

# Utility Policy Manual for Village of Jackson Center

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# TABLE OF CONTENTS

<b>Section I</b>	<b>Definitions</b>	4
<b>Section II</b>	<b>Rates and Charges for Service</b>	
1.	Service Schedules	5
2.	Transition Cost, Generation and Demand Charge Riders	13
3.	Water, Sewer Rates and Charges	14
4.	Miscellaneous Charges	15
<b>Section III</b>	<b>Service and Physical Property</b>	
1.	Service Boundary	18
2.	General Regulations	18
3.	Statutory Authority of the Village Administrator	18
4.	Duties of the Village Administrator	18
5.	Application for Service	18
6.	Service Not Transferable	19
7.	Customer Indebted to Utility	19
8.	Service Connections	19
9.	Continuity of Service	21
10.	Customer's Liability	21
11.	Service Not to be Disturbed	21
12.	Unlawful Selling of Utilities	21
13.	Wasting Water	22
14.	Fixed Pressure Not Guaranteed	22
15.	Free Utilities	22
16.	Special Regulations	22
17.	Access to Premises	22
18.	Right-of-Way	22
19.	Meter Furnished	23
20.	Meter Location	23
21.	Only Utility Can Connect or Disconnect Meter	23
22.	Meter Test	24
23.	Correct Meter	24
24.	Indoor Wiring	25
25.	Appliances	25
26.	Inspection of Altered Wiring	25
27.	Extension of Distribution Lines	25
<b>Section IV</b>	<b>Metering and Billing</b>	
1.	Quantity of Service Delivered by Meter	26
2.	Billing Periods	26
3.	Estimated Bill	26
4.	Incorrect Meter Reading/Billing	26
5.	Excessive Water Consumption	27
6.	Payment of Bills	27

7.	Assessing Charges Against Owner of Property	28
8.	Initial and Final Meter Readings	29
9.	Deposits	29
10.	Charges and Payment for Temporary and/or Unmetered Service	29
11.	Right to Discontinue Service	30
12.	Termination Procedures	30
13.	Landlord/Tenant Provision	30
14.	Change in Tenancy or Ownership	32
15.	Fire Hydrants and Fire Protective Services	32
<b>Section V</b>	<b>General</b>	<b>33</b>

## **Section 1 – Definitions**

As used herein:

1. **“Village”** shall mean the Village of Jackson Center, Ohio;
2. **“Council”** shall mean the Village of Jackson Center, Village Council;
3. **“Utility”** shall mean the Jackson Center Electric and Water Department of the Village of Jackson Center, Ohio;
4. **“Department”** shall mean the utility department;
5. **“Customer”** shall refer to an individual, partnership, corporation, or other legal entity receiving one class of service through one meter at one structure at one location, subject to these Rules and Regulations;
6. **“Landlord/Customer”** refers to the owner of the structure and/or location where a customer is taking service, if the owner is different from the end user of service and the owner is responsible for payment of the electric bill for the structure and/or location;
7. **“Month”** shall mean the elapsed time between two successive meter readings, approximately thirty (30) days apart;
8. **“Administrator”** shall mean the Administrator of the Village;
9. **“Premises”** shall not be construed to mean more than one building or adjacent buildings thereto, unless same are used in conjunction with each other; that is to say, by one person or one business.

## **Section II – RATES AND CHARGES FOR ELECTRIC SERVICE**

### **1. SERVICE SCHEDULES**

#### **RESIDENTIAL SERVICE**

##### **Availability**

This schedule is available and applicable throughout the Utility's entire service area for only residential single-phase service and where not more than 25 kVa of installed or allocated nameplate rated transformer capacity is required per Customer. Such Residential Service is defined as normal year-round individual single family homes, apartments, mobile homes and other individual single family dwelling quarters, including incidental farm use.

Where electric service is supplied through one meter for combined residential and non-residential use, the General Service Schedule shall apply. However, at Customer's option and at his expense, the wiring may be separated (subject to Utility's inspection and approval) and each class of service will be separately metered and billed in conformance to the applicable schedule.

All applications for service shall be in accordance with the provisions set forth in Utility's Standard Application Form.

##### **Character of Service**

The type of service furnished under this schedule shall be single-phase at a nominal potential of approximately 120/240 volts, three wire. At sole option of the utility, 120 volts, two wire service may be furnished.

##### **Rates for Service**

See the Village Rate Schedule for all rates for service.

##### **Minimum Charge**

The minimum charge under this schedule shall not be less than the Customer Charge.

##### **Seasonal Service**

Seasonal service shall be defined as service that is furnished where the occupancy is normally less than twelve months for home, cottages, mobile homes, farm labor camps, cabins, wells, etc. Such seasonal service will be furnished only where Customer's premises are located immediately adjacent to Utility's distribution facilities. Any line extension required for such seasonal service shall be subject to Utility's Rules and Regulations pertaining to same.

Such seasonal service and applicable minimum charge shall continue for not less than six consecutive months each time service is established. Utility's trip charge shall apply each time that service is connected or disconnected. All such service applications shall be in the name of the Landlord/Customer, who shall be responsible for payment of all bills.

##### **Terms of Payment**

If a bill payment is not received by the utility offices or by the Utility's authorized agent on or before the specified payment date, a one-time, additional amount of ten percent (10%) of the amount of the bill will become due and payable as part of Customer's total obligation.

## **GENERAL SERVICE**

### **Availability**

This schedule shall apply to service furnished for any use that is not strictly Residential, Home, or Incidental Farm Use in character. It also applies to Residential Service where the demand exceeds the limitations set in the Residential Service Schedule.

Such non-residential service to which this schedule applies, includes, but is not limited to, service furnished to retail or wholesale businesses, manufacturing or processing establishments, hotels, motels, mobile homes, trailer camps, stores, restaurants, service stations, professional offices, theaters, amusements, offices, schools, churches, clubs, lodges, multiple dwelling units, apartment houses, public buildings, etc., plus all other activities and service that is not strictly individual residential or home use in character.

Three-phase service may, at the utility's option, be furnished where three-phase facilities of adequate capacity are already installed immediately adjacent to the point where service is to be delivered or where, as determined by the utility, it is economically feasible to extend three-phase facilities.

All applications for service shall be in accordance with the provisions set forth in Utility's Standard Application Form.

### **Character of Service**

The type of service furnished under this schedule shall be single-phase at a nominal potential of approximately 120/240 volts, three wire, 240 or 480 volt, three-phase, three wire; or 120/208 or 277/480 volt, three-phase, four wire. If the customer desires a voltage that is impractical for utility to furnish, customer shall furnish, at his expense, the necessary transformers to deliver such voltage.

### **Rates for Service**

See the Village Rate Schedule for all rates for service.

### **Minimum Charge**

The minimum charge under this schedule shall not be less than the Customer Charge.

### **Term of Payment**

If a bill payment is not received by the utility offices or by the Utility's authorized agent on or before the specified payment date, a one-time, additional amount of ten percent (10%) of the amount of the bill will become due and payable as part of Customer's total obligation.

## **GENERAL SERVICE-DEMAND**

### **Availability**

This schedule shall apply to services with demand metering equipment, furnished for any use that is not strictly Residential, Home, or Incidental Farm Use in character. It also may apply to Residential Service where the demand exceeds the limitations set in the Residential Service Schedule.

Such non-residential service to which this schedule applies, includes, but is not limited to, service furnished to retail or wholesale businesses, manufacturing or processing establishments, hotels, motels, mobile homes, trailer camps, stores, restaurants, service stations, professional offices, theaters, amusements, offices, schools, churches, clubs, lodges, multiple dwelling units, apartment houses, public buildings, etc., plus all other activities and service that is not strictly individual residential or home use in character.

Utility reserves the right to install demand metering equipment. Utility will normally install demand metering equipment if Customer's usage in any month exceeds 5,000 kWh, or if the installed total transformer capacity is 25 kVa or more.

All applications for service shall be in accordance with the provisions set forth in utility's Standard Application Form.

### **Character of Service**

The type of service furnished under this schedule shall be single-phase at a nominal potential of approximately 120/240 volts, three wire, 240 or 480 volt, three-phase, three wire; or 120/208 or 277/480 volt, three-phase, four wire. If the customer desires a voltage that is impractical for Utility to furnish, customer shall furnish, at his expense, the necessary transformers to deliver such voltage.

### **Rates for Service**

See the Village Rate Schedule for all rates for service.

### **Minimum Charge**

The minimum charge under this schedule shall not be less than the Customer Charge.

### **Determination of Monthly kW Billing Demand**

The kW billing demand shall be the highest measured 15-minute integrated or equivalent thermal kW demand, determined to the nearest kW.

