

**ORDINANCE 752-11-2019**

**AN ORDINANCE ELIMINATING THE AVAILABLE FOR USE FEE (AFU) AND REPEALING CODIFIED ORDINANCE 905.08 AND 905.10 AND NOT DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

SECTION 1. The Available for Use (AFU) fees are hereby eliminated and 905.08 is hereby repealed:

**~~905.08 AVAILABLE FOR USE (AFU) CHARGES.~~**

~~(a) This charge applies to all non-metered lots within the incorporated areas of the Village of Roaming Shores. This charge was set up to help with the original development of the complete Water Treatment, Water Distribution, Wastewater Treatment Plan and Wastewater Collection System. These charges are to be paid bi-annually on May 15 and November 15 of each year~~

<del>(1)</del>	<del>Sewer Available for use charge (non-metered lot)</del>	<del>\$48.00</del>
<del>(2)</del>	<del>Water Available for use charge (non-metered lot)</del>	<del>\$33.00</del>

~~(b) This deferment of AFU charges may apply to two non-metered lots contiguous to a metered residence within the incorporated areas of the Village of Roaming Shores. This deferral may only be applied for when a lot has a metered residence and the lot(s) are filed with the Village as contiguous. This agreement allows a deferral of the available for use charges only.~~

SECTION 2. The Credit for Contiguous lots for Available for Use charges is hereby eliminated and 905.10 is repealed.

**~~905.10 CREDIT FOR CONTIGUOUS LOTS.~~**

~~(a) A credit will be given for utilities services to metered customers on their combined metered and available for use charges for the amount of the available for use charges on any lot or lots owned by the customer contiguous to the metered premises, to a maximum of two such lots contiguous to the metered premises.~~

~~(b) Eligibility for said credit will be premised upon written agreement between the Village and the landowner seeking credit that the contiguous lot will remain undeveloped and titled in the said lot owner's name, with all credited charges back to the effective date of this section to be assessed to and paid by the said landowner in the event the undeveloped contiguous lot is sold separately from the metered lot or developed by placement therein of a residence; and~~

~~(c) Upon change of ownership of any metered residence receiving credits for a contiguous lot or lots as herein provided, credited charges are to be paid in full unless the subsequent owner agrees to be bound by the terms of the original credit agreement.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ An administrative charge of ten dollars (\$10.00) per quarter per contiguous lot credit claimed shall be imposed and collected by the Village Utility in conjunction with billing and collection of regular utility service and available for use charges.~~

~~\_\_\_\_\_ The aforesaid administrative charge, having been determined by this Council to reflect costs of administration of the contiguous lot credit program, shall not be refundable nor shall said charge serve as a credit upon repayment of contiguous lot credits in the event said contiguous lots are divided in the future.~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ Contiguous lot credits granted by subsection (a) hereof shall be rescinded to those metered customers failing to pay administrative charges established by subsection (d) hereof within twenty days of the billing date thereof.~~

~~\_\_\_\_\_ The Village Clerk is directed to certify for collection to the County Auditor unpaid contiguous lot credits which become payable as a result of the failure to pay administrative charges as herein referenced.~~

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This ordinance is not an emergency and shall not take effect until thirty (30) days after passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennie D'Amicone

ATTEST:

\_\_\_\_\_  
Leeann Moses, Clerk/Treasurer

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Kyle B. Smith, Solicitor