

As Introduced

**130th General Assembly
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S. B. No. 325

Senator Brown

Cosponsors: Senators Smith, Seitz

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A B I L L

To amend sections 743.04 and 6103.02 of the Revised 1
Code regarding property liens for unpaid county or 2
municipal water service charges. 3

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

Section 1. That sections 743.04 and 6103.02 of the Revised 4
Code be amended to read as follows: 5

Sec. 743.04. For the purpose of paying the expenses of 6
conducting and managing the waterworks of a municipal corporation, 7
including operating expenses and the costs of permanent 8
improvements, the director of public service or any other city 9
official or body authorized by charter may assess and collect a 10
water rent or charge of sufficient amount and in such manner as ~~he~~ 11
the director, other official, or ~~it~~ body determines to be most 12
equitable from all tenements and premises supplied with water. 13
When water rents or charges are not paid when due, the director or 14
other official or body may do either or both of the following: 15

(A) Certify them, together with any penalties, to the county 16
auditor. The county auditor shall place the certified amount on 17
the real property tax list and duplicate against the property 18
served by the connection if ~~he~~ the auditor also receives from the 19

director or other official or body additional certification ~~that~~ 20
the of both of the following: 21

(1) The unpaid rents or charges have arisen pursuant to a 22
service contract made directly with an owner who occupies the 23
property served; 24

(2) One of the following: 25

(a) The property has not been sold to a new owner after the 26
date the unpaid water rents or charges became due. 27

(b) The property has been sold since the date the unpaid 28
water rents or charges became due, and neither party to the most 29
recent sale, either directly or through their agents: 30

(i) Made a timely request for a final bill to be rendered for 31
all outstanding rents or charges for water service under division 32
(B) of this section; or 33

(ii) Paid the outstanding rents or charges on the final bill 34
for water service rendered under division (B) of this section. 35

The amount placed on the tax list and duplicate shall be a 36
lien on the property served from the date placed on the list and 37
duplicate and shall be collected in the same manner as other 38
taxes, except that, notwithstanding section 323.15 of the Revised 39
Code, a county treasurer shall accept a payment in such amount 40
when separately tendered as payment for the full amount of such 41
unpaid water rents or charges and associated penalties. The lien 42
shall be released immediately upon payment in full of the 43
certified amount. Any amounts collected by the county treasurer 44
under this division shall be immediately placed in the distinct 45
fund established by section 743.06 of the Revised Code. 46

(B) Collect them by actions at law, in the name of the city 47
from an owner, tenant, or other person who is liable to pay the 48
rents or charges. 49

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

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

At any time prior to a certification under division (A) of this section, the director or other official or body shall accept any partial payment of unpaid water rents or charges, in the amount of ten dollars or more.

Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of

the county, upon the terms and conditions as may be agreed upon 81
with the agency or person and as may be determined by the board to 82
be in the interests of the county. By contract with any public 83
agency or any person operating public water supply facilities 84
within or without its county, the board also may provide a supply 85
of water to a sewer district from the facilities of the public 86
agency or person. 87

(B) The county sanitary engineer or sanitary engineering 88
department, in addition to other assigned duties, shall assist the 89
board in the performance of its duties under this chapter and 90
shall be charged with other duties and services in relation to the 91
board's duties as the board prescribes. 92

(C) The board may adopt, publish, administer, and enforce 93
rules for the construction, maintenance, protection, and use of 94
county-owned or county-operated public water supply facilities 95
outside municipal corporations and of public water supply 96
facilities within municipal corporations that are owned or 97
operated by the county or that are supplied with water from water 98
supply facilities owned or operated by the county, including, but 99
not limited to, rules for the establishment and use of any 100
connections, the termination in accordance with reasonable 101
procedures of water service for nonpayment of county water rates 102
and charges, and the establishment and use of security deposits to 103
the extent considered necessary to ensure the payment of county 104
water rates and charges. The rules shall not be inconsistent with 105
the laws of the state or any applicable rules of the director of 106
environmental protection. 107

(D) No public water supply facilities shall be constructed in 108
any county outside municipal corporations by any person, except 109
for the purpose of supplying water to those municipal 110
corporations, until the plans and specifications for the 111

facilities have been approved by the board. Construction shall be 112
done under the supervision of the county sanitary engineer. Any 113
person constructing public water supply facilities shall pay to 114
the county all expenses incurred by the board in connection with 115
the construction. 116

(E) The county sanitary engineer or the county sanitary 117
engineer's authorized assistants or agents, when properly 118
identified in writing or otherwise and after written notice is 119
delivered to the owner at least five days in advance or mailed at 120
least five days in advance by first class or certified mail to the 121
owner's tax mailing address, may enter upon any public or private 122
property for the purpose of making, and may make, surveys or 123
inspections necessary for the design or evaluation of county 124
public water supply facilities. This entry is not a trespass and 125
is not to be considered an entry in connection with any 126
appropriation of property proceedings under sections 163.01 to 127
163.22 of the Revised Code that may be pending. No person or 128
public agency shall forbid the county sanitary engineer or the 129
county sanitary engineer's authorized assistants or agents to 130
enter, or interfere with their entry, upon the property for the 131
purpose of making the surveys or inspections. If actual damage is 132
done to property by the making of the surveys or inspections, the 133
board shall pay the reasonable value of the damage to the property 134
owner, and the cost shall be included in the cost of the 135
facilities and may be included in any special assessments levied 136
and collected to pay that cost. 137