Where demand metering equipment is installed and the power factor at time of maximum measured demand is less than 90%, Utility reserves the right to determine the billing capacity based on the measured kVa demand instead of kW demand. Where highly fluctuating or intermittent loads, welding machines, electric furnaces, hoists, elevators, X-rays, and the like are operated by the Customer, Utility reserves the right to determine the billing demand by averaging Customer's total load over a two-minute period or by increasing the 15-minute measured maximum demand by 50% of the kVa nameplate rating of the fluctuating load equipment that is in operation. Where such fluctuating loads require additional or separate transformers or additional system capacity, the measured billing capacity as determined above

Utility Policy Manual



shall be increased by 70% of the nameplate rated kVa capacity of the additional transformers, or kVa of system capacity required to adequately service such fluctuating loads.

**Terms of Payment**

If a bill payment is not received by the Utility offices or by the Utility's authorized agent on or before the specified payment date, a one-time, additional amount of ten percent (10%) of the amount of the bill will become due and payable as part of Customer's total obligation.

## **LARGE POWER SERVICE**

### **Availability**

This schedule is available to all Customers located along electric distribution lines of Utility who use Utility's standard primary or secondary service and who guarantee the monthly billing capacity specified by service application of contract, but not less than 50kW.

Where substation capacity is excess of 150 kVa is required to supply Customer's existing and probable future requirements, Utility reserves the right to require Customer to install the necessary complete substation equipment to take service at Utility's specified primary voltage and this Schedule "LP" shall apply.

Service under this Schedule will be furnished only on a 12-month non-seasonal basis by contract in accordance with the following stipulations and also in accordance with Utility's Rules and Regulations. The contract shall specify minimum billing capacity, contribution in aid of construction (if any), and related matters required to protect Utility's investment and to secure payment of Customer's accounts.

### **Character of Service**

Secondary service will normally be supplied through a single set of service wires. The voltage shall, at Utility's option, be either 120/240 volt single-phase, three wire; 240 or 480 volt three-phase, three wire; or 120/208 or 277/480 volt three-phase, four wire. If the voltage requested is impractical for utility to furnish, Customer shall furnish, at his expense, such transformers as are necessary to deliver such voltage.

Where Customer installs power factor corrective equipment, Utility may require Customer to install, at his expense, such control devices as are necessary to prevent excessive or detrimental voltage variations on Utility's system. In event of non-compliance by Customer, the kW billing capacity will be determined as though said power factor correction equipment was disconnected.

### **Rates for Service**

See the Village Rate Schedule for all rates for service.

### **Minimum Charge**

The minimum charge under this schedule shall not be less than the Customer Charge.

### **Determination of Monthly kW Billing Demand**

The kW billing demand shall be the highest measured 15- minute integrated or equivalent thermal kW demand, determined to the nearest kW.

Where demand metering equipment is installed and the power factor at time of maximum measure demand is less than 90%, Utility reserves the right to determine the billing capacity based on the measured kVa demand instead of kW demand. Where highly fluctuating or intermittent loads, welding machines, electric furnaces, hoists, elevators, X-rays, and the like are operated by the Customer, Utility reserves the right to determine the billing demand by averaging Customer's total load over a two-minute period or by increasing the 15-minute measured maximum demand by 50% of the kVa nameplate rating of the fluctuating load equipment that is in operation. Where such fluctuating loads require additional or

separate transformers or additional system capacity, the measured billing capacity as determined above shall be increased by 70% of the nameplate rated kVa capacity of the additional transformers, or kVa of system capacity required to adequately service such fluctuating loads.

### **Primary Metering**

Utility reserves the right to meter all service at either primary or secondary voltage. For billing purposes, Utility shall determine whether the metering is to be considered as being primary or secondary.

If Utility defines the service as being metered at primary voltage, the metered kWh and kW will be multiplied by the rate on the Village Fee Schedule for billing purposes.

### **Substation Equipment Discount**

Where additional substation facilities are required to serve Customer, or where the required transformer capacity is 50 kVa or more, Utility reserves the right to require Customer to install, own and operate, at his expense, the necessary complete substation (consisting of transformer, structure, protective devices, etc.) required to utilize service at utility's specified primary voltage delivered to Customer's premises. The size, capacity, and other substation specifications shall be approved by Utility and the entire installation shall conform to utility's specifications and standards.

Utility shall specify the delivery voltage required to adequately supply Customer's initial and contemplated future electric power requirements and utility shall specify whether or not such delivery voltage is defined as primary or secondary service and whether or not the substation discount and/or the primary metering multiplier shall apply.

In the event that Utility determines the service to be furnished by Customer is primary service and Customer furnishes the complete substation equipment, a discount of \$0.40kW of billing capacity shall apply.

### **Multiple Transformer Banks**

Service under this schedule is based upon Utility furnishing all service at a single voltage through one transformer bank. Utility may, at its option, supply additional voltages through additional transformer banks.

Utility reserves the right to meter multiple transformer banks at secondary voltage and to bill each transformer bank separately or to meter all service at primary voltage.

Where such multiple transformer banks are primary metered, a transformer rental charge per kVa of nameplate rated transformer capacity of the additional transformer banks furnished by Utility will be made. The rate applied will be according to the Village Fee Schedule.

### **Terms of Payment**

If a bill payment is not received by the Utility offices or by the Utility's authorized agent on or before the specified payment date, a one-time, additional amount of ten percent (10%) of the amount of the bill will become due and payable as part of customer's total obligation.

## **SECURITY LIGHTING SERVICE**

### **Availability**

Available to customers where Utility's standard outdoor lighting unit can be installed on Utility's existing pole and does not require any extension or addition to Utility's existing secondary or primary distribution facilities, including transformer. Any relocation of a lighting unit shall be at customer's expense.

Where additional facilities are required, the customer shall pay, in advance, the total installation cost for the additional distribution facilities (poles, wires, transformer, and appurtenances) as are required. In all cases, the lighting fixture itself, including lamp, will be installed, owned, operated, and maintained by Utility.

This service is available only where there is reasonable assurance that the service to be furnished will be permanent. Utility reserves the right to refuse to furnish such service when, in Utility's opinion, the installation will not be of permanent character.

All applications for Outdoor Security Lighting Service shall be on a 12-month year-round service basis. Where the premises are occupied by a tenant, Utility reserves the right to require the Application for Service to be made by the property owner with bills to be sent to the premises to the attention of the tenant. However, the property owner shall be responsible for the payment of the bills.

### **Character of Service**

The Utility will install, own, operate, and maintain, at its expense, the necessary mast arm mounted lighting unit and related appurtenances. The lighting unit shall be a mercury vapor type of luminaire, photo-electric or otherwise controlled so as to provide substantially dusk-to-dawn year –round operation per year.

### **Rates for Service**

See the Village Rate Schedule for all rates for service.

### **Terms of Payment**

The monthly charge per lamp will be set forth as a separate item on customer's bill and shall be payable in the same manner as the remainder of customer's bill. If a bill payment is not received by the Utility offices or by the Utility's authorized agent on or before the specified payment date, a one-time, additional amount of ten percent (10%) of the amount of the bill will become due and payable as part of the Customer's total obligation.

### **Advance Payment**

When determined by Utility that customer's regular service is seasonal or non-permanent in character, Utility reserves the right to require 12 months advance payment before service is established and, thereafter, to require similar advance payments prior to the commencement of each succeeding 12 months of service.

## 2. TRANSITION COST, GENERATION, AND DEMAND CHARGE RIDERS

The Generation Charge to the Residential Service and General Service Schedules shall be identical. The General Service-Demand and Large Power Service Schedule shall have identical Generation Charges, and Demand Charges. The Generation and Demand Charges shall be adjusted monthly. The rate design of Generation and Demand Charges may be changed from time-to-time as determined by Council.

The calculation of Generation and Demand Charges shall be determined as a product of the following factors:

**Determination of Demand and Energy Costs:** The total monthly cost of purchased power is derived primarily from bills rendered by AMP-Ohio and Dayton Power and Light (DP&L). The bills are divided into demand charges (those charges applied by kW) and energy charges (those charges applied by kWh). Any adjustments, fees, and taxes shall be allocated by the percentage of the demand and energy charges of the individual elements of the bills.

**Allocation of Demand and Energy Costs:** Energy costs shall be allocated to customers of the Residential Service (RS), General Service (GS), General Service-Demand (GSD), and Large Power Service (LPS) Schedules on the basis of kWh sales during the previous month. The sales totals shall be adjusted to include system losses (kWh deliveries minus kWh sales) and any service not billed.

The demand allocator of the respective classes of customers shall be calculated by the average and excess methodology. The respective demand allocator of each class shall be applied to total demand cost to determine the allocated demand cost to each customer group.

