2) "Drainage" or "waters" means flows from rainfall or 263
otherwise produced by, or resulting from, the elements, storm 264
water discharges and releases or migrations of waters from 265
properties, accumulations, flows, and overflows of water, 266
including accelerated flows and runoffs, flooding and threats of 267
flooding of properties and structures, and other surface and 268
subsurface drainage. 269

(3) "Drainage facilities" means storm sewers, force mains,	270
pumping stations, and facilities for the treatment, disposal,	271
impoundment, retention, control, or storage of waters;	272
improvements of or for any channel, ditch, drain, floodway, or	273
watercourse, including location, construction, reconstruction,	274
reconditioning, widening, deepening, cleaning, removal of	275
obstructions, straightening, boxing, culverting, tiling, filling,	276
walling, arching, or change in course, location, or terminus;	277
improvements of or for a river, creek, or run, including	278
reinforcement of banks, enclosing, deepening, widening,	279
straightening, removal of obstructions, or change in course,	280
location, or terminus; facilities for the protection of lands from	281
the overflow of water, including a levee, wall, embankment, jetty,	282
dike, dam, sluice, revetment, reservoir, retention or holding	283
basin, control gate, or breakwater; facilities for controlled	284
drainage, regulation of stream flow, and protection of an outlet;	285
the vacation of a ditch or drain; equipment and furnishings; and	286
all required appurtenances and necessary real estate and interests	287
in real estate.	288
(4) "County sanitary engineer" means either of the following:	289
(a) The registered professional engineer employed or	290
appointed by the board of county commissioners to be the county	291
sanitary engineer as provided in section 6117.01 of the Revised	292
Code;	293
(b) The county engineer, if, for as long as and to the extent	294
that engineer by agreement entered into under section 315.14 of	295
the Revised Code is retained to discharge duties of a county	296
sanitary engineer under this chapter.	297
(5) "Current operating expenses," "debt charges," "permanent	298
improvement," "public obligations," and "subdivision" have the	299
same meanings as in section 133.01 of the Revised Code.	300

(6) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of sanitary or drainage facilities, but does not include any repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(7) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore sanitary or drainage facilities to, or to continue sanitary or drainage facilities in, good order and working condition, but does not include construction of permanent improvements.

(8) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(9) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.

(10) "Low- and moderate-income person" has the same meaning as in section 175.01 of the Revised Code.

(B) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may lay out, establish, consolidate, or otherwise modify the boundaries of, and maintain, one or more sewer districts within the county and outside municipal corporations and may have a registered professional engineer make the surveys necessary for the determination of the proper boundaries of each district, which shall be designated by an appropriate name or number. The board may acquire, construct, maintain, and operate within any district sanitary or drainage facilities that it determines to be necessary or appropriate for the collection of sewage and other wastes

originating in or entering the district, to comply with the 332
provisions of a contract entered into for the purposes described 333
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 334
those sections or other applicable provisions of law, or for the 335
collection, control, or abatement of waters originating or 336
accumulating in, or flowing in, into, or through, the district, 337
and other sanitary or drainage facilities, within or outside of 338
the district, that it determines to be necessary or appropriate to 339
conduct the wastes and waters to a proper outlet and to provide 340
for their proper treatment, disposal, and disposition. The board 341
may provide for the protection of the sanitary and drainage 342
facilities and may negotiate and enter into a contract with any 343
public agency or person for the management, maintenance, 344
operation, and repair of any of the facilities on behalf of the 345
county upon the terms and conditions that may be agreed upon with 346
the agency or person and that may be determined by the board to be 347
in the best interests of the county. By contract with any public 348
agency or person operating sanitary or drainage facilities within 349
or outside of the county, the board may provide a proper outlet 350
for any of the wastes and waters and for their proper treatment, 351
disposal, and disposition. 352

