

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD

ORDINANCE NO. D-2-97-1

AN ORDINANCE AMENDING ORDINANCE NO. D-3-91-1 REGULATING WATER AND SEWER TAPS TO PROPERTIES OUTSIDE THE VILLAGE LIMITS AND DECLARING AN EMERGENCY.

WHEREAS, by ordinances D-7-86-2 and Ordinance No. D-3-91-1 additional water taps to properties outside the Village were prohibited, and;

WHEREAS, the Council of the Village desires to permit additional water taps to certain existing single family residential properties outside the Village limits providing certain conditions are met, and;

WHEREAS, it is in the interest of the health, safety and welfare of the Village to amend the water tap policy.

NOW, THEREFORE, be it resolved by the Council of the Village of New Concord that:

Section 1. The Village Administrator may grant a water tap to properties located outside of the Village limits that are adjacent to existing Village owned water mains under the following conditions:

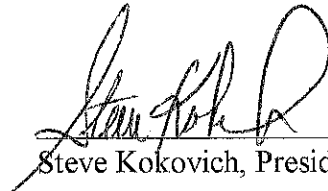
1. Taps are only available for existing single family dwellings that currently exist as of the date of this ordinance. Water shall be used for residential purposes only for that specific dwelling which has obtained the tap subject to these conditions.
2. Service lines for taps shall not cross private property unless a proper right of way is obtained granting the right to the Village to enter said private property for maintenance or removal of the tap. The Village shall not be responsible for maintaining any line that it has not accepted ownership of by a separate agreement.
3. Prior to receiving a water tap and annually after receiving the water tap the property owner at their expense shall furnish the Village with a written report from the health department certifying that any septic system or other sewage disposal system on said property is in a proper working order.
4. Prior to receiving a tap the property owner(s) shall enter into a binding agreement which shall be recorded as a restriction to the deed of the property which states that the owner and all perpetual owners of said property shall agree to petition for annexation or be a party to any and all annexation petitions to annex said property into New Concord with sixty (60) days of the property becoming contiguous to the Village. Said deed restriction shall also require that the property must be connected to any public sanitary sewer system that becomes available at their cost including

assessments. Property owners further agree to pay a proportionate share of all annexation cost based on their percentage of the total acreage to be annexed.

5. The base water tap fee shall be 200% of the in-town fee. The excavation fees shall be charged at the normal rate.
6. The water rate shall be the normal rate for property outside of the Village which is currently 200% of the in-town rate.
7. The Village will not guarantee any quality of service other than that required by EPA. Property owners shall indemnify the Village from any liability resulting from any future problems with the water service.
8. If the property owner fails to comply with any of the terms of this agreement the Village has the right to discontinue water service after providing 60 days notice which shall include a description of the nature of the violation.


Section 2. For the reasons stated in the preamble, the ordinance shall be declared an emergency and take place immediately.

PASSED: February 10, 1997



Steve Kokovich, President of Council

APPROVED: February 10, 1997

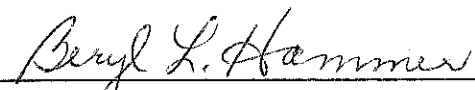


R. Gregory Adams, Mayor

ATTEST: 

Beryl L. Hammer, Clerk/Treasurer

I hereby certify that the above Ordinance No. D-2-97-1 was posted per Ordinance No. L-1-84-1 from Feb. 25, 1997 to April 2, 1997.


_____, Clerk