**Calculation of Demand and Generation Charges:** The calculation of Demand and Generation Charges is a product of the following:

$$D1 = \frac{LPD}{kVa1}$$

$$G1 = \frac{RD + RE}{kWh1}$$

$$G2 = \frac{GE}{kWh2}$$

where:

D1 = Demand Charge of the GSD/LPS customers;  
G1 = Generation Charge of the RS/GS customers;  
G2 = Generation Charge of the GSD/LPS customers;  
RD = Allocated demand costs of the RS/GS customers;  
LPD = Allocated demand costs of the GSD/LPS customers;  
RE = Allocated energy costs of the RS/GS customers;  
LPE = Allocated energy costs of the GSD/LPS customers;  
kVa1 = Demand billing units (kW/kVa) of the GSD/LPS customers;  
kWh1 = Sales billing units (kWh) of the RS/GS customers; and  
kWh2 = Sales billing units (kWh) of the GSD/LPS customers.

**Determination of Transition Costs:**

The transition Cost Rider shall be calculated and implemented upon the offering of Open Access Service.

Transition costs shall be calculated yearly. Transition Costs are generally defined as the different between purchased power costs of those sources where construction costs, market price at the time of contractual obligation, and/or other factors may cause the fixed and/or average cost of that power to be significantly higher than average market prices. The Transition Cost Rider may be adjusted each year based on projected market price, average cost of power from transition cost sources, fixed costs of contracted power supply, implementation costs of the offering of Open Access Service, and sales of the previous year. A reconciliation of over or under recovery of transition costs is taken forward to the next year as a debit or credit to transition costs. Projected transition cost recovery is allocated between demand and energy costs and credited to total demand and energy costs of generation. This credit ensures that there will be no double recovery of transition costs.

The Transition Cost Rider shall be applicable to all rate schedules.

### **3. RATES AND CHARGES FOR WATER SERVICE**

When a Village water and sewer rate are to be established, revised, or altered, it shall be the duty of the Administrator to make considered recommendation to Council for the passage of such rate as an ordinance.

The rate charged the consumer shall provide sufficient funds for the necessary maintenance, operation and other expenses of the water and sewer systems including debt retirement.

**4. MISCELLANEOUS CHARGES (applicable to all Utilities)**

**DISCONNECT/RECONNECT CHARGE**

When a Customer has previously requested a disconnect and desires to be reconnected at the same address, or if a reconnection is made subsequent to a service disconnection made in violation of provisions of these Rules and Regulations, a reconnect charge will be made. If an owner requests a disconnect or does not want the utilities put back in their name when a tenant moves out, a disconnect fee will be made. The charge amount will depend if the disconnect/reconnect is made during regular business hours or if the disconnect/reconnect is requested and made after regular business hours. See the Village Fee Schedule for the amount of the disconnect/reconnect charge.

**LATE PAYMENT CHARGE**

If a bill payment is not received by the Utility offices or by the Utility's authorized agent on or before the specified payment date (fifteen (15) days from the date of mailing of the Customer's bill), a one-time, additional amount of ten percent (10%) of the amount of the electric, water and sewer bill will become due and payable as part of the Customer's total obligation.

**NON-SUFFICIENT FUNDS CHECK CHARGE**

When a Customer pays a bill by check/ACH and the check/ACH is returned to the Utility by the Customer's financial institution for lack of sufficient funds in the customer's account, the Customer will be assessed a Non-Sufficient Funds check charge per the Village Fee Schedule for each check returned.

Failure on the part of the Customer to pay fees may result in disruption of Utility Service until such fees are paid to the Village.

A customer that provides at least one (1) check/ACH which is returned to the Village due to insufficient funds shall not be permitted to pay utility service charges and fees via check/ACH for one calendar year.

**METER TEST CHARGE**

The Utility shall test the meter at the request of the Customer. Such test shall be performed in the presence of the Customer if they so request. If the meter is found to be correct, as defined in Section III, No. 22, the Customer shall pay a fee per the Village Fee Schedule for the testing.

**SPECIAL SERVICES**

The Utility provides the following auxiliary services at labor charges per the Village Fee Schedule:

- Service connections made after working hours, on weekends, and on holidays
- Service calls to Customer's premises where Customer equipment is repaired
- Relocation of security light, line, or pole at Customer's request

In addition to the above charges, Customer shall also pay Utility's per job expenses, which cover the following:

- |                |                                      |
|----------------|--------------------------------------|
| Materials      | Employee Overhead                    |
| Store Expenses | All other direct and allocable costs |
| Direct Taxes   |                                      |



## **INSTALLATION OF ELECTRIC SERVICE (RESIDENTIAL)**

If approved by the Village Administrator, the Village will provide installation of electric service to residential and commercial properties. If it is special work, the Village will bill time and material involved.

## **INSTALLATION OF NEW WATER MAIN EXTENSIONS**

Except as specifically provided by ordinance, all construction of water main extensions and water tap service in streets and ways not already supplied with water shall be in accordance with one of the following plans:

### Plan 1, Construction by Owner

In undedicated streets and new subdivisions, the Administrator may permit the owner or owners to arrange for the laying of water main extensions by private contract, the work to be under the supervision of the Administrator. In the construction of any such extension, the contractor shall use only duly inspected materials as approved by the Administrator to comply with the general code of construction.

### Plan 2, By Special Assessment, in Accordance with Chapter 727 of the Revised Code of Ohio

The owners of property to be served by a proposed water main extension may petition for the construction of such extension on a special assessment basis, either under the provisions of Section 727.09 or Section 727.30 of the Revised Code of Ohio, or Council, may, under the provisions of Chapter 727 of the Revised Code, initiate a water main extension on a special assessment basis without petition of the property owners when it is deemed necessary for the protection of the public health, safety and welfare of the Village.

### Plan 3, Construction by Water Department Costs Advanced

If the Water Department has surplus funds available which may be used without endangering or adversely affecting the requirements of the department or debt service charges or other security requirements of any bonds issued by the Village payable from waterworks revenues, the Administrator with the approval of Council, may determine to advance the construction costs for a waterline extension, if the owners of benefitted property enter into a contract with the Administrator agreeing to make scheduled periodical payments established by the Administrator to reimburse the department for the costs of such construction. The payments required under such contracts shall constitute a lien against the benefitted property, and the contracts shall be recorded in the Recorder's office of the County.

At the time the Administrator approves the construction of a water main extension by an individual, company or corporation under Plan 1 herein the payment of the entire cost of which is paid by said owner, the Administrator may, in his discretion, agree to the reimbursement of a portion of the cost of said water main extension in the following manner: (a) the Administrator shall require that the work be done on competitive bidding and after completion of the work it shall determine a reasonable actual cost thereof. The Administrator shall then prescribe a tap-in charge which shall be commensurate with a prorate share of the cost of such original construction, payable by any other person desiring to tap into said water main extension: (b) the tap-in charge to the additional applicant for water service shall be paid to the clerk before the tap-in is authorized and shall be refunded to the individual, company or corporation who paid the entire cost of the original water main extension; provided, however, that no refund or reimbursement shall be made after five years from the date the construction of the original

water main extension was completed; (c) tap-in charges to applicants for water service after the expiration of the five-year period shall be determined by the Administrator; (d) in no event shall the amount refunded or reimbursed be in excess of the amount paid by the additional water user; (e) the clerk and the Administrator shall maintain a record of all tap-in fees payable for the premises abutting the streets improved with water main extensions in accordance with Plan 1, where a reimbursement agreement has been made thereunder.

Such record shall be suitably indexed as to streets and parts of streets, and shall at all times be available for public inspection. With the consent of the County Auditors of Shelby County, a duplicate copy of such record shall be kept on file in the offices of such County Auditors for the convenience of title examiners and prospective purchases of real estate. As charges are paid or as new charges are imposed, the necessary notations or additions shall be made in the records. Such notations or additions shall be copied into the County Auditors' duplicate record at intervals of not more than thirty days. The record shall at all times be accompanied by a statement from the Administrator or his agent indicating the date to which the record has been carried.

#### Size of Mains

The size of the mains to be used in the construction of extensions as provided in any of the aforesaid plans, shall in every case, be determined by the Administrator.

#### Mains in Unapproved Streets Prohibited

No water extensions shall be constructed in any new subdivision streets or in any other undedicated streets, unless the location of such street has been tentatively approved by the Planning Commission and other requirements have been met.

#### Mains in Unimproved Streets

No water main extensions shall be laid in any unimproved street whose profile is such that if the street is improved, it would be necessary to relay the main to conform to the required grade.

#### Tap-in Fees, Charges

Where water main extensions have been completed after January 1, 1960, in accordance with Rules and Regulations of the Department heretofore in effect, paralleling the provisions of the plans provided herein, where, by inadvertence or oversight, water tap connections have been made to a building without the previous collection of the amount chargeable in accordance with said plans, the Administrator shall bill the owner of such premises for the amounts due and payable. If the amount of such charges is not paid on or before the next regular water payment date, then the water shall be turned off.

