

As Introduced

**128th General Assembly
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H. B. No. 49

Representative Ujvagi

**Cosponsors: Representatives Phillips, Pryor, Okey, Newcomb, Letson,
Fende, Chandler, Yuko, Bolon**

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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, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

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

(a) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in this section3;

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

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

(6) "Construct," "construction," or "constructing" means

construction, reconstruction, enlargement, extension, improvement, 301
renovation, repair, and replacement of sanitary or drainage 302
facilities or of prevention or replacement facilities, but does 303
not include any repairs, replacements, or similar actions that do 304
not constitute and qualify as permanent improvements. 305

(7) "Maintain," "maintaining," or "maintenance" means 306
repairs, replacements, and similar actions that constitute and are 307
payable as current operating expenses and that are required to 308
restore sanitary or drainage facilities or prevention or 309
replacement facilities to, or to continue sanitary or drainage 310
facilities or prevention or replacement facilities in, good order 311
and working condition, but does not include construction of 312
permanent improvements. 313

(8) "Public agency" means a state and any agency or 314
subdivision of a state, including a county, a municipal 315
corporation, or other subdivision. 316

(9) "Combined sewer" means a sewer system that is designed to 317
collect and convey sewage, including domestic, commercial, and 318
industrial wastewater, and storm water through a single-pipe 319
system to a treatment works or combined sewer overflow outfall 320
approved by the director of environmental protection. 321

(10) "Prevention or replacement facilities" means vegetated 322
swales or median strips, permeable pavement, trees and tree boxes, 323
rain barrels and cisterns, rain gardens and filtration planters, 324
vegetated roofs, wetlands, riparian buffers, and practices and 325
structures that use or mimic natural processes to filter or reuse 326
storm water. 327

(11) "Homestead exemption" means the reduction of taxes 328
allowed under division (A) of section 323.152 of the Revised Code. 329

(12) "Low- and moderate-income person" has the same meaning 330
as in section 175.01 of the Revised Code. 331

(B)(1) 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 provisions of a contract entered into for the purposes described in sections 6117.41 to 6117.44 of the Revised Code and pursuant to those sections or other applicable provisions of law, or for the collection, control, or abatement of waters originating or accumulating in, or flowing in, into, or through, the district, and other sanitary or drainage facilities, within or outside of the district, that it determines to be necessary or appropriate to conduct the wastes and waters to a proper outlet and to provide for their proper treatment, disposal, and disposition. The board may provide for the protection of the sanitary and drainage facilities and may negotiate and enter into a contract with any public agency or person for the management, maintenance, operation, and repair of any of the facilities on behalf of the county upon the terms and conditions that may be agreed upon with the agency or person and that may be determined by the board to be in the best interests of the county. By contract with any public agency or person operating sanitary or drainage facilities within or outside of the county, the board may provide a proper outlet for any of the wastes and waters and for their proper treatment, disposal, and disposition.

(2) For purposes of preventing storm water from entering a

combined sewer and causing an overflow or an inflow to a sanitary sewer, the board may acquire, design, construct, operate, repair, maintain, and provide for a project or program that separates storm water from a combined sewer or for a prevention or replacement facility that prevents or minimizes storm water from entering a combined sewer or a sanitary sewer.

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

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

board. 397

(D) The board of county commissioners may adopt, publish, 398
administer, and enforce rules for the construction, maintenance, 399
protection, and use of county-owned or county-operated sanitary 400
and drainage facilities and prevention or replacement facilities 401
outside municipal corporations, and of sanitary and drainage 402
facilities and prevention or replacement facilities within 403
municipal corporations that are owned or operated by the county or 404
that discharge into sanitary or drainage facilities or prevention 405
or replacement facilities owned or operated by the county, 406
including, but not limited to, rules for the establishment and use 407
of any connections, the termination in accordance with reasonable 408
procedures of sanitary service for the nonpayment of county 409
sanitary rates and charges and, if so determined, the concurrent 410
termination of any county water service for the nonpayment of 411
those rates and charges, the termination in accordance with 412
reasonable procedures of drainage service for the nonpayment of 413
county drainage rates and charges, and the establishment and use 414
of security deposits to the extent considered necessary to ensure 415
the payment of county sanitary or drainage rates and charges. The 416
rules shall not be inconsistent with the laws of this state or any 417
applicable rules of the director of environmental protection. 418