(C) The board of county commissioners may employ a registered 353
professional engineer to be the county sanitary engineer for the 354
time and on the terms it considers best and may authorize the 355
county sanitary engineer to employ necessary assistants upon the 356
terms fixed by the board. Prior to the initial assignment of 357
drainage facilities duties to the county sanitary engineer, if the 358
county sanitary engineer is not the county engineer, the board 359
first shall offer to enter into an agreement with the county 360
engineer pursuant to section 315.14 of the Revised Code for 361
assistance in the performance of those duties of the board 362
pertaining to drainage facilities, and the county engineer shall 363
accept or reject the offer within thirty days after the date the 364

offer is made. 365

The board may create and maintain a sanitary engineering 366
department, which shall be under its supervision and which shall 367
be headed by the county sanitary engineer, for the purpose of 368
aiding it in the performance of its duties under this chapter and 369
Chapter 6103. of the Revised Code or its other duties regarding 370
sanitation, drainage, and water supply provided by law. The board 371
shall provide suitable facilities for the use of the department 372
and shall provide for and pay the compensation of the county 373
sanitary engineer and all authorized necessary expenses of the 374
county sanitary engineer and the sanitary engineering department. 375
The county sanitary engineer, with the approval of the board, may 376
appoint necessary assistants and clerks, and the compensation of 377
those assistants and clerks shall be provided for and paid by the 378
board. 379

(D) The board of county commissioners may adopt, publish, 380
administer, and enforce rules for the construction, maintenance, 381
protection, and use of county-owned or county-operated sanitary 382
and drainage facilities outside municipal corporations, and of 383
sanitary and drainage facilities within municipal corporations 384
that are owned or operated by the county or that discharge into 385
sanitary or drainage facilities owned or operated by the county, 386
including, but not limited to, rules for the establishment and use 387
of any connections, the termination in accordance with reasonable 388
procedures of sanitary service for the nonpayment of county 389
sanitary rates and charges and, if so determined, the concurrent 390
termination of any county water service for the nonpayment of 391
those rates and charges, the termination in accordance with 392
reasonable procedures of drainage service for the nonpayment of 393
county drainage rates and charges, and the establishment and use 394
of security deposits to the extent considered necessary to ensure 395
the payment of county sanitary or drainage rates and charges. The 396

rules shall not be inconsistent with the laws of this state or any 397
applicable rules of the director of environmental protection. 398

(E) No sanitary or drainage facilities shall be constructed 399
in any county outside municipal corporations by any person until 400
the plans and specifications have been approved by the board of 401
county commissioners, and any construction shall be done under the 402
supervision of the county sanitary engineer. Not less than thirty 403
days before the date drainage plans are submitted to the board for 404
its approval, the plans shall be submitted to the county engineer. 405
If the county engineer is of the opinion after review that the 406
facilities will have a significant adverse effect on roads, 407
culverts, bridges, or existing maintenance within the county, the 408
county engineer may submit a written opinion to the board not 409
later than thirty days after the date the plans are submitted to 410
the county engineer. The board may take action relative to the 411
drainage plans only after the earliest of receiving the written 412
opinion of the county engineer, receiving a written waiver of 413
submission of an opinion from the county engineer, or passage of 414
thirty days from the date the plans are submitted to the county 415
engineer. Any person constructing the facilities shall pay to the 416
county all expenses incurred by the board in connection with the 417
construction 418

(F) The county sanitary engineer or the county sanitary 419
engineer's authorized assistants or agents, when properly 420
identified in writing or otherwise and after written notice is 421
delivered to the owner at least five days in advance or is mailed 422
at least five days in advance by first class or certified mail to 423
the owner's tax mailing address, may enter upon any public or 424
private property for the purpose of making, and may make, surveys 425
or inspections necessary for the laying out of sewer districts or 426
the design or evaluation of county sanitary or drainage 427
facilities. This entry is not a trespass and is not to be 428

considered an entry in connection with any appropriation of 429
property proceedings under sections 163.01 to 163.22 of the 430
Revised Code that may be pending. No person or public agency shall 431
forbid the county sanitary engineer or the county sanitary 432
engineer's authorized assistants or agents to enter, or interfere 433
with their entry, upon the property for that purpose or forbid or 434
interfere with their making of surveys or inspections. If actual 435
damage is done to property by the making of the surveys and 436
inspections, the board shall pay the reasonable value of the 437
damage to the property owner, and the cost shall be included in 438
the cost of the facilities and may be included in any special 439
assessments to be levied and collected to pay that cost. 440