## **SECTION III – SERVICE AND PHYSICAL PROPERTY**

### **1. SERVICE BOUNDARY**

Exclusively, the Utility shall supply all electric and water service within the corporate limits of Jackson Center. Subject to Article XVIII of the Ohio Constitution, the Utility may extend service to Customers outside the corporate limits of the Village.

### **2. GENERAL REGULATIONS**

The municipally owned electric and waterworks systems of the Village of Jackson Center shall be operated and maintained in accordance with the provisions of the laws of the State of Ohio, applicable ordinances of council, and the rules and regulations herein provided as the same may be amended to conform to changing conditions.

### **3. STATUTORY AUTHORITY OF THE VILLAGE ADMINISTRATOR**

Section R.C. 735.273. The Village Administrator shall manage, conduct and control the electric light plants, water works, artificial or natural gas plants or other similar public utilities, furnish supplies of electricity, gas or water, collect all electrical, gas or water rents, and appoint necessary officers, employees and agents. The Administrator may make such by-laws and regulations as he/she may deem necessary for the safe, economical and efficient management and protection of such works, plants and public utilities. Such by-laws and regulations, when not repugnant to the ordinances, to the constitution or to the laws of the State, shall have the same validity as ordinances. For the purpose of paying the expenses of conducting and managing such electric plants, water works and public utilities, of making the necessary additions thereto and extensions thereof, and of making necessary repairs thereon, such Administrator shall bill and collect an electric, gas, water or utility rent of sufficient amount, in such manner as prescribed by ordinance upon all tenements and premises supplied with electric, gas or water and when such rents are not paid, such Administrator may certify the same over to the auditor of the county in which such Village is located, to be placed on the tax duplicate and collected as other Village taxes, or may collect the same by actions at law in the name of the Village. The Administrator shall have the same powers and perform the same duties as are possessed by and are incumbent upon the Director of Public Service, as provided in Sections 735.05 to 735.09, inclusive, 735.29, 743.01, 743.05 to 743.07, inclusive, 743.10, 743.11, 743.18 and 743.24 of the Revised Code and all powers and duties relating to water works in any of these sections shall extend to and include electric light, power and gas plants and other such similar public utilities, and such Administrator shall have such other duties as may be prescribed by law or ordinances not inconsistent herewith.

### **4. DUTIES OF THE VILLAGE ADMINISTRATOR**

The Administrator is responsible for the proper application of all Rules and Regulations wherein the collection of money is involved. The Administrator is responsible for the proper application of all Rules and Regulations wherein the proper operation and maintenance of the electric and water works systems are involved. Maintaining of electric and water meter reading shall be the responsibility of the Administrator, who shall set the dates of reading to conform to the proper dates for rendition of electric and water bills and the closing of monthly accounts.

Investigations, complaints and other problems will be handled by the Administrator who shall issue forms provided for such purposes. All orders and forms shall be executed and signed by the Administrator or the Utilities Clerk.

**5. APPLICATION FOR SERVICE**

Once an application for service is approved, service will be commenced. If a Customer desires delivery of utilities at more than one point, a separate application shall be required for each separate point of delivery. Service delivered at each point of delivery shall be billed separately under the applicable schedule.

The Customer (or Landlord/Customer), after making proper application for service, with the definite understanding that the owner of the property will be held liable for the utility assessments or charges, shall notify the Utility when Customer desires service to be established or discontinued. In no case shall the Customer, Landlord/Customer, Customer's agent, or Customer's employee turn service on or off. Service shall be turned on/off, upon the date specified, by an authorized agent of the Utility. If the Utility finds itself unable to connect/disconnect service on the date specified, it shall notify the Customer as much in advance as possible, and a new date shall be established by mutual agreement.

Where Landlord/Customers make application for service, the tenant(s) name(s) shall be included on the application. Applications must contain a good mailing address and be accompanied by any required deposit and a form of ID.

Where utilities have been shut off and meters are out of service for a period of six months or more, the electric must be inspected by the Shelby County Health Department to make sure that the electric is up to code. When the Village receives an electric release from the County, the electric can be reconnected. The water meter shall be retested for accuracy before being reconnected.

If a meter or water box is found to be out of order it shall be repaired at once. It is the duty of the owner or user to report such conditions which come to his attention.

**6. SERVICE NOT TRANSFERABLE**

The property owner or the Customer must notify the Administrator or the Utilities Clerk the date on which utility service is to be discontinued. A request for service must be issued by the Utilities Clerk for turn off and meter removal.

No person may commence the use of service until after making application therefor and requesting the Utility to turn on the service in accordance with paragraph (5) above. In the event of violation of this provision, in addition to other rights of the Utility, such person shall be liable for all utilities consumed in the premises. Any successor in interest to a Customer, including without limitation, heirs, executors, administrators, assignees, trustees, guardians, receivers, and conservators, shall be deemed to be a person who must make application for service, provided that any successor in interest whose rights arise from death or incompetence of the Customer shall have thirty (30) days in which to make application.

**7. CUSTOMER INDEBTED TO UTILITY**

Service will not be supplied to any premises, if at the time of application for service, the applicant is indebted to the Utility for service previously supplied at the same or other premises, until payment of such indebtedness or other arrangement satisfactory to the Utility shall have been made. Unpaid

balances of previously rendered final bills may be transferred and included on the initial or subsequent bill for a like service account. Such transferred final bills, if unpaid, will be part of the past due balance of the transferred account and subject to the Utility's collections and disconnection procedures. The transfer of final bills is limited to like service, i.e. residential to residential, commercial to commercial. The Utility may not transfer a delinquent Commercial Service account to any account where any end user is a Residential Service Customer.

## 8. SERVICE CONNECTIONS

For **Electric** service, the Customer assumes all responsibility for property owned by the Customer on Customer's side of the point of delivery, generally the outlet side of the meter box, for the service supplied or taken, as well as for the installation of appliances used in connection therewith, and will save the Utility harmless from and against all claims for injury or damage to persons or property occasioned by or in any way resulting from such service or the use thereof on the Customer's side of the point of delivery.

When service is from an overhead system, the Customer's wiring must extend at least 15 inches beyond the building. Where a Customer installs service entrance facilities which have capacity and layout specified by the Utility, and/or install and use certain utilization equipment specified by the Utility, the Utility may provide or offer to own facilities on the Customer's side of the point where service wires attach to the building. All inside wiring must be grounded in accordance with the requirements of the National Electrical Code, or the requirements of any local inspection service authorized by the Village of Jackson Center. When a Customer desires that energy be delivered at a point or in a manner other than that designated by the Utility, the Customer shall pay the additional cost of same. Where service is supplied from an underground distribution system which has been installed at the utility's expense within the limits of a Village street, the Customer shall make arrangements with the Utility for the Utility to supply and install a continuous run of cable conductors, including necessary ducts from the manhole or connection box to the meter base. The Customer shall pay the cost of installing the portion of cable and duct from the property line to the terminus or cable outside the building. When a real estate developer desires an underground distribution system within the property which he is developing or when a Customer desires an underground service, the real estate developer or the Customer shall bear the costs for such underground facilities.

For **Water** service, all applicants for water service connection shall be charged per the Village Rate Schedule. These costs include the cost of a meter and meter well. (If the meter is pre-approved to be installed indoors, in a basement or utility room or some other approved location and the property owner consents to the Village having access to the meter location area, a meter well may not be required and the cost for a meter well will be waived.)

When a service branch is installed, so much of the branch as is within the highway to the property line shall be installed by the department, but shall be paid for by the property owner at the time application is made for water service. Service tap charges shall be established from time to time by the Administrator as installation costs change.

That portion of the service branch from the property line to the building shall be constructed by the owner in accordance with these rules and regulations. Such service branches must be left uncovered until inspected and approved by the Administrator. Copper tubing is the preferred material for service branches. Galvanized piping will be prohibited.

Every service branch must be controlled by an acceptable curb or stop box set just inside the curb line, for the purpose of turning the water on or off.

Service branches may be placed in the same trench with sewer connections.

The service branches shall be considered the property of the owner of the premises who will be held responsible for any leakage which may occur between the curb stop and the meter and the care and maintenance of the curb box, which shall at all times be free of obstructions and readily accessible for the turning on or off of water to the premises.

Upon failure to repair leaks, to remove obstructions from curb box, or to make payment to the department of charges for digging street for same, or to remove obstructions when notified to do so, the department may enter the street and draw ferrule and said ferrule shall not be replaced until the cause for such action has been remedied and the additional charges for drawing and replacing ferrule have been paid by the owner of property of consumer, whether done upon his request or by order of the department.

All attachments to water mains, whether by ferrule or otherwise, shall be made only by employees of the department under supervision of the proper officer of the department.

All Service lines 1" or larger must be applied for and dealt with on an individual application basis and billed according to the Village Rate Schedule.

A request for service must be issued by the Utilities Clerk for new utility meters set and connection of utilities.