(F) The board shall fix reasonable rates, including penalties 138
for late payments, for water supplied to public agencies and 139
persons when the source of supply or the facilities for its 140
distribution are owned or operated by the county and may change 141
the rates from time to time as it considers advisable. When the 142
source of the water supply to be used by the county is owned by 143

another public agency or person, the schedule of rates to be 144
charged by the public agency or person shall be approved by the 145
board at the time it enters into a contract for the use of water 146
from the public agency or person. 147

When the distribution facilities are owned by the county, the 148
board also may fix reasonable charges to be collected for the 149
privilege of connecting to the distribution facilities and may 150
require that, prior to the connection, the charges be paid in full 151
or, if determined by the board to be equitable in a resolution 152
relating to the payment of the charges, may require their payment 153
in installments, as considered adequate by the board, at the 154
times, in the amounts, and with the security, carrying charges, 155
and penalties as may be determined by the board in that resolution 156
to be fair and appropriate. No public agency or person shall be 157
permitted to connect to those facilities until the charges have 158
been paid in full or provision for their payment in installments 159
has been made. If the connection charges are to be paid in 160
installments, the board shall certify, to the county auditor, 161
information sufficient to identify each parcel of property served 162
by a connection and, with respect to each parcel, the total of the 163
charges to be paid in installments, the amount of each 164
installment, and the total number of installments to be paid. The 165
county auditor shall record and maintain the information so 166
supplied in the waterworks record provided for in section 6103.16 167
of the Revised Code until the connection charges are paid in full. 168
The board may include amounts attributable to connection charges 169
being paid in installments in its billings of rates and other 170
charges for water supplied. In addition, the board may consider 171
payments made to a school district under section 6103.25 of the 172
Revised Code when the board establishes rates and other charges 173
for water supplied. 174

A board may establish discounted rates or charges or may 175

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

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

(1) Certify the unpaid rates or charges, together with any penalties, to the county auditor. The county auditor shall place the certified amount ~~upon~~ on the real property tax list and duplicate against the property served by the connection if the auditor also receives from the board additional certification of one of the following:

(a) The property has not been sold to a new owner after the date the unpaid water rates or charges became due.

(b) The property has been sold since the date the unpaid water rates or charges became due, and neither party to the most recent sale, either directly or through their agents:

(i) Made a timely request for a final bill to be rendered for all outstanding rates or charges for water service under division (G)(4) of this section; or

(ii) Paid the outstanding rates or charges on the final bill rendered under division (G)(4) of this section. The

The certified amount shall be a lien on the property from the date placed on the real property tax list and duplicate and shall be collected in the same manner as taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in that amount when separately tendered as payment for the full amount of the unpaid rates or charges and associated penalties. The lien shall be released

immediately upon payment in full of the certified amount.	207
(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;	208 209 210 211
(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;	212 213 214 215
(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.	216 217 218 219
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.	220 221 222 223 224
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.	225 226 227 228 229 230 231 232 233 234 235
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	236 237

the board to have the meter at that property read and to render, 238
within ten days following the date on which the request is made, a 239
final bill for all outstanding rates and charges for water 240
service. The request shall be made at least fourteen days prior to 241
the transfer of the title of the property. 242

At any time prior to a certification under division (G)(1) of 243
this section, the board shall accept any partial payment of unpaid 244
water rates or charges in the amount of ten dollars or more. 245

Except as otherwise provided in any proceedings authorizing 246
or providing for the security for and payment of any public 247
obligations, or in any indenture or trust or other agreement 248
securing public obligations, moneys in the water fund shall be 249
applied first to the payment of the cost of the management, 250
maintenance, and operation of the water supply facilities of, or 251
used or operated for, the sewer district, which cost may include 252
the county's share of management, maintenance, and operation costs 253
under cooperative contracts for the acquisition, construction, or 254
use of water supply facilities and, in accordance with a cost 255
allocation plan adopted under division (H) of this section, 256
payment of all allowable direct and indirect costs of the 257
district, the county sanitary engineer or sanitary engineering 258
department, or a federal or state grant program, incurred for the 259
purposes of this chapter, and shall be applied second to the 260
payment of debt charges payable on any outstanding public 261
obligations issued or incurred for the acquisition or construction 262
of water supply facilities for or serving the district, or for the 263
funding of a bond retirement or other fund established for the 264
payment of or security for the obligations. Any surplus remaining 265
may be applied to the acquisition or construction of those 266
facilities or for the payment of contributions to be made, or 267
costs incurred, for the acquisition or construction of those 268
facilities under cooperative contracts. Moneys in the water fund 269

shall not be expended other than for the use and benefit of the 270
district. 271

(H) A board of county commissioners may adopt a cost 272
allocation plan that identifies, accumulates, and distributes 273
allowable direct and indirect costs that may be paid from the 274
water fund of the sewer district created pursuant to division (G) 275
of this section, and that prescribes methods for allocating those 276
costs. The plan shall authorize payment from the fund of only 277
those costs incurred by the district, the county sanitary engineer 278
or sanitary engineering department, or a federal or state grant 279
program, and those costs incurred by the general and other funds 280
of the county for a common or joint purpose, that are necessary 281
and reasonable for the proper and efficient administration of the 282
district under this chapter. The plan shall not authorize payment 283
from the fund of any general government expense required to carry 284
out the overall governmental responsibilities of a county. The 285
plan shall conform to United States office of management and 286
budget Circular A-87, "Cost Principles for State, Local, and 287
Indian Tribal Governments," published May 17, 1995. 288

Section 2. That existing sections 743.04 and 6103.02 of the 289
Revised Code are hereby repealed. 290