Sec. 6117.02. (A) The board of county commissioners shall fix 441
reasonable rates, including penalties for late payments, for the 442
use, or the availability for use, of the sanitary facilities of a 443
sewer district to be paid by every person and public agency whose 444
premises are served, or capable of being served, by a connection 445
directly or indirectly to those facilities when those facilities 446
are owned or operated by the county and may change the rates from 447
time to time as it considers advisable. When the sanitary 448
facilities to be used by the county are owned by another public 449
agency or person, the schedule of rates to be charged by the 450
public agency or person for the use of the facilities by the 451
county, or the formula or other procedure for their determination, 452
shall be approved by the board at the time it enters into a 453
contract for that use. 454

(B) The board also shall establish reasonable charges to be 455
collected for the privilege of connecting to the sanitary 456
facilities of the district, with the requirement that, prior to 457
the connection, the charges shall be paid in full, or, if 458
determined by the board to be equitable in a resolution relating 459
to the payment of the charges, provision considered adequate by 460

the board shall be made for their payment in installments at the 461
times, in the amounts, and with the security, carrying charges, 462
and penalties as may be found by the board in that resolution to 463
be fair and appropriate. No public agency or person shall be 464
permitted to connect to those facilities until the charges have 465
been paid in full or provision for their payment in installments 466
has been made. If the connection charges are to be paid in 467
installments, the board shall certify to the county auditor 468
information sufficient to identify each parcel of property served 469
by a connection and, with respect to each parcel, the total of the 470
charges to be paid in installments, the amount of each 471
installment, and the total number of installments to be paid. The 472
auditor shall record and maintain the information supplied in the 473
sewer improvement record provided for in section 6117.33 of the 474
Revised Code until the connection charges are paid in full. The 475
board may include amounts attributable to connection charges being 476
paid in installments in its billings of rates and charges for the 477
use of sanitary facilities. 478

(C) When any of the sanitary rates or charges are not paid 479
when due, the board may do any or all of the following as it 480
considers appropriate: 481

(1) Certify the unpaid rates or charges, together with any 482
penalties, to the county auditor, who shall place them upon the 483
real property tax list and duplicate against the property served 484
by the connection. The certified amount shall be a lien on the 485
property from the date placed on the real property tax list and 486
duplicate and shall be collected in the same manner as taxes, 487
except that, notwithstanding section 323.15 of the Revised Code, a 488
county treasurer shall accept a payment in that amount when 489
separately tendered as payment for the full amount of the unpaid 490
sanitary rates or charges and associated penalties. The lien shall 491
be released immediately upon payment in full of the certified 492

amount. 493

(2) Collect the unpaid rates or charges, together with any 494
penalties, by actions at law in the name of the county from an 495
owner, tenant, or other person or public agency that is liable for 496
the payment of the rates or charges; 497

(3) Terminate, in accordance with established rules, the 498
sanitary service to the particular property and, if so determined, 499
any county water service to that property, unless and until the 500
unpaid sanitary rates or charges, together with any penalties, are 501
paid in full; 502

(4) Apply, to the extent required, any security deposit made 503
in accordance with established rules to the payment of sanitary 504
rates and charges for service to the particular property. 505

All moneys collected as sanitary rates, charges, or penalties 506
fixed or established in accordance with divisions (A) and (B) of 507
this section for any sewer district shall be paid to the county 508
treasurer and kept in a separate and distinct sanitary fund 509
established by the board to the credit of the district. Except as 510
otherwise provided in any proceedings authorizing or providing for 511
the security for and payment of any public obligations, or in any 512
indenture or trust or other agreement securing public obligations, 513
moneys in the sanitary fund shall be applied first to the payment 514
of the cost of the management, maintenance, and operation of the 515
sanitary facilities of, or used or operated for, the district, 516
which cost may include the county's share of management, 517
maintenance, and operation costs under cooperative contracts for 518
the acquisition, construction, or use of sanitary facilities and, 519
in accordance with a cost allocation plan adopted under division 520
(E) of this section, payment of all allowable direct and indirect 521
costs of the district, the county sanitary engineer or sanitary 522
engineering department, or a federal or state grant program, 523
incurred for sanitary purposes under this chapter, and shall be 524