#### **9. CONTINUITY OF SERVICE**

The Utility shall furnish necessary and adequate service and facilities. The Utility shall not be liable in damages for failure to supply utilities or for interruptions in service, and shall be relieved of its obligation to serve and may discontinue or modify service, if such failure or interruption is due to acts of God or the public enemy, military actions, wars, insurrections, riots, civil disturbances, vandalism, strikes, fires, floods, washouts, explosions, acts or orders of any civil, judicial or military authorities, and without limitation by the foregoing accidents, contingencies or other causes beyond the control of the Utility.

Without incurring any liability therefore, the Utility may also suspend service for such periods as may be reasonably necessary in order to make repairs to or changes in its facilities or other property; provided that the Utility shall keep a record of any interruption of service affecting its entire system, or a major division thereof, including a statement of time, duration and cause of interruption. It will also notify Customers affected by the interruption in advance of the contemplated work, and approximately how long the interruption will last.

Subject to Section III, Item 12, the Utility shall not discontinue service to any Customer without giving the Customer reasonable notice. Such notice shall be delivered either personally or telephonically when possible and practical. In circumstances, however caused, when time does not permit the giving of such notice in advance of a discontinuance of service or a change in service caused by circumstances beyond the control of the Utility, reasonable notice shall be given whenever possible and practical to all Customers affected advising them that service is off and of the time at which service is expected to be restored.

In the event that there has been an interruption of service to any premises, however caused, the Utility shall, before restoring such service, ascertain and assure itself that precautions have been taken to prevent accidents.

**10. CUSTOMERS LIABILITY**

In the event of loss or injury to the property of the Utility through misuse by, or the negligence of, the Customer or agents of the same, the cost of the necessary repairs or replacement thereof shall be paid to the Utility by the Customer. No one except the agents of the Utility shall be allowed to make any internal or external adjustments of any meter or other piece of apparatus which shall be the property of the Utility. The Utility shall have the right at all reasonable hours to enter the premises of the Customer for the purpose of installing, reading, removing, testing, replacing or otherwise disposing of its apparatus and property, and the right of entire removal of the Utility's property in the event of the termination of service for any cause.

**11. SERVICE NOT TO BE DISTURBED**

No Customer shall attach or use any appliances which may result in the altering of service provided through the Utility's lines. Without prior approval from the Utility, no Customer shall attach or use any appliance or device which will increase, decrease, or otherwise alter service provided through the Utility's lines to such extent as to interfere at any time with continuous service to other Customers.

**12. UNLAWFUL SELLING OF UTILITIES**

Service furnished by the Utility is for the sole use of the Customer and shall not be resold by the Customer except on written permission obtained from the Utility. The renting of premises with the cost of service included in the rental as an incidence of tenancy will not be considered a resale of such services.

**13. WASTING WATER**

It shall be unlawful for any person to leave open any hydrant or faucet connected with the Village water works so as to allow water to flow from the same when such water is not being used. Any violation of this section will constitute sufficient reason for discontinuing water service until the owner complies with the rules of the Administrator.

**14. FIXED PRESSURE NOT GUARANTEED**

The department does not guarantee water consumers full volume, fixed pressure or an effective, continuous supply of water because such matters are subject to varying conditions which may affect the operation and maintenance of the mains, services, pumping stations, reservoirs, and other parts of the waterworks system.

**15. FREE UTILITIES**

Electric and water may be furnished free to the Village of Jackson Center for certain municipal purposes, and at the discretion and order of the Administrator.

Every service through which free utilities are used shall be metered and such meters shall be kept in repair and good order at the expense of the Village departments, in accordance with the regulations of

the electric and water works departments. Plumbing fixtures through which free water is used shall be equipped with self-closing valves.

**16. SPECIAL REGULATIONS**

In case of breaks in mains, services, pumping machinery, reservoirs, or other water works equipment, or where water mains or other water works facilities are extended, improved, replaced or cleaned, the water may be shut off, when necessary, without notice, and no claims will be considered for damage to service branches or plumbing fixtures arising therefrom. The department shall have the right to enter and inspect any or all premises as defined below in "Access to Premises".

**17. ACCESS TO PREMISES**

Neither the Utility nor its agents or employees shall enter into the interior of any structures on the premises of a Customer without the express permission of such Customer except to inspect and read meters, to check for lack of water pressure, in case of emergencies, for correcting leaks and for the purpose of rectifying any complaints by the consumer. Any agent or employee seeking entrance into or upon the premises of a Customer shall have and show symbols of identification. Any agent or employee seeking entrance to the interior of any structures on the premises shall advise the owner or occupant as to his purpose in doing so. Except in cases of emergency, no Customer shall be obligated to afford entrance or access to his premises except during normal business hours and then only to such parts of the premises as may be the location of Utility-owned property.

When such access is refused without just and reasonable cause, the utilities shall be shut off immediately and not turned on again until a new application is made and a deposit per the Village Rate Schedule has been paid at the Utility office.

**18. RIGHT-OF-WAY**

The Customer, without reimbursement, will make or procure conveyance to the Utility of right-of-way or right of entry and installed lines satisfactory to the Utility to permit the Utility to cross property between the Utility's lines and the Customer's property at the location where service is to be furnished, including property owned or controlled by the Customer for the Utility's distribution lines, extensions thereof or appurtenances necessary or incidental to the supplying of service to the Customer.

**19. METER FURNISHED**

The Utility will furnish each Customer with a meter of such size and type as the Utility may determine will adequately serve the Customer's requirements. Such meter shall be and remain the property of the Utility, and the Utility shall have the right to replace it as the Utility may deem necessary.

Upon refusal of the owner or owners of premises to attach meters to their respective premises, when ordered to do so, the department may shut off the utilities from any such premises. Each premise must be served by a separate meter.

The supply of water through separate services must be recorded by one meter only, for which one account will be rendered. If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished, set and maintained at the owners' or consumers' expense.

**20. METER LOCATION**



The Utility shall determine the location of the meter. When changes in buildings or arrangements therein render the meter inaccessible or exposed to hazards, the Utility may require the Customer, at the Customer's expense, to relocate the meter setting together with any portion of the Customer's service line necessary to accomplish such relocation.

When a water meter is installed at an outside location, it must be installed in a pit designed for the purpose and approved by the Administrator. The pit must provide protection against all weather conditions and have good drainage.

#### **21. ONLY UTILITY CAN CONNECT OR DISCONNECT METER**

As used in this section, "Tamper" means to interfere with, damage, or by-pass a utility meter.

No customer shall tamper with a meter or attachment of the Utility that has been disconnected by the Utility. The owner or Customer shall not permit anyone who is not an authorized agent of the Utility to connect or disconnect the Utility's meters, or in any way alter or interfere with the Utility's meters. Proof that a meter or attachment of a utility has been tampered with is prima-facie evidence that the person who is obligated to pay for the service rendered through the meter or attachment and is in possession or control of the meter or attachment at the time the tampering occurred has caused the tampering with intent to commit a theft offense. Tampering with or bypassing a meter constitutes a theft offense that could result in the imposition of criminal sanctions.

It shall be unlawful for any person, firm or corporation without authority, to take or use water from any hydrant or stopcock for domestic or other purposes where there is no meter without obtaining a permit from the Administrator. Furthermore, it shall be unlawful for any person, firm or corporation to break a seal on an electric or water meter which was sealed by the Utility department or to turn on electric or water service without an order from the Utility department.

No person, except an employee of the department shall be allowed to open or close curb cocks, except plumbers, who may do so for the purpose of stopping leaks, repairs, alterations, testing pipes, etc., and in no case shall said plumbers leave the water on when they find it turned off at the curb, nor shall said plumbers loan to water consumers or other person any key for the turn on or off of water.

No person shall own or keep in their possession a street or stop box key, except under permit from the Administrator.

No plumber or other person shall make any attachment to an old water pipe or other fixture where the supply of water has been shut off under rules of the department, or which is out of use, without obtaining a permit or re-issue of same. No plumber or other person shall make any alterations to the service branches or other fixtures attached to the water works mains without approval of the Administrator

Neither white lead, red lead, nor any other compound which is used to join pipe together and which will cause the disk to stop shall be permitted to be used between the water main and the meter.

The plumber, in all cases, shall notify the Administrator or the Utilities Clerk when it is necessary to close the curb cock to make repairs and shall also notify either of them when the cock is opened, giving date and time of day when their work is to be done. The Utilities Clerk shall keep a record of all such notices.

It shall be unlawful for any person other than an employee or other authorized agent of the department to open any street, lane, alley or other public place for water works purposes, tap any pipe, or make attachments to any water pipe belonging to the Village.

For any violation of any clause of this section the utility service may be discontinued until the owner complies with the rules of the Administrator.

A meter can be removed only by an authorized employee of the department, or by permission of the Administrator.