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(E) No sanitary or drainage facilities or prevention or 420
replacement facilities shall be constructed in any county outside 421
municipal corporations by any person until the plans and 422
specifications have been approved by the board of county 423
commissioners, and any construction shall be done under the 424
supervision of the county sanitary engineer. Not less than thirty 425
days before the date drainage plans are submitted to the board for 426
its approval, the plans shall be submitted to the county engineer. 427
If the county engineer is of the opinion after review that the 428

facilities will have a significant adverse effect on roads, 429
culverts, bridges, or existing maintenance within the county, the 430
county engineer may submit a written opinion to the board not 431
later than thirty days after the date the plans are submitted to 432
the county engineer. The board may take action relative to the 433
drainage plans only after the earliest of receiving the written 434
opinion of the county engineer, receiving a written waiver of 435
submission of an opinion from the county engineer, or passage of 436
thirty days from the date the plans are submitted to the county 437
engineer. Any person constructing the facilities shall pay to the 438
county all expenses incurred by the board in connection with the 439
construction. 440

(F) The county sanitary engineer or the county sanitary 441
engineer's authorized assistants or agents, when properly 442
identified in writing or otherwise and after written notice is 443
delivered to the owner at least five days in advance or is mailed 444
at least five days in advance by first class or certified mail to 445
the owner's tax mailing address, may enter upon any public or 446
private property for the purpose of making, and may make, surveys 447
or inspections necessary for the laying out of sewer districts or 448
the design or evaluation of county sanitary or drainage facilities 449
or prevention or replacement facilities. This entry is not a 450
trespass and is not to be considered an entry in connection with 451
any appropriation of property proceedings under sections 163.01 to 452
163.22 of the Revised Code that may be pending. No person or 453
public agency shall forbid the county sanitary engineer or the 454
county sanitary engineer's authorized assistants or agents to 455
enter, or interfere with their entry, upon the property for that 456
purpose or forbid or interfere with their making of surveys or 457
inspections. If actual damage is done to property by the making of 458
the surveys and inspections, the board shall pay the reasonable 459
value of the damage to the property owner, and the cost shall be 460
included in the cost of the facilities and may be included in any 461

special assessments to be levied and collected to pay that cost. 462

Sec. 6117.02. (A) The board of county commissioners shall fix 463
reasonable rates, including penalties for late payments, for the 464
use, or the availability for use, of the sanitary facilities of a 465
sewer district to be paid by every person and public agency whose 466
premises are served, or capable of being served, by a connection 467
directly or indirectly to those facilities when those facilities 468
are owned or operated by the county and may change the rates from 469
time to time as it considers advisable. When the sanitary 470
facilities to be used by the county are owned by another public 471
agency or person, the schedule of rates to be charged by the 472
public agency or person for the use of the facilities by the 473
county, or the formula or other procedure for their determination, 474
shall be approved by the board at the time it enters into a 475
contract for that use. 476

(B) The board also shall establish reasonable charges to be 477
collected for the privilege of connecting to the sanitary 478
facilities of the district, with the requirement that, prior to 479
the connection, the charges shall be paid in full, or, if 480
determined by the board to be equitable in a resolution relating 481
to the payment of the charges, provision considered adequate by 482
the board shall be made for their payment in installments at the 483
times, in the amounts, and with the security, carrying charges, 484
and penalties as may be found by the board in that resolution to 485
be fair and appropriate. No public agency or person shall be 486
permitted to connect to those facilities until the charges have 487
been paid in full or provision for their payment in installments 488
has been made. If the connection charges are to be paid in 489
installments, the board shall certify to the county auditor 490
information sufficient to identify each parcel of property served 491
by a connection and, with respect to each parcel, the total of the 492
charges to be paid in installments, the amount of each 493

installment, and the total number of installments to be paid. The 494
auditor shall record and maintain the information supplied in the 495
sewer improvement record provided for in section 6117.33 of the 496
Revised Code until the connection charges are paid in full. The 497
board may include amounts attributable to connection charges being 498
paid in installments in its billings of rates and charges for the 499
use of sanitary facilities. 500

(C) When any of the sanitary rates or charges are not paid 501
when due, the board may do any or all of the following as it 502
considers appropriate: 503

(1) Certify the unpaid rates or charges, together with any 504
penalties, to the county auditor, who shall place them upon the 505
real property tax list and duplicate against the property served 506
by the connection. The certified amount shall be a lien on the 507
property from the date placed on the real property tax list and 508
duplicate and shall be collected in the same manner as taxes, 509
except that, notwithstanding section 323.15 of the Revised Code, a 510
county treasurer shall accept a payment in that amount when 511
separately tendered as payment for the full amount of the unpaid 512
sanitary rates or charges and associated penalties. The lien shall 513
be released immediately upon payment in full of the certified 514
amount. 515