applied second to the payment of debt charges payable on any 525
outstanding public obligations issued or incurred for the 526
acquisition or construction of sanitary facilities for or serving 527
the district, or for the funding of a bond retirement or other 528
fund established for the payment of or security for the 529
obligations. Any surplus remaining may be applied to the 530
acquisition or construction of those facilities or for the payment 531
of contributions to be made, or costs incurred, for the 532
acquisition or construction of those facilities under cooperative 533
contracts. Moneys in the sanitary fund shall not be expended other 534
than for the use and benefit of the district. 535

(D) The board may fix reasonable rates and charges, including 536
connection charges and penalties for late payments, to be paid by 537
any person or public agency owning or having possession or control 538
of any properties that are connected with, capable of being served 539
by, or otherwise served directly or indirectly by, drainage 540
facilities owned or operated by or under the jurisdiction of the 541
county, including, but not limited to, properties requiring, or 542
lying within an area of the district requiring, in the judgment of 543
the board, the collection, control, or abatement of waters 544
originating or accumulating in, or flowing in, into, or through, 545
the district, and may change those rates and charges from time to 546
time as it considers advisable. In addition, the board may fix the 547
rates and charges in order to pay the costs of complying with the 548
requirements of phase II of the storm water program of the 549
national pollutant discharge elimination system established in 40 550
C.F.R. part 122. 551

The rates and charges shall be payable periodically as 552
determined by the board, except that any connection charges shall 553
be paid in full in one payment, or, if determined by the board to 554
be equitable in a resolution relating to the payment of those 555
charges, provision considered adequate by the board shall be made 556

for their payment in installments at the times, in the amounts, 557
and with the security, carrying charges, and penalties as may be 558
found by the board in that resolution to be fair and appropriate. 559
The board may include amounts attributable to connection charges 560
being paid in installments in its billings of rates and charges 561
for the services provided by the drainage facilities. In the case 562
of rates and charges that are fixed in order to pay the costs of 563
complying with the requirements of phase II of the storm water 564
program of the national pollutant discharge elimination system 565
established in 40 C.F.R. part 122, the rates and charges may be 566
paid annually or semiannually with real property taxes, provided 567
that the board certifies to the county auditor information that is 568
sufficient for the auditor to identify each parcel of property for 569
which a rate or charge is levied and the amount of the rate or 570
charge. 571

When any of the drainage rates or charges are not paid when 572
due, the board may do any or all of the following as it considers 573
appropriate: 574

(1) Certify the unpaid rates or charges, together with any 575
penalties, to the county auditor, who shall place them upon the 576
real property tax list and duplicate against the property to which 577
the rates or charges apply. The certified amount shall be a lien 578
on the property from the date placed on the real property tax list 579
and duplicate and shall be collected in the same manner as taxes, 580
except that notwithstanding section 323.15 of the Revised Code, a 581
county treasurer shall accept a payment in that amount when 582
separately tendered as payment for the full amount of the unpaid 583
drainage rates or charges and associated penalties. The lien shall 584
be released immediately upon payment in full of the certified 585
amount. 586

(2) Collect the unpaid rates or charges, together with any 587
penalties, by actions at law in the name of the county from an 588

owner, tenant, or other person or public agency that is liable for 589
the payment of the rates or charges; 590

(3) Terminate, in accordance with established rules, the 591
drainage service for the particular property until the unpaid 592
rates or charges, together with any penalties, are paid in full; 593

(4) Apply, to the extent required, any security deposit made 594
in accordance with established rules to the payment of drainage 595
rates and charges applicable to the particular property. 596

