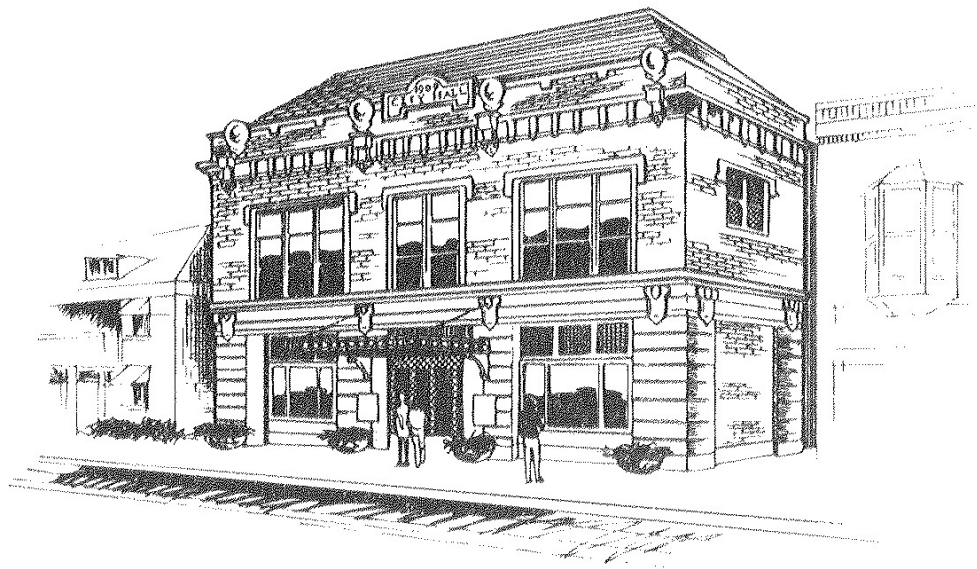


Village of Loudonville, OH

Water/Wastewater Service Termination Policy

Effective April 1, 2013



Village of Loudonville
156 North Water Street
P.O. Box 150
Loudonville, OH 44842

Telephone (419) 994-3214
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www.loudonville-oh.us

VILLAGE OF LOUDONVILLE - *Water/Wastewater Service Termination Policy*

I. Definitions for the Village of Loudonville Water/Wastewater Service Termination Policy.

The following definitions apply whenever said terms appear in these rules:

A. "Consumer": Any person who is the ultimate user of utility services provided by the Village of Loudonville.

B. "Customer": Any person or entity who enters into a contractual agreement with the Village to receive or to pay for utility services provided by the Village of Loudonville. Customers may, but need not, be consumers of the services provided under such a contractual agreement.

C. "Consumer Household": Any service address in which the customer who is contractually liable for utility services furnished to that address does not reside.

D. "Customer Household": Any service address in which the customer who is contractually liable for utility services furnished to that address resides.

E. "Billing Address": The address at which the customer contractually liable for utility services furnished to a service address receives billing from the Village of Loudonville. Billing addresses may, but need not, be the address at which said services are received.

F. "Service Address": Any individual address at which utility services are furnished a consumer or customer. The singular may include the plural. Most service addresses will be individually metered. However, in apartment buildings, apartment complexes, duplex apartments, etc., one meter may supply more than one household. In such circumstances, each individual apartment is a separate service address as that term is used herein.

G. "Village Administrator": The Village Administrator shall be empowered and required (when good cause is shown) to; cancel termination and/or order reconnection. This does not preclude the waiving of any turn on/disconnect administrative fees. The Village Administrator shall strive to arrange reasonable alternate methods of payment of the past due amount for payment, in order to preserve utility service, and shall maintain residential utility service, without discrimination. The Village Administrator, or his designated representative, shall preside at hearings held pursuant to these rules.

II. Utility Service Termination Policy.

Utility service to customer or consumer households will be disconnected or terminated (hereinafter "termination") by the Village only for the following reasons:

- A. Nonpayment and/or underpayment;
- B. Emergencies, repairs and replacement of lines;
- C. At customer request, provided that the approval of both the customer and consumer of services

for that service address is necessary if any service address affected by the request is a consumer.

D. If, upon physical examination, the Village obtains reasonable grounds for and has a good faith belief that Ohio R.C. 4933.18 or 4933.19 have been violated by use of a jumper or other by-pass mechanism:

- (1) Prior to installation of required check valves or backflow protection; or
- (2) Which results in bypassing and negating such valves or protection.

While the Village must otherwise satisfy the requirements of these rules, utility service may be terminated immediately upon that discovery, without notice or opportunity for hearing prior to termination. However, in such circumstances, if a customer or consumer household affected by such termination thereafter requests a hearing, and establishes that the offending condition has been remedied; utility service will be reinstated, conditioned on continuing good behavior, although the Village does not thereby waive any right of prosecution otherwise granted under the law.

