

ORDINANCE NO. 171

AN ORDINANCE TO REGULATE THE PAYMENT FOR VILLAGE UTILITIES AND VILLAGE SERVICES BY RENTERS, THE PLACEMENT OF DELINQUENT CHARGES TO THE TAX ROLL, AND THE RESPONSIBILITIES OF PROPERTY OWNERS

The Village of Otisville Ordains That:

Section 1. Definitions

- (1) Property Owner: The person whose name appears on the latest tax assessment roll.
- (2) Miscellaneous Village Services: Including, but not limited to, any village labor or equipment that is utilized to perform a service on private property at the request of the property owner. Also, any village labor or equipment that is utilized in the act of enforcing a village ordinance on private property.
- (3) Tenant: Any person, business, or organization that rents or leases a property, structure or dwelling.
- (4) Multiple Users: More than one house, tenant, apartment, store or office which is supplied water through one water service line or meter, or more than one house, tenant, apartment, store or office which is serviced by one sewer connection, or a dwelling or structure that contains more than one tenant, apartment, store or office that uses village solid waste removal services.

Section 2. Charges For Water, Sewer, Solid Waste, and Miscellaneous Services

Any premises that is served by either Village sewer, water, solid waste removal or miscellaneous services shall be charged for the services furnished. Such charges shall be billed and collected monthly, bimonthly or quarterly as determined by the Village Council. The charges for sewer, water, solid waste removal services and miscellaneous services shall be set by a resolution of the Village Council. The resolution setting the service rates shall be made after presentation of the budget. The resolution shall become effective only after a public hearing on such proposed rates.

Section 3. Method of Billing Multiple Users

- A. When more than one ( 1 ) house, tenant, apartment, store, or office is supplied water service through a one service pipe or meter, the application for supply of such building of tenant, apartments, stores or offices shall be made by the owner of said premises, as but one ( 1 ) bill will be issued to said owner.
- B. When more than one ( 1 ) house, tenant, apartment, store, or office is supplied sewer service through a one service pipe or meter, the application for supply of such building of tenant, apartments, stores or offices shall be made by the owner of said premises, as but one ( 1 ) bill will be issued to said owner.

- C. When a dwelling or structure having *multiple users* is required to be served with village solid waste removal services under the terms of the Village Garbage Ordinance, the application shall be made by the owner of said premises, as but one ( 1 ) bill will be issued to said owner.

#### Section 4. Delinquent Charges to Tax Roll

Charges for services furnished by the Village to a premises or property shall be a lien thereon, and on the first day of May of each year the person or agency charged with the management of said service shall certify such charges which have been delinquent six ( 6 ) months against the premises or property to which said services have been rendered, and such charges shall be collected and said lien shall be enforced, and such charges shall be collected and said lien shall be enforced in the same manner as provided with respect to taxes assessed for such roll with the following exceptions and conditions:

##### A. Tenant's Responsibility for Payment of Services

When a tenant is responsible for payment of such charges against any premises and the Village Council is so notified in writing, with a true copy of the lease of the affected premises, then no such charge shall become a lien against such premises from and after the date of such notice under the following conditions:

1. If the premises *is* connected to village water, that service shall be *discontinued* until a *cash deposit equal to one quarter ( 1/4 ) the annual average charge* to such premises for *all services that are available and in use*, i.e., sanitary sewer, water, and solid waste shall have been made as security for the payment of the charges in the event that the tenant vacates the property without paying the account in full. Said security deposit *shall not be used* for anything other than the payment of any outstanding charges against the property that were incurred prior to the tenant's vacating the premises.
2. If the premises *is not* connected to village water, then *a tenant shall not be allowed* to assume responsibility for payment of services until making a *cash deposit equal to one quarter ( 1/4 ) the annual average charge* to such premises for *all services that are available and in use*, i.e., sanitary sewer, and solid waste shall have been made as security for the payment of the charges in the event that the tenant vacates the property without paying account in full. Said security deposit *shall not be used* for anything other than the payment of any outstanding charges against the property that were incurred prior to the tenant's vacating the premises.

##### B. Property Owner's Responsibility for Payment of Services

1. The property owner *shall be responsible* for all charges relating to village *sewer, water, and solid waste removal services* when a dwelling or structure *has multiple users*.
2. The *property owner* shall be responsible for all charges relating to *miscellaneous village services* that have been provided.

Section 5. Repealer

Any and all other ordinances and resolutions and portions thereof which may be in conflict herewith are hereby repealed.

Section 6. Severability

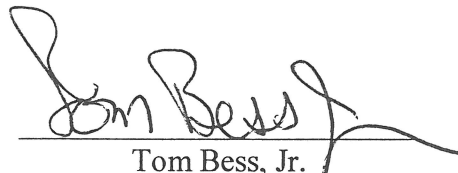
This Ordinance is deemed severable and if any part shall be declared invalid by any court, such judgment or decree shall affect only that part directly involved in the controversy.

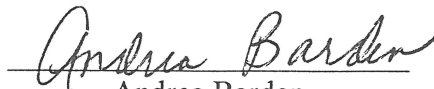
Section 7. Date of Effect

This Ordinance shall take effect ten ( 10 ) days after publication as set forth below.

Section 8.

This Ordinance was approved by a vote of the Village Council, a Quorum being present on the 17th day of December, 2001, and ordered published in three public places in the Village of Otisville.

  
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Tom Bess, Jr.  
Village President

  
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Andrea Barden  
Village Clerk