(2) Collect the unpaid rates or charges, together with any 516
penalties, by actions at law in the name of the county from an 517
owner, tenant, or other person or public agency that is liable for 518
the payment of the rates or charges; 519

(3) Terminate, in accordance with established rules, the 520
sanitary service to the particular property and, if so determined, 521
any county water service to that property, unless and until the 522
unpaid sanitary rates or charges, together with any penalties, are 523
paid in full; 524

(4) Apply, to the extent required, any security deposit made 525
in accordance with established rules to the payment of sanitary 526
rates and charges for service to the particular property. 527

All moneys collected as sanitary rates, charges, or penalties 528
fixed or established in accordance with divisions (A) and (B) of 529
this section for any sewer district shall be paid to the county 530
treasurer and kept in a separate and distinct sanitary fund 531
established by the board to the credit of the district. Except as 532
otherwise provided in any proceedings authorizing or providing for 533
the security for and payment of any public obligations, or in any 534
indenture or trust or other agreement securing public obligations, 535
moneys in the sanitary fund shall be applied first to the payment 536
of the cost of the management, maintenance, and operation of the 537
sanitary facilities of, or used or operated for, the district, 538
which cost may include the county's share of management, 539
maintenance, and operation costs under cooperative contracts for 540
the acquisition, construction, or use of sanitary facilities and, 541
in accordance with a cost allocation plan adopted under division 542
(E) of this section, payment of all allowable direct and indirect 543
costs of the district, the county sanitary engineer or sanitary 544
engineering department, or a federal or state grant program, 545
incurred for sanitary purposes under this chapter, and shall be 546
applied second to the payment of debt charges payable on any 547
outstanding public obligations issued or incurred for the 548
acquisition or construction of sanitary facilities for or serving 549
the district, or for the funding of a bond retirement or other 550
fund established for the payment of or security for the 551
obligations. Any surplus remaining may be applied to the 552
acquisition or construction of those facilities or for the payment 553
of contributions to be made, or costs incurred, for the 554
acquisition or construction of those facilities under cooperative 555
contracts. Moneys in the sanitary fund shall not be expended other 556
than for the use and benefit of the district. 557

(D) The board may fix reasonable rates and charges, including 558
connection charges and penalties for late payments, to be paid by 559
any person or public agency owning or having possession or control 560
of any properties that are connected with, capable of being served 561
by, or otherwise served directly or indirectly by, drainage 562
facilities owned or operated by or under the jurisdiction of the 563
county, including, but not limited to, properties requiring, or 564
lying within an area of the district requiring, in the judgment of 565
the board, the collection, control, or abatement of waters 566
originating or accumulating in, or flowing in, into, or through, 567
the district, and may change those rates and charges from time to 568
time as it considers advisable. In addition, the board may fix the 569
rates and charges in order to pay the costs of complying with the 570
requirements of phase II of the storm water program of the 571
national pollutant discharge elimination system established in 40 572
C.F.R. part 122. 573

The rates and charges shall be payable periodically as 574
determined by the board, except that any connection charges shall 575
be paid in full in one payment, or, if determined by the board to 576
be equitable in a resolution relating to the payment of those 577
charges, provision considered adequate by the board shall be made 578
for their payment in installments at the times, in the amounts, 579
and with the security, carrying charges, and penalties as may be 580
found by the board in that resolution to be fair and appropriate. 581
The board may include amounts attributable to connection charges 582
being paid in installments in its billings of rates and charges 583
for the services provided by the drainage facilities. In the case 584
of rates and charges that are fixed in order to pay the costs of 585
complying with the requirements of phase II of the storm water 586
program of the national pollutant discharge elimination system 587
established in 40 C.F.R. part 122, the rates and charges may be 588
paid annually or semiannually with real property taxes, provided 589
that the board certifies to the county auditor information that is 590

sufficient for the auditor to identify each parcel of property for 591
which a rate or charge is levied and the amount of the rate or 592
charge. 593

When any of the drainage rates or charges are not paid when 594
due, the board may do any or all of the following as it considers 595
appropriate: 596