E. Connection or reconnection of utility service not authorized by the Village of Loudonville.

Water Service restoration shall only occur Monday thru Friday during the hours of 8:00 AM and 3:00 PM., excluding legal Holidays observed by the Village of Loudonville.

No person shall reestablish water service or allow any other person to reestablish water service that has been disconnected for reason(s) as set forth by this section. Persons responsible for unauthorized restoration of utility services are subject to criminal prosecution in accordance with Village ordinances and ORC 4933.18.

If it is determined that water service was restored at a service address by anyone other than Village Water Department personnel, it will be immediately disconnected by Village Water Department personnel. The outstanding balance owed for the account must be paid in full before water service will be restored; and criminal prosecution may also be considered in accordance with Village ordinances and ORC 4933.22. In addition, the meter may be locked or otherwise removed from service at the discretion of the Village of Loudonville Water Department.

If water service is disconnected at any address by the Village and is discovered to have been reconnected by someone other than a Village employee, water service will be immediately disconnected by the Village, and a lock may be placed upon the meter at the discretion of the Village of Loudonville Water Department. A meter reading will be immediately taken and the service

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account will be adjusted to include all water registered on the meter since the last reading at shutoff. The service account must be paid in full prior to restoration of water service.

Except as set forth in (B) and (D) above, terminations other than those with approval of both the customer and consumer of service may not occur without proper notice and adequate opportunity for hearing before termination.

The Village Administrator or designee of same shall, at his or her discretion, approve alternative payment arrangement if good cause is shown for such extension, and request for extension is submitted by the customer and approved prior to the termination date. If approved by the Village Administrator as set forth above, a Promissory Note ([Exhibit 3](#)) must be signed in the Village of Loudonville Utility Office to avoid the delinquent fee and subsequent termination. Requests for extension or alternative payment arrangements will not be considered after the termination date as designated on the termination notice. The Village of Loudonville may approve one Promissory Note submission per customer and per annum.

Loudonville utility department employees shall comply with the Village of Loudonville Water/Wastewater Service Termination Policy.

The Village of Loudonville shall not be held responsible for any damages resulting from the termination or restoration of utility services.

III. Notice procedures.

A. At least five days, but not more than ten days prior to disconnection of utility service, except where said disconnection is at the request of the customer who is also the only consumer at the affected address, the Village shall serve the customer with written notice of its intent to terminate service. Said notice shall be served by ordinary first class mail delivery. The date of the notice shall be the date of mailing. The notice shall include:

- (1) Identifying information, including the service address to be affected, the account number, the customer's name and address, and the identity and address of the Provider;
- (2) The current balance of the account.
- (3) The date proposed for termination if the account is not paid or hearing requested.

B. Notices shall clearly and conspicuously advise any recipient of his/her due process rights. The notice shall be given in a termination notice which will set forth the procedure for requesting a hearing. If a hearing is requested, the termination will not take place until the hearing process is completed.

The termination notice shall include the following:

- (1) The reason for termination of service;
- (2) The front of the envelope shall be stamped or printed in ink with the following message:

FINAL NOTICE
Failure to Pay Will Result
in Termination of Service

- (3) The notice shall also include the following statements:

You may avoid termination by taking one or more of the following actions prior to the scheduled termination date:

- a. If you personally owe utility service charges which are past due, you should pay the past due balance in full.
- b. If you dispute the reason for the proposed termination, in whole or part, you may request a hearing to contest termination. If a hearing is requested before the scheduled date for termination, termination will not take place until the hearing process is complete. If you request a hearing, you have the right to examine records concerning this service address; to bring a representative to help you at the hearing; and to bring witnesses to testify on your behalf;
- c. If you wish to avoid termination, or to request a hearing, or wish a more complete explanation of your hearing rights or your rights to assume responsibility for future utility charges, you should immediately contact the Village of Loudonville at the address and telephone number listed on the front of this notice between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. A copy of the Village of Loudonville Water/Wastewater Service Termination Policy is available at the Utility Business Office at 156 North Water Street, Loudonville OH 44842 during regular business hours, and on the Village of Loudonville web site at www.loudonville-oh.us.
- d. If water service is disconnected at any address by the Village and is discovered to have been reconnected by someone other than a Village employee, water service will be immediately disconnected by the Village, and a lock may be placed upon the meter at the discretion of the Village of Loudonville Water Department. A meter reading will be immediately taken and the service account will be adjusted to include all water registered on the meter since the last reading at shutoff. The service account must be paid in full prior to restoration of water service.

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e. The Notice specified herein shall state:

THIS IS THE FINAL NOTICE YOU WILL RECEIVE BY MAIL - IF YOU HAVE ANY QUESTIONS OR DISPUTES ABOUT THIS BILL, CALL THE VILLAGE OF LOUDONVILLE UTILITY BILLING OFFICE @ 419-994-3214.

