

**ORDINANCE NO. 11-2009**

**AMENDING CHAPTER 921 - WATER REGULATIONS OF THE SYLVANIA CODIFIED ORDINANCES BY AMENDING SECTION 921.01 - CONTRACT WITH CONSUMER; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania has long had a policy concerning the extension of water service to areas outside the corporation limits; and,

WHEREAS, the Zoning and Annexation Committee met on February 6, 2009 to consider said policy and thereafter recommended approval of same; and,

WHEREAS, this Council deems it advisable and necessary to clearly set forth its policy.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That Section 921.01 - Contract with Consumer, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, adopted as set forth on "Exhibit A."

SECTION 2 It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that this ordinance must be immediately effective to provide for the amendments to the Water Regulations and to make necessary changes to the Codified Ordinances. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_    Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2009, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

921.01 CONTRACT WITH CONSUMER.

- (a) The regulations set forth in this chapter and Chapter 923 shall be considered a part of the contract with every person, company or corporation that is supplied with water through the water works system of the City, or served by the sewer system in the City, and every such person, company or corporation using and accepting water through such water works system or as served by such sewer system, shall be considered to express his, its or their consent to be governed thereby.
- (b) The City reserves the right to change, alter or amend the provisions of this chapter or Chapter 923 at any time; but any alterations or additions shall not affect any contract with consumers for the current quarter.
- (c) No water service shall be extended to any users outside the corporate limits of the City except under the conditions set forth in subsections (d) and (e) hereof. Provided, further, that any person presently receiving water service from the City shall, upon notice from the City, immediately comply with the provisions of subsection (d). Failure to comply with such policy shall result in the water service being terminated 60 days from the date of notice.
- (d) The City may extend water service to land which is outside of the corporate limits of the City but within the City's water service area provided that before such water service is extended or continued, the owner of such land must comply with the following:
  - 1. Compliance with the zoning regulation of the governmental entity in which the property is located.
  - 2. Compliance with the Planning Code of the City of Sylvania.
  - 3. Execute an agreement to annex the property to the City or a petition for annexation to the City, as determined by the City. Such owner shall exert all efforts to obtain annexation of his or her property, including, if requested by the City, signing an annexation petition. In the case of an agreement to annex to the City, the owner of such land must also agree to require a similar agreement from anyone to whom he or she sells all or any part of his or her land.
  - 4. The water service area is as described in the contract between the City of Sylvania and the City of Toledo dated September 15, 2008, or as hereafter amended.
  - 5. All water main extensions that have been extended pursuant to and subject to this Rule shall be dedicated to the City of Sylvania.
- (e) The Director of Public Service shall review and either approve or deny requests for the extension of water service. The request for extension of water service shall be denied unless the criteria set forth in subsection (d) above are met.

(Ord. \_\_\_\_\_-2009. Passed \_\_\_\_\_-2009.)

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“Exhibit A”