(1) Certify the unpaid rates or charges, together with any 597
penalties, to the county auditor, who shall place them upon the 598
real property tax list and duplicate against the property to which 599
the rates or charges apply. The certified amount shall be a lien 600
on the property from the date placed on the real property tax list 601
and duplicate and shall be collected in the same manner as taxes, 602
except that notwithstanding section 323.15 of the Revised Code, a 603
county treasurer shall accept a payment in that amount when 604
separately tendered as payment for the full amount of the unpaid 605
drainage rates or charges and associated penalties. The lien shall 606
be released immediately upon payment in full of the certified 607
amount. 608

(2) Collect the unpaid rates or charges, together with any 609
penalties, by actions at law in the name of the county from an 610
owner, tenant, or other person or public agency that is liable for 611
the payment of the rates or charges; 612

(3) Terminate, in accordance with established rules, the 613
drainage service for the particular property until the unpaid 614
rates or charges, together with any penalties, are paid in full; 615

(4) Apply, to the extent required, any security deposit made 616
in accordance with established rules to the payment of drainage 617
rates and charges applicable to the particular property. 618

All moneys collected as drainage rates, charges, or penalties 619
in or for any sewer district shall be paid to the county treasurer 620
and kept in a separate and distinct drainage fund established by 621

the board to the credit of the district. Except as otherwise 622
provided in any proceedings authorizing or providing for the 623
security for and payment of any public obligations, or in any 624
indenture or trust or other agreement securing public obligations, 625
moneys in the drainage fund shall be applied first to the payment 626
of the cost of the management, maintenance, and operation of the 627
drainage facilities of, or used or operated for, the district, 628
which cost may include the county's share of management, 629
maintenance, and operation costs under cooperative contracts for 630
the acquisition, construction, or use of drainage facilities and, 631
in accordance with a cost allocation plan adopted under division 632
(E) of this section, payment of all allowable direct and indirect 633
costs of the district, the county sanitary engineer or sanitary 634
engineering department, or a federal or state grant program, 635
incurred for drainage purposes under this chapter, and shall be 636
applied second to the payment of debt charges payable on any 637
outstanding public obligations issued or incurred for the 638
acquisition or construction of drainage facilities for or serving 639
the district, or for the funding of a bond retirement or other 640
fund established for the payment of or security for the 641
obligations. Any surplus remaining may be applied to the 642
acquisition or construction of those facilities or for the payment 643
of contributions to be made, or costs incurred, for the 644
acquisition or construction of those facilities under cooperative 645
contracts. Moneys in the drainage fund shall not be expended other 646
than for the use and benefit of the district. 647

(E) A board of county commissioners may adopt a cost 648
allocation plan that identifies, accumulates, and distributes 649
allowable direct and indirect costs that may be paid from each of 650
the funds of the district created pursuant to divisions (C) and 651
(D) of this section, and that prescribes methods for allocating 652
those costs. The plan shall authorize payment from each of those 653
funds of only those costs incurred by the district, the county 654

sanitary engineer or sanitary engineering department, or a federal 655
or state grant program, and those costs incurred by the general 656
and other funds of the county for a common or joint purpose, that 657
are necessary and reasonable for the proper and efficient 658
administration of the district under this chapter and properly 659
attributable to the particular fund of the district. The plan 660
shall not authorize payment from either of the funds of any 661
general government expense required to carry out the overall 662
governmental responsibilities of a county. The plan shall conform 663
to United States office of management and budget Circular A-87, 664
"Cost Principles for State, Local, and Indian Tribal Governments," 665
published May 17, 1995. 666

(F) A board of county commissioners may establish discounted 667
rates or charges or may establish another mechanism for providing 668
a reduction in rates or charges for persons who are sixty-five 669
years of age or older. The board shall establish eligibility 670
requirements for such discounted or reduced rates or charges, 671
including a requirement that a person be eligible for the 672
homestead exemption or qualify as a low- and moderate-income 673
person. 674

Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~ 675
this chapter: 676

(A) "Court of common pleas" or "court" means, unless the 677
context indicates a different meaning or intent, the court of 678
common pleas in which the petition for the organization of a 679
regional water and sewer district is filed. 680

(B) "Political subdivision" includes departments, divisions, 681
authorities, or other units of state governments, watershed 682
districts, soil and water conservation districts, park districts, 683
municipal corporations, counties, townships, and other political 684
subdivisions, special water districts, including county and 685

regional water and sewer districts, conservancy districts, 686
sanitary districts, sewer districts or any other public 687
corporation or agency having the authority to acquire, construct, 688
or operate waste water or water management facilities, and all 689
other governmental agencies now or hereafter granted the power of 690
levying taxes or special assessments, the United States or any 691
agency thereof, and any agency, commission, or authority 692
established pursuant to an interstate compact or agreement. 693