**22. METER TEST**

All electric meters shall be tested at such intervals and using such methods as may be prescribed by generally accepted standards. The meter shall be removed from the Customer's premises for such test and a substitute meter, newly tested, shall be installed in its place. After the meter has been tested and before it is returned to service at the same or a different location, it shall be adjusted to be accurate within two percent (2%) plus or minus.

Every water meter must be water tight and must register within the following percentages of the actual water passed through them either with full flow or with one-sixteenth inch diameter opening:

1/2" to 2" meters	2%
3 " to 6" meters	3%

The Utility shall also test meters at any time, at the request of the Customer. Such test shall be performed in the presence of the Customer if he so requests. If the meter is found to be correct, as defined below, the Customer shall be subject to the Meter Test Fee listed on the Village Fee Schedule.

The date of inspection shall be stamped on the meter.

**23. CORRECT METER**

A water meter registering between two percent (2%) fast and two percent (2%) slow shall be deemed for all purposes to be registering correctly.

An electric or water meter will either run slow or stop working completely when it has gone bad. Meters will never register high if they are bad. Three-phase electric meters could meter only part of the load when going bad.

A meter that has stopped working shall be replaced by the Utility at its expense.

**24. INDOOR WIRING**

The Customer shall install and maintain, at the Customer's expense, indoor wiring from the outlet of the underground meter socket or from the weather head on an overhead service. The Utility shall have no obligation to install, maintain, or repair said wiring.

**25. APPLIANCES**

The Customer shall install and maintain all electrical appliances. The Utility shall have no obligation to install, maintain, or repair appliances.

**26. INSPECTION OF ALTERED WIRING**

It shall be the duty of the Customer to notify the Utility promptly of any additions, changes, alterations, remodeling, or reconstruction affecting service on the Customer's premises.

**27. EXTENSION OF DISTRIBUTION LINES**

The Utility will extend its distribution lines on any dedicated street or highway without cost up to but not more than, a distance of two hundred fifty (250) feet for each applicant. Upon application for a service extension of line in excess of two hundred fifty (250) feet for each Applicant, the Utility may enter into a line extension agreement providing for a deposit with the Utility of a sum deemed adequate by the Utility to cover the cost to be incurred by it for that portion of the extension in excess of the footages which the Utility will construct without cost to the applicant. The amount of deposit shall be determined by multiplying the excess footage as herein above determined by the average cost per foot to the Utility of a similar size distribution line installed during the preceding calendar year. The sum so deposited shall be subject to refund on the basis of the cost per foot deposited multiplied by two hundred fifty (250) for each additional applicant who becomes a bona fide Customer connected to the extension, but not to laterals therefrom or to extensions thereof. No refunds shall be paid after the expiration of ten (10) years from the date of the agreement. All extensions shall be the property of the Utility.

Where a line extension is necessary to provide service availability to real estate plots or real estate subdivisions and such line extension is deemed justified at the Utility's expense, the owners or promoters of such plots of lots or real estate subdivisions may enter into a line extension agreement and deposit with the Utility the estimated cost of that portion of the main extension which is not deemed justified at the utility's expense. This deposit will be refunded at the average cost of two hundred fifty (250) feet for each bona fide Customer connected to the extension, but not to laterals therefrom or to further extension thereof. No refunds shall be paid after the expiration of ten (10) years from the date of the agreement.

Where a line extension is requested for commercial purposes and all or part of such line extension is not deemed economically justified at the Utility's expense, the Utility shall require the applicant or applicants to enter into a line extension agreement and deposit with the Utility the estimated cost of that portion of the line extension which is not deemed economically justified at the Utility's expense. This deposit will be refunded annually, based upon the incremental volumes sold directly from the line extension which are over and above those volumes used to determine the portion of the main extension to be done at the Utility's expense. The refund shall be determined by multiplying such incremental volumes by the applicable base rates. No refunds shall be paid after the expiration often (10) years from the date of the agreement.

In no case shall the total refunds exceed the amount deposited for the extension. Deposits will not draw interest.

## **SECTION IV – METERING AND BILLING**

### **1. QUANTITY OF SERVICE DELIVERED BY METER**

Electricity and water will be measured by a meter installed by the Utility, which shall be and remain the property of the Utility. Subject to certain exceptions, enumerated below, consumption shall be determined on the basis of the meter registration and bills shall reflect the consumption so registered.

No attachments will be allowed between the supply line and the meter. The original purchase of the meter is included in the initial request for service, and the ownership shall remain with the Department. After it has been installed and placed in service, the Administrator will assume the maintenance of the meter or its replacement without charge to the customer; except that in damage by freezing, hot water or other neglect on the part of the consumer, the cost of repairs or replacement shall be charged to the consumer.

All unmetered services will be charged by a rate established by the Administrator.

### **2. BILLING PERIODS**

Bills will be rendered by the Utility to the Customer on a monthly basis. Non-receipt of bills by Customer does not release or diminish the obligation of Customer with respect to payment thereof. Meters are ordinarily read at monthly intervals, but may be read more or less frequently at the Utility's option.

Bills for utilities consumed and other charges will be mailed on the last business day of the month by first class US Mail. Bills will be due on the 15<sup>th</sup> of the month. If not paid by the due date, a ten percent (10%) penalty will be added. Service will be discontinued on the first day of the following month if not paid in full. A reconnect charge per the Village Rate Schedule will be assessed at that point.

### **3. ESTIMATED BILL**

When meters are either not read or fail to register, the Utility may estimate the quantity of consumption and render a bill for such quantity. All estimated bills rendered shall be due and payable in the same manner as shown in the rules and regulations for payment of ordinary utility bills.

### **4. INCORRECT METER READING/BILLING**

During any period that an incorrect meter reading is established, the meter reading and bills based thereon shall be adjusted by the Utility on the basis of all available information concerning the use of service by the Customer.

If a consumer believes he has been overcharged for utilities, he may apply at the Administrator's office to have his meter inspected and tested. Any adjustments which may be in order will be made on the next bill.

Disputed bills should be paid within the time allotted in order to avoid penalty.

Whenever the Utility has overcharged any customer as the result of a meter or metering inaccuracy or other continuing problem under its control, the utility will, for the period of time that incorrect billings can be established, adjust the meter readings and billings to reflect available information concerning the

actual use by the Customer. The reimbursement of overcharges shall take the form of a credit to the Customer's account or by direct payment to the Customer, at the Customer's direction.

Except as provided below, any underpayment as a result of a meter or metering inaccuracy, or other continuing problem, will be billed to the Customer. The Utility will, at the Customer's request, attempt to arrange a reasonable payment schedule in the event of underpayment. Should the amount of the adjustment be under bona fide dispute, the Utility shall continue to supply service and the Customer shall continue to pay all amounts billed until a final determination is made.

Whenever the Utility has undercharged any customer as the result of a meter or metering inaccuracy or other continuing problem under its control, the Utility may only bill the customer for the amount of the unmetered electricity/water rendered in the three hundred sixty-five (365) days immediately prior to the date the Utility remedies the meter inaccuracy. The Utility, in the first bill to collect the amount for unmetered electric/water service, shall state the entire amount that it seeks to collect. The maximum portion of the undercharge for unmetered electricity/water rendered that may be recovered by twelve (or the corresponding number of adjustable months) and the quotient is the maximum portion of the undercharge that the company may recover from the customer in any billing month, in addition to either regular monthly charges of any type or regular level payment amounts billed in accordance with an agreement between the customer and the company. The time period over which the undercharge may be billed shall be twelve (or the corresponding number of adjustable months) consecutive months.

The Utility shall not recover any interest charge, service charge, or fee, whether or not a percentage is utilized for its computation, for the portion of billings due to incorrect meter readings as provided for under this section.

Nothing in this section shall be construed to prevent the customer from paying an undercharge or any portion thereof in a time shorter than that stated in this section. Nothing in this section shall be construed to prevent the Utility from collecting an undercharge or any portion thereof in a time longer than that stated in this section.

This section does not apply to any act that is a theft offense, as defined in Section III of these Rules and Regulation that involves tampering with utility equipment or theft of utility service, or where a physical act of a customer or its agent causes inaccurate or no recording of the meter reading, or inaccurate or no measurement of the gas, water or electricity rendered.

#### **5. EXCESSIVE WATER CONSUMPTION**

In cases of excessive amounts of water passing through the meter resulting from leaks or for any other known or probable reason from which the customer received no apparent benefit, the excessive bill may be adjusted to provide for a monthly bill, plus one-half of the regular charge for the excess water. The sewer can be adjusted, if the water did not go through the sewer line, to provide for a monthly bill.

Adjustments may be allowed by the Administrator only on written request of the customer and after a complete investigation by the Administrator. Adjusted bills may be allowed only once to any one customer for the same reason. Adjustments during construction, for watering new grass or filling a pool will be determined on a case by case basis by the Administrator.

