RECORD OF ORDINANCES

Ordinance No. 4-11-2016-4 *Passed* April 11 *20* 16

AN ORDINANCE TO AMEND CHAPTER 1024.04 (WATER SERVICE CHARGES) OF THE BALTIMORE CODIFIED ORDINANCES TO PROVIDE FOR AN OBLIGATION TO ANNEX FOR ALL OUT OF VILLAGE WATER CUSTOMERS, AND THE DECLARATION OF AN EMERGENCY

WHEREAS, the Village desires to amend and clarify its current Water Service Charges provisions relating to the requirement of annexation for any water service customer whose property is located outside the Village corporation limits; and,

WHEREAS, Service Committee has reviewed the proposed amendment and recommends adoption of the same; and,

WHEREAS, the amendment needs to be adopted in a timely fashion in order to maintain expeditious and timely compliance with the Village's ordinances relating to water service charges;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY,
OHIO, THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: That Section 1024.04 (Water Service Charges) of the Baltimore Codified Ordinances, which current reads, in relevant part, as follows:

"1024.04 WATER SERVICE CHARGES.

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(c)(1) Agreement to Annex. Effective January 1, 2014, all prospective water service customers whose properties to be served are located outside the Village corporation limits, shall, as a condition precedent to receiving water services from the Village, be required to annex to the Village as soon as the customer/property owner's property becomes contiguous to the Village, as defined by the applicable annexation statutes set forth in the Ohio Revised Code. The Agreement to Annex shall be recorded with the Fairfield County Recorder, the terms and conditions set forth therein shall run with the land, and the Agreement shall obligate the property owner and all future titleholders to comply with all terms and conditions of the Agreement to Annex.

(2) Credit for advance commitment. Any current or prospective water service customers whose properties currently being serviced or to be serviced are located outside the Village corporation limits, and who commit to receive water services from the Village and execute and complete all necessary documents including but not being limited to an Agreement to Annex on or before January 1, 2014, shall be billed at the water service rates then in effect for water service customers whose properties being serviced are located inside the Village corporate limits."

is hereby amended to read as follows:

"1024.04 WATER SERVICE CHARGES.

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(c)(1) Requirement to Annex. Effective upon the adoption of Ordinance 4-11-2016-4, in order to be able to receive water service from the Village, any water service customer whose property being serviced is located outside the Village corporation limits, is required to annex such property into the Village as soon as the property becomes contiguous to the Village, as set forth in the applicable annexation statutes set forth in the Ohio Revised Code.

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(2) Incentive for Advance Written Commitment to Annex. Any water service customer whose property being serviced is located outside the Village corporate limits and not contiguous to the Village, and who executes an express Agreement to Annex such property into the Village as soon as the property becomes contiguous to the Village, as set forth in the applicable annexations statutes of the Ohio Revised Code, shall be billed at the water service rates then in effect for water service customers whose properties being serviced are located inside the Village corporate limits. The Agreement to Annex shall be recorded with the Fairfield County Recorder, the terms and conditions set forth therein shall run with the land, and the Agreement shall obligate the property owner and all future titleholders to comply with all terms and conditions of the Agreement to Annex."

SECTION 2: For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Baltimore, Ohio. This ordinance shall become effective upon its passage by Council.

Brad Nicodemus, Mayor

DATE OF PASSAGE: 4-11-2016

EFFECTIVE DATE: 4-11-2016

ATTEST: _____
Kathryn E. Jenkins, Fiscal Officer

SPONSOR: Mohler

APPROVED AS TO FORM: _____
Jeffrey Feyko, Village Solicitor