All moneys collected as drainage rates, charges, or penalties 597
in or for any sewer district shall be paid to the county treasurer 598
and kept in a separate and distinct drainage fund established by 599
the board to the credit of the district. Except as otherwise 600
provided in any proceedings authorizing or providing for the 601
security for and payment of any public obligations, or in any 602
indenture or trust or other agreement securing public obligations, 603
moneys in the drainage fund shall be applied first to the payment 604
of the cost of the management, maintenance, and operation of the 605
drainage facilities of, or used or operated for, the district, 606
which cost may include the county's share of management, 607
maintenance, and operation costs under cooperative contracts for 608
the acquisition, construction, or use of drainage facilities and, 609
in accordance with a cost allocation plan adopted under division 610
(E) of this section, payment of all allowable direct and indirect 611
costs of the district, the county sanitary engineer or sanitary 612
engineering department, or a federal or state grant program, 613
incurred for drainage purposes under this chapter, and shall be 614
applied second to the payment of debt charges payable on any 615
outstanding public obligations issued or incurred for the 616
acquisition or construction of drainage facilities for or serving 617
the district, or for the funding of a bond retirement or other 618
fund established for the payment of or security for the 619
obligations. Any surplus remaining may be applied to the 620

acquisition or construction of those facilities or for the payment 621
of contributions to be made, or costs incurred, for the 622
acquisition or construction of those facilities under cooperative 623
contracts. Moneys in the drainage fund shall not be expended other 624
than for the use and benefit of the district. 625

(E) A board of county commissioners may adopt a cost 626
allocation plan that identifies, accumulates, and distributes 627
allowable direct and indirect costs that may be paid from each of 628
the funds of the district created pursuant to divisions (C) and 629
(D) of this section, and that prescribes methods for allocating 630
those costs. The plan shall authorize payment from each of those 631
funds of only those costs incurred by the district, the county 632
sanitary engineer or sanitary engineering department, or a federal 633
or state grant program, and those costs incurred by the general 634
and other funds of the county for a common or joint purpose, that 635
are necessary and reasonable for the proper and efficient 636
administration of the district under this chapter and properly 637
attributable to the particular fund of the district. The plan 638
shall not authorize payment from either of the funds of any 639
general government expense required to carry out the overall 640
governmental responsibilities of a county. The plan shall conform 641
to United States office of management and budget Circular A-87, 642
"Cost Principles for State, Local, and Indian Tribal Governments," 643
published May 17, 1995. 644

(F) A board of county commissioners may establish discounted 645
rates or charges or may establish another mechanism for providing 646
a reduction in rates or charges for persons who are sixty-five 647
years of age or older. The board shall establish eligibility 648
requirements for such discounted or reduced rates or charges, 649
including a requirement that a person be eligible for the 650
homestead exemption or qualify as a low- and moderate-income 651
person. 652

Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~ 653
this chapter: 654

(A) "Court of common pleas" or "court" means, unless the 655
context indicates a different meaning or intent, the court of 656
common pleas in which the petition for the organization of a 657
regional water and sewer district is filed. 658

(B) "Political subdivision" includes departments, divisions, 659
authorities, or other units of state governments, watershed 660
districts, soil and water conservation districts, park districts, 661
municipal corporations, counties, townships, and other political 662
subdivisions, special water districts, including county and 663
regional water and sewer districts, conservancy districts, 664
sanitary districts, sewer districts or any other public 665
corporation or agency having the authority to acquire, construct, 666
or operate waste water or water management facilities, and all 667
other governmental agencies now or hereafter granted the power of 668
levying taxes or special assessments, the United States or any 669
agency thereof, and any agency, commission, or authority 670
established pursuant to an interstate compact or agreement. 671

(C) "Person" means any natural person, firm, partnership, 672
association, or corporation other than a political subdivision. 673

(D) "Beneficial use" means a use of water, including the 674
method of diversion, storage, transportation, treatment, and 675
application, that is reasonable and consistent with the public 676
interest in the proper utilization of water resources, including, 677
but not limited to, domestic, agricultural, industrial, power, 678
municipal, navigational, fish and wildlife, and recreational uses. 679