#### **6. PAYMENT OF BILLS**

The net amount of a utility service bill shall be due and payable each month on or before the due date printed on the bill. If the date for net payment of the month falls on Saturday, Sunday or legal holiday, then the last date for payment of the net amount of the bill shall be the first work day following the date for net payment during the month.

Bills shall be paid by the Customer at the Utility office during the regular office hours or to any of the Utility's authorized collecting agents during the regular office hours of such agent or put in the night drop box. Any remittance received by mail at any office of the Utility bearing U.S. Postal Office cancellation date corresponding with or previous to the last date on which said bill is payable "net" will be accepted as within the net payment period.

The department has no agents or other persons, other than regular employees, authorized to receive payment of utility bills. Anyone other than an authorized employee of the department who takes money for payment of a utility bill is the agent of the consumer. The department will cooperate with consumers' agents, but can assume no responsibility for them.

A utility bill shall be considered paid when properly receipted or signed by an authorized employee of the department.

If the owner of any premises elects to have his tenant or leasee pay the utility charges as they accrue, such tenant or leasee does so as the agent of the owner and such owner shall be held responsible for any delinquencies in payment.

Utilities that have been shut off due to non-payment, will not be restored until all delinquent charges, penalties, actual expenses, etc. have been paid. Water will be disconnected 24 hours after electric has been disconnected. If utilities are still shut off after 48 hours, the health department will be notified.

Where the consumer is not the property owner, the owner will be notified that if such charges are not paid within thirty (30) days they will be certified over to the County Auditor for assessment to taxes.

In cases of dire need, the Administrator is authorized to grant extension of time not to exceed sixty (60) days. Partial payments will be accepted.

No abatement of utility rent shall be allowed by reason of removal, disuse or discontinued use of vacant premises unless notice thereof is left at the office of the Administrator at the time when such change takes place. It will be the duty of the property owner to have utilities shut off at the curb when such conditions exist by notifying the Administrator. The utilities shall be turned on again when ordered by the proper authority.

A collection charge made for non-payment of a delinquent bill shall not be cancelled or waived, except when all other indebtedness against the premises is paid in full and the Administrator, upon request, determines that the collection charge is not necessary.

The Administrator may permit the payment of a collection charge with the next regular bill and may continue to supply utilities to a premise if all other indebtedness is paid.

If a remittance tendered in payment of any account fails to clear through the banks and is returned to the department for any reason, the account shall be considered unpaid. Any receipts issued therefor shall be void, the indebtedness shall be restored to the account.

**7. ASSESSING CHARGES AGAINST OWNER OF PROPERTY**

Any owner of real estate premises installing or maintaining utility service connections shall be considered as accepting the provisions of all lawful rules and regulations of the Administrator and as agreeing in particular, to be liable for all utility service charges for such premises, whether the accounts for such premises are carried in the name of such owner or in the name of tenants or other persons. When a Final bill has not been paid within 90 days, whether the bill was for the owner, tenant or other person, the total of the outstanding bill will be certified over to the County Auditor for assessment to taxes.

Where premises in arrears for payment of utility bills become subject to a bankruptcy or insolvency court, the Administrator may permit the supply of utilities to such premises to be continued or restored without previous payment of the utility bill accrued under the bankrupt or insolvent owner.

Owners of property are liable for all utility service charges against their premises charged in the name of tenants or other persons who become subject to a bankruptcy or insolvency court.

Whenever it shall be brought to the attention of the Administrator that foreclosure proceedings have been instituted against premises supplied with utilities he shall arrange to require deposit payments or other suitable guarantees advance for the utilities furnished to such premises until the said premises have been sold or the proceedings otherwise terminated. If the Plaintiff or a cross-petitioner in any such proceeding shall notify the Administrator in writing of the pendency of the foreclosure proceedings and the location of the premises affected thereby, the purchaser at the foreclosure sale shall be entitled to have utilities furnished to said premises without payment of utility bills accrued under the previous owner, for any period subsequent to the date of the receipt of notice of the pendency of foreclosure proceedings by the Administrator.

Charges for service rendered or material furnished by the department, shall be chargeable against the owners of the premises served as in the case of charges for utilities.

**8. INITIAL AND FINAL METER READINGS**

When the Customer begins use of service, an initial bill is normally rendered for the period from the initial date of service to the first regular meter reading date, this period normally being less than thirty (30) days, except no bill will be rendered if the period is less than three (3) days. However, the Customer's usage for that unbilled period will be included and billed in the next month's bill.

The Utility may estimate the reading for the initial date of service. However, upon Customer request, the Utility will attempt to obtain an actual reading at the initial date of service or allow the Customer to provide the initial meter read.

When service is terminated for any reason, the Utility will render a final bill addressed to the Customer's forwarding address, if known, or to the last known address, for the entire balance of the account, including a calculation from the last reading date to the requested final bill date. The Customer may request that the Utility attempt to obtain an actual final meter reading. However, the Utility may estimate the reading for the final bill date, or allow the Customer to provide the final meter read subject to the Utility's review for reasonableness, and if necessary the actual reading.

**9. DEPOSITS**

A deposit, per the Village Fee Schedule, will be required of the Customer before service is commenced. If the Customer has proof, such as a deed to the property, that they are the owner, the deposit can be waived. The deposit is applied to the final bill for the property and any balance left after all bills are paid, shall be refunded to the Customer.

**10. CHARGES AND PAYMENT FOR TEMPORARY AND/OR UNMETERED SERVICE**

In addition to regular payments for electricity and/or water used, the Customer shall pay the cost for all material, labor, and other necessary expense incurred by the Utility in supplying service to the Customer at his request for any temporary purpose or use. The Utility may, at its option, require that any Customer for temporary service deposit with the Utility a sum equal to the Utility's estimate of the cost to be incurred by it for temporary service.

After the service has been discontinued and all actual costs determined, any sum deposited by the Customer in excess of the actual cost shall be refunded to him. If the Utility elects to leave in place any or all of the facilities provided, constructed or installed to render such temporary service, an amount of the Customer's deposit shall be returned to the Customer such that the Customer shall only be charged for the facilities not retained.

An estimated amount of water used for large projects shall be certified to the Utilities Clerk by the Administrator for billing purposes. All temporary jobs should be metered when practical. Except in cases of emergency, no temporary service shall be rendered unless all records are completed and orders issued by the Clerk and dispatched to the Administrator authorizing such installation.

**11. RIGHT TO DISCONTINUE SERVICE**

After giving notice as specified in (12) below, the Utility shall have the right to discontinue service for any of the following reasons or purposes:

- A. Refusing reasonable access to the Utility's facilities;
- B. Non-payment of bills for service when bills are due;
- C. Failure to furnish or maintain a required security deposit; and
- D. Material violation of any of these Rules and Regulations not otherwise covered in this provision.

The Utility shall have the right, without notice, to discontinue service, and disconnect and remove from the premises of a consumer, the meter and any other property belonging to the Utility for any of the following reasons or purposes:

- A. Non-use of service;
- B. Fraudulent representation or practice and theft of service; and
- C. Whenever deemed necessary by the Utility for safety reasons.

**12. TERMINATION PROCEDURES**

It is determined that a Customer is delinquent in rendering payment for service when the billing for service remains unpaid after five (5) calendar days from the due date. Whenever a Customer is delinquent in providing payment for service from the due date of the bill, the Utility shall mail a Delinquency Notice to the Customer (and Landlord/Customer if applicable).



The Utility may, after proper and reasonable notice of pending termination of service (not less than seven (7) calendar days); terminate the Customer's service during normal Utility business hours in compliance with the following conditions:

- A. No delinquent bill disconnections may be made after 12:30 p.m. on the day preceding a day that all services necessary for the customer to arrange and the utility to perform reconnection are not regularly performed.
- B. In conjunction with service to the Customer of the termination notice provided for herein, the utility shall advise Customer of the business address, telephone number, and business hours in the event the customer desires to dispute the reasons for such termination.
- C. The notice of termination sent to the service address (and billing address, if different) shall be in writing and shall identify the amount owed, the date which service may be terminated, the reason for termination.
- D. Termination of service for nonpayment is prohibited without the approval of Council when the termination of service would make operation of necessary medical or life supporting equipment, known by the Utility to be in service impossible or impractical.

