



**CITY OF HAMILTON**  
**Codified Ordinance CHAPTER 927**  
**Public Utilities Generally**

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**927.01 SERVICE CONTRACTS; SALE OF NATURAL GAS AND ELECTRICITY ON THE OPEN MARKET WITHOUT ADVERTISEMENT FOR BIDS; ECONOMIC DEVELOPMENT SUBSIDIES.**

(a) The Director of Electric, Director of Public Works and Director of Gas and Water shall have the power to enter into contracts with consumers pursuant to Chapters [943](#), [935](#), [939](#) and [947](#), respectively.

(b) The Director of Gas and Water shall have the power to enter into contracts for opportunity sales of surplus natural gas (including contracts for natural gas) and transportation capacity, and the Director of Electric shall have the power to enter into contracts for opportunity and other sales of surplus electricity (including contracts for electricity), whether generated or purchased, and for the sale and disposal of ash and other by-products from the generation of electricity, surplus coal and transportation capacity, in each case on the open market without the advertisement for bids, subject to the following conditions:

(1) The terms of the proposed contract shall have been approved by the City Manager.

(2) The request for such approval shall have been accompanied by the recommendation of the Managing Director of Operations.

(3) The annual aggregate quantity of any such sales of electricity shall not exceed 30 MW on an annual basis, without the prior approval of Council.

(4) The duration of any such contract shall not exceed one year, and

(5) The authority for all such contracts for the sale of electricity and natural gas is subject to all applicable limitations imposed by the Ohio Constitution on the authority to dispose of surplus gas and electricity.

Council shall receive a report from the City Manager not less frequently than annually on such sales.

(c) The Director of Electric, Director of Gas and Water and the Director of Public Works may, by contract with a consumer authorized by resolution of the City Council on the recommendation of the City Manager, for the purpose of fostering economic development within the City, provide subsidies in the form of rebates of portions of the charges for product or service of any of the City's utilities provided in the Codified Ordinances. Such rebates shall be only for the period and to the extent authorized by such resolution and payment shall be conditioned on the achievement of the goals and on the schedule and other terms specified in such contract.

(d) Any request to the City Manager for consideration for approval by the City Manager of, or for submission by the City Manager to the City Council for its approval of, a proposed contract for utility product or services pursuant to the Codified Ordinances shall include the recommendation of the Managing Director of Operations and, if such proposed contract provides for any rebate for the purpose of fostering economic development, the recommendation of the City Manager and/or his designated representative with respect thereto.

(Ord. 2001-12-124. Passed 12-26-01; Ord. 2011-8-79. Passed 8-24-11.)

### **927.02 SECURITY FOR UTILITY PAYMENT.**

The Director of Finance shall, after consideration of such recommendations as the Managing Director of Operations may make, determine in what cases and in what amounts security shall be required to be given by the consumer for the payment for utility products or services of the City's utilities, and shall determine whether such security shall be in the form of a deposit of money or otherwise.

(Ord. 2001-12-124. Passed 12-26-01.)

### **927.03 MISUSE OF NAME.**

No person applying for or obtaining any product or service of the City's utilities shall use the name of another or use any name other than his own or the name under which such person is doing business, together with which such person shall give such person's true name.

(Ord. 2001-12-124. Passed 12-26-01.)

### **927.04 MONTHLY METER READING OR ESTIMATE.**

It shall be the duty of the Managing Director of Operations to cause the meter on every service connected to any of the City's utilities to be read or estimated at intervals of approximately one (1) month by an appropriate City employee or the Consumer, with and at least one such reading in every twelve (12) month's period being made by an appropriate City employee.

(Ord. 2001-12-124. Passed 12-26-01.)

### **927.05 COMPUTING THE READING.**

Whenever the meter for any utility product or service of the City's utilities is read, it shall be the duty of the Director of Finance to compare the reading so obtained with the next previous reading and to compute the proper charge to be billed to the consumer. Whenever a meter reading is not available and whenever any meter has for any reason ceased to register, or to register accurately within three percent (3%), then

the Director of Finance shall estimate the amount of product used or service rendered, and such estimate shall be the basis for computing the bill for such period and the basis on which either a bill adjustment action or a refund action shall be determined. Any such refund shall be limited to the preceding twelve (12) month's period. The Director of Finance shall make an estimate of the amount of product consumed or service rendered and such the period between two consecutive readings shall, for the purpose of computing charges, be taken to be a month. Notwithstanding the foregoing, if the meter readings are not indicative of the consumer's actual product or service usage due to unauthorized taking of service, the Director of Finance shall estimate both the amount of product used or service rendered and the time period during which the unauthorized taking occurred and compute an appropriate bill adjustment for such entire period. When a billing error due to City mis-assignment of meters or rate classifications is discovered, the Director of Utilities Operations may issue a refund or bill adjustment in the amount of any overpayment. Any bill adjustment for customers who were under-billed shall be determined by the Director of Utilities Operations. Any such adjustment is limited to a period not to exceed 60 months.