(C) "Person" means any natural person, firm, partnership, 694
association, or corporation other than a political subdivision. 695

(D) "Beneficial use" means a use of water, including the 696
method of diversion, storage, transportation, treatment, and 697
application, that is reasonable and consistent with the public 698
interest in the proper utilization of water resources, including, 699
but not limited to, domestic, agricultural, industrial, power, 700
municipal, navigational, fish and wildlife, and recreational uses. 701

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 702
ponds, marshes, watercourses, waterways, wells, springs, 703
irrigation systems, drainage systems, and all other bodies or 704
accumulations of water, surface and underground, natural or 705
artificial, ~~which~~ that are situated wholly or partly within, or 706
border upon, this state, or are within its jurisdiction, except 707
those private waters ~~which~~ that do not combine or effect a 708
junction with natural surface or underground waters. 709

(F) "Water resources" means all waters of the state occurring 710
on the surface in natural or artificial channels, lakes, 711
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 712
that are available or may be made available to agricultural, 713
commercial, recreational, public, and domestic users. 714

(G) "Project" or "water resource project" means any waste 715
water facility or water management facility acquired, constructed, 716

or operated by or leased to a regional water and sewer district or 717
to be acquired, constructed, or operated by or leased to a 718
regional water and sewer district under ~~Chapter 6119. of the~~ 719
~~Revised Code~~ this chapter, or acquired or constructed or to be 720
acquired or constructed by a political subdivision with a portion 721
of the cost thereof being paid from a loan or grant from the 722
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 723
including all buildings and facilities ~~which~~ that the district 724
considers necessary for the operation of the project, together 725
with all property, rights, easements, and interest ~~which~~ that may 726
be required for the operation of the project. Any water resource 727
project shall be determined by the board of trustees of the 728
district to be consistent with any applicable comprehensive plan 729
of water management approved by the director of natural resources 730
~~of the state~~ or in the process of preparation by ~~such~~ the director 731
and to be not inconsistent with the standards set for the waters 732
of the state affected thereby by the ~~water pollution control board~~ 733
~~of the state~~ environmental protection agency. Any resolution of 734
the board of trustees of the district providing for acquiring, 735
operating, leasing, or constructing such projects or for making a 736
loan or grant for such projects shall include a finding by the 737
board of trustees of the district that ~~such~~ those determinations 738
have been made. 739

(H) "Pollution" means the placing of any noxious or 740
deleterious substances in any waters of the state or affecting the 741
properties of any waters of the state in a manner ~~which~~ that 742
renders ~~such~~ those waters harmful or inimical to the public 743
health, or to animal or aquatic life, or to the use of ~~such~~ the 744
waters for domestic water supply, industrial or agricultural 745
purposes, or recreation. 746

(I) "Sewage" means any substance that contains any of the 747
waste products or excrementitious or other discharge from the 748

bodies of human beings or animals, ~~which~~ that pollutes the waters 749
of the state. 750

(J) "Industrial waste" means any liquid, gaseous, or solid 751
waste substance resulting from any process of industry, 752
manufacture, trade, or business, or from the development, 753
processing, or recovery of any natural resource, together with 754
such sewage as is present, ~~which~~ that pollutes the waters of the 755
state. 756

(K) "Waste water" means any storm water and any water 757
containing sewage or industrial waste or other pollutants or 758
contaminants derived from the prior use of ~~such~~ the water. 759

(L) "Waste water facilities" means facilities for the purpose 760
of treating, neutralizing, disposing of, stabilizing, cooling, 761
segregating, or holding waste water, including, without limiting 762
the generality of the foregoing, facilities for the treatment and 763
disposal of sewage or industrial waste and the residue thereof, 764
facilities for the temporary or permanent impoundment of waste 765
water, both surface and underground, and storm and sanitary sewers 766
and other systems, whether on the surface or underground, designed 767
to transport waste water, together with the equipment and 768
furnishings thereof and their appurtenances and systems, whether 769
on the surface or underground, including force mains and pumping 770
facilities therefor when necessary. 771