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 680
ponds, marshes, watercourses, waterways, wells, springs, 681
irrigation systems, drainage systems, and all other bodies or 682
accumulations of water, surface and underground, natural or 683

artificial, ~~which~~ that are situated wholly or partly within, or 684
border upon, this state, or are within its jurisdiction, except 685
those private waters ~~which~~ that do not combine or effect a 686
junction with natural surface or underground waters. 687

(F) "Water resources" means all waters of the state occurring 688
on the surface in natural or artificial channels, lakes, 689
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 690
that are available or may be made available to agricultural, 691
commercial, recreational, public, and domestic users. 692

(G) "Project" or "water resource project" means any waste 693
water facility or water management facility acquired, constructed, 694
or operated by or leased to a regional water and sewer district or 695
to be acquired, constructed, or operated by or leased to a 696
regional water and sewer district under ~~Chapter 6119. of the~~ 697
~~Revised Code~~ this chapter, or acquired or constructed or to be 698
acquired or constructed by a political subdivision with a portion 699
of the cost thereof being paid from a loan or grant from the 700
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 701
including all buildings and facilities ~~which~~ that the district 702
considers necessary for the operation of the project, together 703
with all property, rights, easements, and interest ~~which~~ that may 704
be required for the operation of the project. Any water resource 705
project shall be determined by the board of trustees of the 706
district to be consistent with any applicable comprehensive plan 707
of water management approved by the director of natural resources 708
~~of the state~~ or in the process of preparation by ~~such~~ the director 709
and to be not inconsistent with the standards set for the waters 710
of the state affected thereby by the ~~water pollution control board~~ 711
~~of the state~~ environmental protection agency. Any resolution of 712
the board of trustees of the district providing for acquiring, 713
operating, leasing, or constructing such projects or for making a 714
loan or grant for such projects shall include a finding by the 715

board of trustees of the district that ~~such~~ those determinations 716
have been made. 717

(H) "Pollution" means the placing of any noxious or 718
deleterious substances in any waters of the state or affecting the 719
properties of any waters of the state in a manner ~~which~~ that 720
renders ~~such~~ those waters harmful or inimical to the public 721
health, or to animal or aquatic life, or to the use of ~~such~~ the 722
waters for domestic water supply, industrial or agricultural 723
purposes, or recreation. 724

(I) "Sewage" means any substance that contains any of the 725
waste products or excrementitious or other discharge from the 726
bodies of human beings or animals, ~~which~~ that pollutes the waters 727
of the state. 728

(J) "Industrial waste" means any liquid, gaseous, or solid 729
waste substance resulting from any process of industry, 730
manufacture, trade, or business, or from the development, 731
processing, or recovery of any natural resource, together with 732
such sewage as is present, ~~which~~ that pollutes the waters of the 733
state. 734

(K) "Waste water" means any storm water and any water 735
containing sewage or industrial waste or other pollutants or 736
contaminants derived from the prior use of ~~such~~ the water. 737

(L) "Waste water facilities" means facilities for the purpose 738
of treating, neutralizing, disposing of, stabilizing, cooling, 739
segregating, or holding waste water, including, without limiting 740
the generality of the foregoing, facilities for the treatment and 741
disposal of sewage or industrial waste and the residue thereof, 742
facilities for the temporary or permanent impoundment of waste 743
water, both surface and underground, and storm and sanitary sewers 744
and other systems, whether on the surface or underground, designed 745
to transport waste water, together with the equipment and 746

furnishings thereof and their appurtenances and systems, whether 747
on the surface or underground, including force mains and pumping 748
facilities therefor when necessary. 749

(M) "Water management facilities" means facilities for the 750
purpose of the development, use, and protection of water 751
resources, including, without limiting the generality of the 752
foregoing, facilities for water supply, facilities for stream flow 753
improvement, dams, reservoirs, and other impoundments, water 754
transmission lines, water wells and well fields, pumping stations 755
and works for underground water recharge, stream monitoring 756
systems, facilities for the stabilization of stream and river 757
banks, and facilities for the treatment of streams and rivers, 758
including, without limiting the generality of the foregoing, 759
facilities for the removal of oil, debris, and other solid waste 760
from the waters of the state and stream and river aeration 761
facilities. 762