(Ord. 2011-8-74. Passed 8-24-11.)

#### **927.06 BILLING.**

(a) Each bill shall include the charges due for all products and services of the City's utilities that are delivered or provided to the consumer. Upon receipt, payments shall be proportionately divided among the City's utilities. Each bill shall be dated as of its date of mailing and the total amount thereof shall be payable within 20 days from such mailing date.

(b) Each bill shall contain a notice of the last date on which it is payable without a late payment charge and a statement setting forth the charges which will be due for late payment as provided by Section [927.07](#).

(Ord. 2001-12-124. Passed 12-26-01.)

#### **927.07 LATE CHARGES; DELINQUENT UTILITY BILL; DISCONNECTION OF SERVICE.**

(a) If any bill for any product or service of the City's utilities is not paid within 20 days from the date of its mailing, a late charge, in the amount of five percent (5%) shall be imposed on the current month unpaid arrearage. Additionally, a late charge of one percent (1%) per month shall accrue on any unpaid arrearage commencing on the next due date (or what would have been the next due date if service is terminated) for such customer's next utility bill and continuing to accrue on such unpaid arrearage on

all future due dates thereafter until the unpaid arrearage and late charges are paid in full.

(Ord. 2001-12-124. Passed 12-26-01.)

(b) Any utility account shall be deemed delinquent and subject to the City's disconnection of service procedures for nonpayment if for any given bill containing an arrearage, full payment or satisfactory arrangements for payment have not been made within the time set forth in Section [927.06\(a\)](#). The City Manager or his designee shall have the authority to disconnect any or all public utility services to the consumer from whom a delinquent bill is due. Utility service shall not be resumed or reconnected at a location where it has been disconnected, nor installed or connected at any other location for any consumer with a delinquent utility account, until all outstanding bills for utility services have been paid in full or satisfactory arrangements have been made for the payment of the same.

(Ord. 2015-2-6. Passed 2-11-15.)

(c) Payments made shall be applied first to late charges, then to arrearages.

(d) Returned Check Charge. In addition to adding late payment charges as appropriate, the City shall charge and collect a fee of twenty-five dollars (\$25.00) to cover the cost of handling a check which a customer tenders in payment of an account and which is returned by the bank because it cannot be paid as ordered.

(Ord. 2001-12-124. Passed 12-26-01.)

(e) Illegal Reconnection Charge. In addition to any fee or charge authorized by this or any other chapter of these Codified Ordinances, if any or all public utility services to the consumer have been disconnected by the City Manager or his designee, and if the public utility services or service are found to have been reconnected without prior City authorization, a fee of two hundred fifty dollars (\$250.00) shall be assessed and paid in full by the consumer prior to reconnection of any utility service to a consumer. The consumer shall pay said amount personally at Customer Service Division of the Department of Finance.

(Ord. 2003-8-70. Passed 8-13-03.)

### **927.08 QUALIFIED PAYMENT PLAN FOR CERTAIN UTILITY CONSUMERS.**

(a) There is hereby established a qualified payment plan for those consumers of the City's utilities who meet both of the following criteria:

(1) Their primary source of income is benefits under Social Security, Supplementary Security Income, Social Security Disability, Railroad Pensions, Veterans' Pension and/or Disability, Disability Black Lung, or any other retirement and/or pension program; and

(2) At the time of application for said qualified payment plan, their utility account has a zero balance consisting of only their current bill which is due but not yet past its due date.

(b) Any consumer who meets the criteria for the qualified payment plan may make application to the Customer Services Division of the Department of Finance. Applicants shall be required to provide proof of eligibility. All participants in the qualified payment plan shall not incur a penalty for late payment provided that:

(1) Such customers maintain a zero balance on their account; or,

(2) A balance consists of only their current bill which is due and such bill is paid in full prior to the date on which the following month's bill is due.

All other provisions of this chapter and the Rules and Regulations of the respective utility for the collection of aforesaid charges shall apply to those customers under the aforesaid qualified payment plan.

(Ord. 2001-12-124. Passed 12-26-01.)

