

ORDINANCE NO. 105-2019

**TITLE: AMENDING ORDINANCE 182-2007
UTILITY BILL COLLECTION**

AN ORDINANCE AMENDING ORDINANCE NO. 182-2007 “UTILITY BILL COLLECTION,” UPDATING RESTRICTIONS UPON THE PROVISION OF CITY OF BARBERTON UTILITY SERVICES IN AID OF COLLECTING UNPAID WATER SERVICE BILLS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Barberton desires to minimize its financial liability for uncollected debts owed to the City for water service; and

WHEREAS, currently the transfer of real estate and the changing occupants of real estate has led to unpaid and often uncollected debts; and

WHEREAS, the instant legislation will serve to provide some form of security for such unpaid debt.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Council hereby amends Ordinance 182-2007 – “Utility Bill Collection” with changes shown in **bold print** for additions and ~~strike through~~ for deletions:

1) Water service will not be ~~turned on~~ **provided** following an interruption in service when the following conditions are present:

- a. There is an outstanding **utility bill for any of the following: water, sewer, trash service, storm water utility or lighting utility** ~~based upon use of water service~~ at the particular property regardless of whether or not the prior service was in the name of a property owner or a tenant;
- b. The property owner has ~~water~~ **City of Barberton utility** bills outstanding, overdue (more than 60 days delinquent), and unpaid for other property owned;
- c. The property owner has previously had service denied and/or shut-off without paying the entire amount due and owing on delinquent accounts;
- d. ~~Water~~ **City of Barberton utility** service will not be provided to a tenant, a subtenant, a sublessee, sublessor, assignee, and/or assignor in the event that their landlord, or owner of the property that is the subject of a tenancy, would be unable to obtain service independently based upon the existence of one or more of the above-noted conditions;
- e. The Utility Dept. may enter agreements providing for incremental payments to be made with the added option of providing current water service contingent upon compliance with a payment plan agreed to by the Water Department. The option contained in this subsection letter (e) is solely within the discretion of the of the utility department and need not be offered to those seeking the provision of water service.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary in order to implement this program in a timely manner, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2019

Clerk of Council

President of Council

Approved _____ 2019

Mayor