

**AN ORDINANCE TO REVISE AND AMEND SECTION 921.01 OF THE
VILLAGE OF WINDHAM UTILITY CODE AND DECLARING AN
EMERGENCY**

WHEREAS, it has come to the attention of the Council of the Village of Windham that an ambiguity exists in Section 921.01 of the Village of Windham Utility Code; and

WHEREAS, the Council of the Village of Windham desires to enact an Amendment of Section 921.01 so as to clarify the section and remove the ambiguity.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Windham, Portage County and State of Ohio, two thirds or more of the members thereto concurring that:

SECTION 1. Section 921.01(a) as it is presently enacted is hereby repealed, effective January 1, 2011.

SECTION 2. Section 921.01(a) of the Village of Windham Utility Code as is set forth in the attached Exhibit "A" is hereby enacted January 1, 2011.

SECTION 3. All other legislation consistent therewith the attached Exhibit "A" is hereby repealed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is declared to be an emergency measure needed to maintain the financial stability of the Village Utility Department, effective immediately upon passage by the Council and approval by the Mayor, for the reason that it is necessary to have clear and unambiguous guidance as to the rates which are in place for the Village of Windham's Utility Department's billing cycle beginning on January 1, 2011.

PASSED IN COUNCIL as an emergency this 25th day of January, 2011.

Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder Nays: None.

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Robert Donham, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor

EXHIBIT "A"

921.01 SEWER RATES

- (a) Rate charges for sewer usage are established as follows:
- (1) Commencing on January 1, 2011 each consumer unit inside the village shall be billed monthly and shall be subject to a minimum charge corresponding to a wastewater volume of \$10.35 for up to the first 1,000 gallons, and an additional \$10.35 for each fraction of one thousand gallons thereafter.
 - (2) In the event of a water meter (which is used to determine the sewer usage for billing purposes) serving more than one consumer, each consumer unit shall be subject to a minimum charge and be allowed a discharge of 1,000 gallons per consumer unit before additional volume charges shall apply.
 - (3) A flat rate of \$56.81 shall be billed on each unmetered consumer unit.
 - (4) Commencing on January 1, 2012, the metered rate as set forth in Section 921.01(a) shall be increased by five percent (5%) annually.