(M) "Water management facilities" means facilities for the 772
purpose of the development, use, and protection of water 773
resources, including, without limiting the generality of the 774
foregoing, facilities for water supply, facilities for stream flow 775
improvement, dams, reservoirs, and other impoundments, water 776
transmission lines, water wells and well fields, pumping stations 777
and works for underground water recharge, stream monitoring 778
systems, facilities for the stabilization of stream and river 779
banks, and facilities for the treatment of streams and rivers, 780

including, without limiting the generality of the foregoing, 781
facilities for the removal of oil, debris, and other solid waste 782
from the waters of the state and stream and river aeration 783
facilities. 784

(N) "Cost" as applied to water resource projects means the 785
cost of acquisition and construction, the cost of acquisition of 786
all land, rights-of-way, property rights, easements, franchise 787
rights, and interests required by the district for such 788
acquisition and construction, the cost of demolishing or removing 789
any buildings or structures on land so acquired, including the 790
cost of acquiring any lands to which such buildings or structures 791
may be moved, the cost of acquiring or constructing and equipping 792
a principal office and sub-offices of the district, the cost of 793
diverting highways, interchange of highways, and access roads to 794
private property, including the cost of land or easements 795
therefor, the cost of all machinery, furnishings, and equipment, 796
financing charges, interest prior to and during construction and 797
for no more than eighteen months after completion of ~~acquisition~~ 798
acquisition or construction, engineering, expenses of research and 799
development with respect to waste water or water management 800
facilities, legal expenses, plans, specifications, surveys, 801
estimates of cost and revenues, working capital, other expenses 802
necessary or incident to determining the feasibility or 803
practicability of acquiring or constructing any such project, 804
administrative expense, and such other expense as may be necessary 805
or incident to the acquisition or construction of the project, the 806
financing of ~~such~~ the acquisition or construction, including the 807
amount authorized in the resolution of the district providing for 808
the issuance of water resource revenue bonds to be paid into any 809
special funds from the proceeds of ~~such~~ those bonds and the 810
financing of the placing of any such project in operation. Any 811
obligation or expense incurred by any political subdivision, and 812
approved by the district, for surveys, borings, preparation of 813

plans and specifications, and other engineering services in 814
connection with the acquisition or construction of a project shall 815
be regarded as a part of the cost of ~~such the~~ project and may be 816
reimbursed by the district. 817

(O) "Owner" includes all individuals, partnerships, 818
associations, corporations, or political subdivisions having any 819
title or interest in any property rights, easements, and interests 820
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 821
this chapter. 822

(P) "Revenues" means all rentals and other charges received 823
by a district for the use or services of any project, all special 824
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 825
~~the Revised Code~~ this chapter, any gift or grant received with 826
respect thereto, and moneys received in repayment of and for 827
interest on any loan made by the district to a political 828
subdivision, whether from the United States or a department, 829
administration, or agency thereof, or otherwise. 830

(Q) "Public roads" includes all public highways, roads, and 831
streets in the state, whether maintained by the state, county, 832
city, township, or other political subdivision. 833

(R) "Public utility facilities" includes tracks, pipes, 834
mains, conduits, cables, wires, towers, poles, and other equipment 835
and appliances of any public utility. 836

(S) "Construction," unless the context indicates a different 837
meaning or intent, includes reconstruction, enlargement, 838
improvement, or providing furnishings or equipment. 839

(T) "Water resources bonds," unless the context indicates a 840
different meaning or intent, includes water resource notes and 841
water resource refunding bonds. 842

(U) "Regional water and sewer district" means a district 843
organized or operating for one or both of the purposes described 844

in section 6119.01 of the Revised Code and, if organized or 845
operating for only one of ~~such~~ those purposes, may be designated 846
either a regional water district or a regional sewer district, as 847
the case may be. 848

(V) "Homestead exemption" means the reduction of taxes 849
allowed under division (A) of section 323.152 of the Revised Code. 850

(W) "Low- and moderate-income person" has the same meaning as 851
in section 175.01 of the Revised Code. 852

Sec. 6119.091. When fixing rentals or other charges under 853
section 6119.09 of the Revised Code, a board of trustees of a 854
regional water and sewer district may establish discounted rentals 855
or charges or may establish another mechanism for providing a 856
reduction in rentals or charges for persons who are sixty-five 857
years of age or older. The board shall establish eligibility 858
requirements for such discounted or reduced rentals or charges, 859
including a requirement that a person be eligible for the 860
homestead exemption or qualify as a low- and moderate-income 861
person. 862

Section 2. That existing sections 6103.01, 6103.02, 6117.01, 863
6117.02, and 6119.011 of the Revised Code are hereby repealed. 864