C. In the event any service address that would be disconnected is a consumer household, notice of termination of service ([Exhibit 1](#)), must be delivered to each service address so affected, in addition to delivery of termination notice mailed to the customer household.

IV. Termination.

Pursuant to the provisions in Sections B and C above, if water service to a household is disconnected or terminated, and no hearing has been requested, at the time of termination a "Notice of Termination of Utility Service" will be left on the property by a Village of Loudonville representative. A copy of the Notice is designated hereto as [Exhibit 1](#). If termination is due to the consumer or customer failing to prevail in a hearing, the termination notice will not be left at the property and service will only be restored by the payment due as determined by the hearing.

If, after a copy of the [Exhibit 1](#) termination notice is left on the property in a conspicuous place (at the front door if possible), the customer or consumer believes that the Village failed to abide by any requirements of this policy, the customer or consumer may deliver written notice to the Village of Loudonville Utilities Business Office at 156 North Water Street, Loudonville, OH 44842. After receiving the complaint, the Village Administrator shall direct the Utility Office to coordinate reconnection of the water service only if he/she believes, after reasonable inquiry, that the following is true:

1. The customer/consumer has not been mailed the final termination notice; or
2. The customer/consumer has arranged a payment plan with the Utility Office which superseded the final termination notice.

In the case of (1) above, water service shall be reconnected and the final termination notice provided to the customer/consumer. In the case of (2) above, water service shall be reconnected and a final termination notice sent to the customer/consumer if the person fails to make payment under the alternative payment plan agreed to. If the Village Administrator determines that the Village may have otherwise failed to abide by the requirements of this policy, that fact shall be communicated to the customer/consumer, and the

Village Administrator shall also communicate to the customer/consumer that he/she has the right to a hearing.

V. Voluntary termination of services.

Upon receiving a request for voluntary termination, if the Village's records reveal that the service address is different from the billing address for that account, or if there is other reason to believe termination may affect a service address comprised of a household other than, or in addition to, the customer's household, the Village shall:

1. Mail or otherwise deliver a copy of any final notice to the service address; and
2. Mail or otherwise deliver a copy of any customer's voluntary termination of water service notice to the service address.

Both the customer requesting a voluntary termination and the resident living at the service address must complete the form designated as [Exhibit 2](#).

VI. Hearing procedures.

Persons who wish to contest a denial of utility service, or the Village's decision as to billing or a proposed termination of utility services (hereafter "the person") shall be afforded a due process opportunity to contest the Provider's action or inaction prior to termination of service. Due process opportunity is the right to a face-to-face meeting with the Village Administrator, at which time a person may:

1. Have the assistance of a representative; and
2. May present documentary and/or oral information and/or the testimony of witnesses for the Village Administrator's and Utility Office personnel consideration.

These persons shall be entitled to reasonable access to the Village's business records or Utility Office employees concerning the affected service address in order to prepare for the meeting, which right of access includes the right to obtain copies of documents found therein upon payment of the actual cost of copying. The Village Administrator shall make a written decision after the hearing and give the reasons for the decision. A copy of the decision shall be delivered to the person and a copy retained in the business files kept by the Village relating to any service address affected by the hearing. Due process hearings shall be held within a reasonable time after a verbal or written hearing request has been made, but will not be held so quickly as to deny the person an adequate opportunity to seek assistance or to prepare for the hearing, in light of the person's circumstances. The hearing decision shall be sent to the

person within a reasonable time after the hearing. If a hearing has been requested prior to actual termination of service, no termination may occur until five days after the hearing decision is delivered to the person who requested the hearing.

In the event the Village Administrator is not available or otherwise unable to conduct a hearing, the Mayor of the Village of Loudonville may serve in the place of the Village Administrator.

If hearing is conducted by the Village Administrator and Claimant's request denied, one appeal may be granted to the Claimant upon request. The Mayor of the Village of Loudonville shall conduct the hearing upon appeal.

Ruling by the Mayor of the Village of Loudonville shall be considered final, and termination shall proceed no less than five days after the hearing decision is delivered to the Claimant.

VII. Nondiscrimination policy.

The Village of Loudonville shall not refuse to supply water, wastewater or storm water utility services based on race, color, religion, sex, national origin, disability, age, or ancestry of any person.

If application for utility service is denied, applicant shall be notified of that decision, and the reason for it, by use of the form attached as [Exhibit 4](#) at the time of the denial.

The customer shall be responsible for the payment of water, sanitary and storm sewer service charges, late payment penalties and other effective fees associated with the Village of Loudonville Water and Sewer Department. Application to request tenant billing (attached as [Exhibit 5](#)) does not relieve customer of responsibility for payment. A Request for Tenant Billing application is available at the Village of Loudonville Utility Billing Office at 156 North Water Street, Loudonville, OH 44842, and is also available for download at the Village of Loudonville Website @ www.loudonville-oh.us