#### **927.09 RULES AND REGULATIONS.**

The Director of Electric, Director of Public Works and the Director of Gas and Water shall make, and from time to time may amend, revoke or add to, such rules and regulations not inconsistent with the Codified Ordinances as such Director may deem appropriate and in the best interest of the City and respective electric, wastewater, gas and water system utility operations in respect of the management, operations and provision of the services and products thereof.

(Ord. 2001-12-124. Passed 12-26-01.)

#### **927.10 SERVICE OUTSIDE CITY.**

(a) Nothing in the Codified Ordinances is intended to confer any right to Utility products or services for premises outside the corporate limits of the City.

(b) Applications for the service or products of any of the City's utilities, to be rendered or delivered at or upon premises outside the City, where such services or products can be rendered or delivered from mains, pipes or lines already in service, may be granted by the Managing Director of Operations, subject to the approval of the City Manager.

(c) Applications for the service or products of any of the City's utilities, to be rendered or delivered at or upon premises outside the City, in cases wherein the installation or extension of mains, pipes or lines is required, shall be accompanied by a petition in form and substance satisfactory to the City Manager, signed by the owners of the premises to be served and addressed to the City Council, agreeing to install or extend, or to cause the installation or extension of, and bear the expense of such mains, pipes or lines and furnish any necessary or appropriate easements according to the specifications and other requirements of the City, and subject to the supervision and inspection of the City. The owners shall further agree that after such mains, pipes or lines are installed or extended, the City may take full charge and control thereof, and such mains, pipes or lines shall become the property of the City, without the payment of any money therefor by the City. If the Council by resolution authorizes the granting of any such petition, the respective Directors shall supervise and inspect, all at the expense of the petitioners, the construction of such mains, pipes or lines. In lieu of supervising such construction, with the prior approval of the City Manager, the City may at such owners' expense construct such facilities under arrangements approved by the City Manager.

(Ord. 2001-12-124. Passed 12-26-01.)

#### **927.11 TAMPERING WITH UTILITIES PROPERTY.**

No person shall in any manner break, injure, deface, damage or destroy any of the equipment or facilities belonging to or connected with the operation of any of the City's utilities.

(Ord. 2001-12-124. Passed 12-26-01.)

#### **927.12 UNAUTHORIZED TAKING OF SERVICE.**

(a) No person shall tamper with any gas meter, water meter or electric meter for any product of any of the City's utilities, or with any connection between any such meter and the service or main, or manipulate any connection or part of any such meter so as to cause it to fail to register or to register inaccurately.

(b) No person shall make or arrange or permit to be made or arranged any by-pass, shunt or other connection around any such meter by means of which the commodity or service is or might be obtained or taken without being registered on such meter.

(c) Except in cases wherein special temporary service connections have been properly authorized and such authorization includes the payment for the product and/or service being determined without a meter, no person shall take or obtain any product or service of any of the City's utilities except through the meter installed by or with the approval of the City to measure such product or service.

(d) The Director of Finance, or his designee, shall be responsible for investigating alleged unauthorized taking cases and taking appropriate action--including prosecution if warranted.

(Ord. 2001-12-124. Passed 12-26-01.)

**927.13 PROHIBITION OF THE RESALE OF OR SURCHARGE FOR UTILITY SERVICES.**

Except as otherwise provided in these Codified Ordinances to the contrary, no entity or person shall do any of the following with respect to charges imposed by the City for the receipt of any of the City's utilities' products or services:

(a) Resell such products or services to another at rates greater than those established by these Codified Ordinances for the same quantity of product or service if it were provided directly by the City's utility to such other, or

(b) Charge in excess of the sum of the total quantity of product or service units recorded at the meter as having been delivered to that location where a single meter measures the total product or service received at a multiple-user location and where more than one statement for product or service is then prepared and distributed by someone other than the City and sent to a third party.

By virtue of their application, applicants for any of the City's utilities products or services expressly agree (i) to permit and cooperate in such inquiries and investigations as the City deems necessary to monitor compliance with the foregoing and (ii) to the disconnection of utility service if a violation of the foregoing is discovered.

(Ord. 2001-12-124. Passed 12-26-01.)

**927.14 FINE; RESTITUTION.**

In addition to any disconnection of utility service, whoever violates any provision of Sections [927.03](#), [927.11](#), [927.12](#) or [927.13](#) of the Codified Ordinances shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) or imprisoned not less than twenty days nor more than sixty days, or both, per violation and, in addition shall be ordered to make restitution for the full amount of any overcharge and for all costs and damages.