(N) "Cost" as applied to water resource projects means the 763
cost of acquisition and construction, the cost of acquisition of 764
all land, rights-of-way, property rights, easements, franchise 765
rights, and interests required by the district for such 766
acquisition and construction, the cost of demolishing or removing 767
any buildings or structures on land so acquired, including the 768
cost of acquiring any lands to which such buildings or structures 769
may be moved, the cost of acquiring or constructing and equipping 770
a principal office and sub-offices of the district, the cost of 771
diverting highways, interchange of highways, and access roads to 772
private property, including the cost of land or easements 773
therefor, the cost of all machinery, furnishings, and equipment, 774
financing charges, interest prior to and during construction and 775
for no more than eighteen months after completion of ~~acquisition~~ 776
acquisition or construction, engineering, expenses of research and 777
development with respect to waste water or water management 778

facilities, legal expenses, plans, specifications, surveys, 779
estimates of cost and revenues, working capital, other expenses 780
necessary or incident to determining the feasibility or 781
practicability of acquiring or constructing any such project, 782
administrative expense, and such other expense as may be necessary 783
or incident to the acquisition or construction of the project, the 784
financing of ~~such~~ the acquisition or construction, including the 785
amount authorized in the resolution of the district providing for 786
the issuance of water resource revenue bonds to be paid into any 787
special funds from the proceeds of ~~such~~ those bonds and the 788
financing of the placing of any such project in operation. Any 789
obligation or expense incurred by any political subdivision, and 790
approved by the district, for surveys, borings, preparation of 791
plans and specifications, and other engineering services in 792
connection with the acquisition or construction of a project shall 793
be regarded as a part of the cost of ~~such~~ the project and may be 794
reimbursed by the district. 795

(O) "Owner" includes all individuals, partnerships, 796
associations, corporations, or political subdivisions having any 797
title or interest in any property rights, easements, and interests 798
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 799
this chapter. 800

(P) "Revenues" means all rentals and other charges received 801
by a district for the use or services of any project, all special 802
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 803
~~the Revised Code~~ this chapter, any gift or grant received with 804
respect thereto, and moneys received in repayment of and for 805
interest on any loan made by the district to a political 806
subdivision, whether from the United States or a department, 807
administration, or agency thereof, or otherwise. 808

(Q) "Public roads" includes all public highways, roads, and 809
streets in the state, whether maintained by the state, county, 810

city, township, or other political subdivision. 811

(R) "Public utility facilities" includes tracks, pipes, 812
mains, conduits, cables, wires, towers, poles, and other equipment 813
and appliances of any public utility. 814

(S) "Construction," unless the context indicates a different 815
meaning or intent, includes reconstruction, enlargement, 816
improvement, or providing furnishings or equipment. 817

(T) "Water resources bonds," unless the context indicates a 818
different meaning or intent, includes water resource notes and 819
water resource refunding bonds. 820

(U) "Regional water and sewer district" means a district 821
organized or operating for one or both of the purposes described 822
in section 6119.01 of the Revised Code and, if organized or 823
operating for only one of ~~such~~ those purposes, may be designated 824
either a regional water district or a regional sewer district, as 825
the case may be. 826

(V) "Homestead exemption" means the reduction of taxes 827
allowed under division (A) of section 323.152 of the Revised Code. 828

(W) "Low- and moderate-income person" has the same meaning as 829
in section 175.01 of the Revised Code. 830

Sec. 6119.091. When fixing rentals or other charges under 831
section 6119.09 of the Revised Code, a board of trustees of a 832
regional water and sewer district may establish discounted rentals 833
or charges or may establish another mechanism for providing a 834
reduction in rentals or charges for persons who are sixty-five 835
years of age or older. The board shall establish eligibility 836
requirements for such discounted or reduced rentals or charges, 837
including a requirement that a person be eligible for the 838
homestead exemption or qualify as a low- and moderate-income 839
person. 840

Section 2. That existing sections 6103.01, 6103.02, 6117.01, 841
6117.02, and 6119.011 of the Revised Code are hereby repealed. 842