### 13. **LANDLORD/TENANT PROVISION**

The Utility may terminate utility service to individuals whose utility services are included in rental payments and of consumers residing in master-metered premises owned by Landlord/Customers, in accordance with the following:

- A. The Utility has provided the notices as required by provisions of these Rules and Regulations. The Utility in its Delinquency Notice must also:
  1. Summarize the remedies tenants may choose to prevent disconnection or to have service reconnected; and
  2. Inform tenants that a list of procedures and forms to prevent disconnection or to have service reconnected are available from the Utility upon request.
- B. Customer's inquiring in response to the notice required in paragraph (A) of this rule shall be informed of the amount due for the current month's service and that by submitting a single payment to the utility in that amount; tenants may prevent disconnection of service.
- C. Payment by tenants equal to or exceeding the Landlord/Customer's current utility service bill for those premises shall be credited to the appropriate account, provided that the Utility is under no obligation to accept partial payment from individual tenants and may choose to accept only a single payment from a representative acting on behalf of all the tenants.
- D. The Utility shall not disconnect service to master-metered premises when:
  1. A tenant delivers to the Utility a copy of the written notice signed by fifty percent or more of the tenants of the occupied dwelling units which notice shall designate the imminent disconnection of utility service (as shown by the disconnection notices received) as a reason for the notice;
  2. A tenant informs the Utility in writing of the date of the last day on which rent may be paid before a penalty is assessed or the date on which default on the lease or rental agreement can be claimed; and

3. The tenants who sign the disconnection notice timely invoke the remedies provided below:
  - A. Deposit all rent that is due and thereafter becomes due to the landlord, with the clerk of the municipal or county court having jurisdiction; and
  - B. Apply to the court for an order to use the rent deposited to remedy the condition or conditions specified in the tenant's notice to the landlord (including but not necessarily limited to payment to the Utility rendering the disconnection notice).

E. If service has been terminated to consumers whose utility services are included in rental payments or who are residing in master-metered premises, the Utility shall inform the consumers upon their inquiry that service will be reconnected upon payment of the amount due for the current month's service plus any reconnection charge if such payment is made within fourteen days of termination, and that service will continue so long as payment for each month's service (based upon actual or estimated consumption) is made by the tenant's representative by the due date of the bill thereof. If the Customers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the Utility shall post the notice in a conspicuous location on the premises and make a good faith effort by mail or otherwise, to notify each household unit of a multi-unit dwelling or tenant receiving service in the master-metered premises of the impending service termination. The Utility shall not be required to reconnect service pursuant to this paragraph where the landlord resides on the premises.

F. Concurrent with the effective date of this rule, the Landlord/Customer must be the designated customer on all new applications accepted by the utility for service to residential master-metered premises. Utility acceptance of new applications for service to master-metered premises requires the designated Landlord/Customer to provide to the Utility an accurate list specifying the individual mailing addresses of each unit served at the master-metered premises. Such list must be updated by the Landlord/Customer in a timely fashion.

#### 14. **CHANGE IN TENANCY OR OWNERSHIP**

At such time as the Utility is notified of a change of tenancy or ownership, the Utility shall make a final meter reading and prepare and mail a final bill. The former Customer is responsible for all service supplied to the premises until such notice has been received and the Utility has had a reasonable time to make a final meter reading. Reasonable time is defined as being two (2) regular business days.

#### 15. **FIRE HYDRANTS AND FIRE PROTECTIVE SERVICES**

If, at any time in the future, the Administrator deems it necessary to make a charge to the Village for fire protection in order to have the necessary funds to operate the water works, this charge shall be assessed against the Village. The rate shall be a fixed charge for each fire hydrant by agreement between the Administrator and Council.

Fire hydrants shall be installed at the expense of the Village as a whole and shall be authorized by Council.

A fire service branch from the main shall not be used for other than fire protection, fire prevention or firefighting purposes unless a temporary permit has been issued by the Administrator and payment made in advance. Where a fire service branch has outlets such as fire hydrants or fire hose outlets, not on an alarm system, the Administrator shall seal each outlet. The seal shall not be broken except when necessary for fire protections, fire prevention or firefighting purposes. Where such a seal is found to have been so broken, a charge according to the Village Rate Schedule shall be made for resealing from the person or persons responsible.

## **SECTION V – GENERAL**

1. These Rules and Regulations are subject to, and include as part thereof, all orders, rules and regulations applicable to the Utility from time-to-time issued or established by Jackson Center Village Council under its emergency powers.
2. The Rules and Regulations, as adopted by the Administrator for the operation, maintenance and management of the municipally owned utility systems, are described in a simple form, in order that each present utility customer and prospective future customers may know and understand their obligations and thus contribute to the successful and efficient operation of the utility systems.
3. The operation and maintenance of a utility system require the closest supervision and the Rules and Regulations are necessary for the guidance of officers, employees and consumers. These Rules and Regulations are fair and reasonable, and apply to all alike.
4. The Village Administrator reserves the right to make such further policies regulating electric and water service in order to carry out the purposes of the Rules and Regulations as experience may suggest, and as the Utility may deem necessary or convenient in the conduct of its business.
5. These Rules and Regulations shall not apply during periods of shortage in the supply of electricity or water available to the Utility, to the extent that compliance by the Utility with such Rules and Regulations is precluded by the shortage in supply. During periods of shortage of supply to the Utility, restrictions on new service and curtailment of existing service shall be governed strictly by the Utility.
6. The officers and employees of the department to whom the operation and maintenance of the utility system is entrusted, desire at all times to render the best possible service to utility consumers and the general public, in conformity with the Rules and Regulations of the utility.
7. Any discourtesy shown by any employees, as well as carelessness, undue visitation with persons on premises or inaccuracy in the performance of duty, should be reported promptly in writing to the Administrator.
8. Disputes arising from the Rules and Regulations between Customers and the Utility should be submitted in writing and shall be investigated and resolved, to the best of its ability, by Utility personnel. Decisions or actions taken by Utility personnel may be appealed by the Customer to the Council.
9. The expenses of owning and maintaining the utility systems are paid by the consumer from utility charges and not from taxes. Therefore, the utilities must be operated on a strictly business basis. Goodwill between the customers and management will promote a successful operation of the utility systems.
10. When water is to be used in premises which have been unoccupied for some time, all plumbing fixtures should be opened and the water allowed to run for some time to flush out the pipes and remove all standing water.

11. The water is occasionally discolored by the mixture used to make and tighten joints in pipes and by deposits of rust which accumulate. In such cases flushing the pipes by opening a few faucets will give relief.
12. During cold weather, all plumbing and meters exposed or installed in unheated locations should be carefully protected to prevent freezing and consequent damage.
13. It should be remembered that it is almost a mechanical impossibility for a meter to over-register the amount of water passing through it, and an absolute impossibility for it to register unless water does pass through it. Every new or repaired meter is carefully tested as required by the regulations before it is placed in service.
14. Consumers can readily discover leaks in plumbing by shutting off every faucet in the premises and watch the one-gallon hand on the meter dial. If, when every opening is closed, the one-gallon hand moves around, there is a leak somewhere, and the rapidity of its movement will determine whether the leakage is small or great.
15. Consumers are advised to examine frequently all fixtures on their premises. Special attention should be paid to toilets. Defective valves in toilet tanks are the major cause of excessive water consumption.
16. It is advisable to install self-closing faucets wherever possible, that is, over all wash basins, kitchen sinks, slop sinks, etc. This is especially recommended to motels, restaurants, offices, factories, etc., or any establishment where the public or a large number of employees have access to the water fixtures.
17. A consumer should never leave a faucet, toilet, or any other fixture leak or drip, no matter how small the stream appears to be. Do not consider any waste of water beneath notice, for the meter is registering this waste day and night, and the bill is slowly increasing. Have the leaky fixture repaired at once. Do not put it off.
18. Consumers can make tests of meters themselves very easily by closing all faucets or openings, mark the location of one-gallon hand on dial and accurately draw from some convenient faucet ten gallons of water. The one-gallon hand should then have made one complete revolution.
19. Anyone who notices a leaking hydrant, or the escape of water from a street main is requested to notify the department immediately by telephoning the water works office.
20. The effervescent or milky appearance sometimes noticed in freshly drawn water is caused by air in the pipes. This will disappear in a few seconds.
21. Consumers desiring to close their houses temporarily should shut off the water supply by closing valve before the meter, drain the plumbing, and notify the department, in writing, of the approximate length of such temporary vacancy. The danger of damage from leaks or broken pipes is thus avoided and meter charges can be discontinued until such time as the house is again occupied and meter can be read.

22. Owners or consumers should furnish keys to premises which may be frequently locked, or kept locked, so that meter readers may have access to meters at all times without delay, and thus eliminate necessity for an estimated bill.
23. All consumers should notify the department in writing when premises are vacated so that the utilities may be turned off, and final readings taken from meters, and consumer's account properly closed.
24. When water is turned off from any premises the department does not drain the plumbing, and is in no way responsible for any damage done to it.
25. The following table may be useful in computing your water consumption at Jackson Center pressure, particularly if you have a leak upon the premises, or a fixture which you cannot shut off:

<u>Diameter of Opening</u>	<u>Discharge per Hour</u>
1/16"	64.20 gallons
1/8"	257.40 gallons
1/4"	1020.80 gallons
3/5"	2284.20 gallons
1/2"	4114.20 gallons
5/8"	6393.00 gallons
3/4"	6393.00 gallons
1"	16441.80 gallons