(Ord. 2001-12-124. Passed 12-26-01.)



**927.15 UTILITY APPEALS BOARD.**

(a) A Utility Appeals Board to be appointed by the Council of the City of Hamilton, Ohio, consisting of five (5) members who are all residents of the City is hereby created as follows:

- (1) One (1) member of the City's Public Utilities Commission;
- (2) One (1) private citizen;
- (3) One (1) small business owner, which business shall be located within the City of Hamilton, Ohio; and
- (4) Two members of the City's Administration to be appointed by the City Manager.

The members of the Utility Appeals Board shall be appointed for a term of three (3) years; however, two (2) members of the first Board of Review shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, and one (1) member shall be appointed for three (3) years. When necessary and subject to prior approval of the City Council, the members of the Board may name alternates who must be residents of the City. A majority of the members of the Board shall constitute a quorum. Each Utility Appeals Board created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are public records available for inspection under Section 149.43 of the Ohio Revised Code. Hearings requested by a utility account holder before a Board of Review created pursuant to this section are meetings of a public body subject to Section 121.22 of the Ohio Revised Code.

(b) Any person who is aggrieved by a decision of a Utility Director or the Director of Finance regarding an earlier appeal may appeal that decision to the Utility Appeals Board by filing a request with the Board. The request shall be in writing, shall state with particularity why the decision should be deemed incorrect or unlawful, and shall be filed within ten (10) days after the date of the decision of the appropriate Director about which the customer takes the second appeal to the Board.

(c) Safety issues as determined by the Director of Utility Operations or any individual utility Director will not be the basis for an appeal before the City of Hamilton Utilities Appeals Board.

(d) The inability to pay for the utility services as prescribed by the codified ordinances of the City of Hamilton is not a basis for an appeal.

(e) Such Utility Appeals Board shall be granted the authority to adjust billing and penalty when it deems just and reasonable, including but not limited to permitting a

variance in the billing when the Board determines that special conditions exist which require such deviation. The Board shall meet from time to time and shall hear the appeals and consider the billing complaints from utility customers.

(f) The Utility Appeals Board shall schedule a hearing within thirty (30) days after receiving the request, unless the customer making the request waives a hearing.

(g) If the customer making the request does not waive the hearing, he/she may appear before the Utility Appeals Board and may be represented by a representative of his/her choosing.

(h) The Board may affirm, reverse, or modify the decision on the appeal made by the Utility or Finance Director or any part of that decision. The Utility Appeals Board shall issue a decision on the appeal within fourteen (14) days after the Board's Final Hearing on the appeal, and send notice of its decision by ordinary mail to the petitioner within five (5) days after issuing the decision.

(i) The decision of the Utility Appeal Board shall be final.

(Ord. 2012-7-54. Passed 7-3-12.)

**927.16 GENERAL FUND OPERATIONS OF THE MUNICIPALITY TO BE EXEMPT FROM FEES FOR WATER AND WASTEWATER SERVICE AND TO BE CHARGED MODIFIED FEES FOR GAS SERVICE.**

(a) Notwithstanding the provisions of Chapter [939](#), the fees set forth therein for water service shall not apply to General Fund Operations of the municipality, effective July 9, 2008.

(b) Notwithstanding the provisions of Chapter [935](#), the fees set forth therein for wastewater service shall not apply to General Fund Operations of the municipality, effective July 9, 2008.

(Ord. 2008-7-64. Passed 7-9-08.)

(c) Notwithstanding the provisions of Chapter [947](#), the fees set forth therein for gas service shall not apply to General Fund Operations of the municipality.

(Ord. 2009-6-50. Passed 6-8-09.)

**927.17 SINGLE HOUSE METERS FOR MULTI-FAMILY RESIDENTIAL STRUCTURES.**

In instances where a single meter serves more than one dwelling unit within a multi-family structure, the utility account shall remain in the property owner's name until

such time as the property owner undertakes to provide or have separate metering provided for each separate dwelling unit.

(Ord. 2009-12-121. Passed 12-21-09.)

**927.18 METER ACCESS AND LOCATION.**

The City reserves the right to require access to its meters and metering equipment and the property owner shall provide for such access. If access is not provided to the meter or it is located in an area subject to damage as determined by the City, the City shall require the meter to be relocated at the expense of the property owner. Failure to provide access and/or relocate meters as required by the City shall result in disconnection of services.

(Ord. 2009-12-121. Passed 12- 21-09.)