

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 85

Senator Ingram

Cosponsors: Senators Craig, Hicks-Hudson, DeMora



A BILL

To amend section 6117.02 of the Revised Code to 1
expand eligibility for county sewer discounted 2
rates or charges. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 6117.02 of the Revised Code be 4
amended to read as follows: 5

Sec. 6117.02. (A) The board of county commissioners shall 6
fix reasonable rates, including penalties for late payments, for 7
the use, or the availability for use, of the sanitary facilities 8
of a sewer district to be paid by every person and public agency 9
whose premises are served, or capable of being served, by a 10
connection directly or indirectly to those facilities when those 11
facilities are owned or operated by the county and may change 12
the rates from time to time as it considers advisable. When the 13
sanitary facilities to be used by the county are owned by 14
another public agency or person, the schedule of rates to be 15
charged by the public agency or person for the use of the 16
facilities by the county, or the formula or other procedure for 17
their determination, shall be approved by the board at the time 18

it enters into a contract for that use. 19

(B) The board also shall establish reasonable charges to 20
be collected for the privilege of connecting to the sanitary 21
facilities of the district, with the requirement that, prior to 22
the connection, the charges shall be paid in full, or, if 23
determined by the board to be equitable in a resolution relating 24
to the payment of the charges, provision considered adequate by 25
the board shall be made for their payment in installments at the 26
times, in the amounts, and with the security, carrying charges, 27
and penalties as may be found by the board in that resolution to 28
be fair and appropriate. No public agency or person shall be 29
permitted to connect to those facilities until the charges have 30
been paid in full or provision for their payment in installments 31
has been made. If the connection charges are to be paid in 32
installments, the board shall certify to the county auditor 33
information sufficient to identify each parcel of property 34
served by a connection and, with respect to each parcel, the 35
total of the charges to be paid in installments, the amount of 36
each installment, and the total number of installments to be 37
paid. The auditor shall record and maintain the information 38
supplied in the sewer improvement record provided for in section 39
6117.33 of the Revised Code until the connection charges are 40
paid in full. The board may include amounts attributable to 41
connection charges being paid in installments in its billings of 42
rates and charges for the use of sanitary facilities. 43

(C) When any of the sanitary rates or charges are not paid 44
when due, the board may do any or all of the following as it 45
considers appropriate: 46

(1) Certify the unpaid rates or charges, together with any 47
penalties, to the county auditor, who shall place them upon the 48

real property tax list and duplicate against the property served 49
by the connection. The certified amount shall be a lien on the 50
property from the date placed on the real property tax list and 51
duplicate and shall be collected in the same manner as taxes, 52
except that, notwithstanding section 323.15 of the Revised Code, 53
a county treasurer shall accept a payment in that amount when 54
separately tendered as payment for the full amount of the unpaid 55
sanitary rates or charges and associated penalties. The lien 56
shall be released immediately upon payment in full of the 57
certified amount. 58

(2) Collect the unpaid rates or charges, together with any 59
penalties, by actions at law in the name of the county from an 60
owner, tenant, or other person or public agency that is liable 61
for the payment of the rates or charges; 62

(3) Terminate, in accordance with established rules, the 63
sanitary service to the particular property and, if so 64
determined, any county water service to that property, unless 65
and until the unpaid sanitary rates or charges, together with 66
any penalties, are paid in full; 67

(4) Apply, to the extent required, any security deposit 68
made in accordance with established rules to the payment of 69
sanitary rates and charges for service to the particular 70
property. 71

All moneys collected as sanitary rates, charges, or 72
penalties fixed or established in accordance with divisions (A) 73
and (B) of this section for any sewer district shall be paid to 74
the county treasurer and kept in a separate and distinct 75
sanitary fund established by the board to the credit of the 76
district. Except as otherwise provided in any proceedings 77
authorizing or providing for the security for and payment of any 78

public obligations, or in any indenture or trust or other 79
agreement securing public obligations, moneys in the sanitary 80
fund shall be applied first to the payment of the cost of the 81
management, maintenance, and operation of the sanitary 82
facilities of, or used or operated for, the district, which cost 83
may include the county's share of management, maintenance, and 84
operation costs under cooperative contracts for the acquisition, 85
construction, or use of sanitary facilities and, in accordance 86
with a cost allocation plan adopted under division (E) of this 87
section, payment of all allowable direct and indirect costs of 88
the district, the county sanitary engineer or sanitary 89
engineering department, or a federal or state grant program, 90
incurred for sanitary purposes under this chapter, and shall be 91
applied second to the payment of debt charges payable on any 92
outstanding public obligations issued or incurred for the 93
acquisition or construction of sanitary facilities for or 94
serving the district, or for the funding of a bond retirement or 95
other fund established for the payment of or security for the 96
obligations. Any surplus remaining may be applied to the 97
acquisition or construction of those facilities or for the 98
payment of contributions to be made, or costs incurred, for the 99
acquisition or construction of those facilities under 100
cooperative contracts. Moneys in the sanitary fund shall not be 101
expended other than for the use and benefit of the district. 102

(D) The board may fix reasonable rates and charges, 103
including connection charges and penalties for late payments, to 104
be paid by any person or public agency owning or having 105
possession or control of any properties that are connected with, 106
capable of being served by, or otherwise served directly or 107
indirectly by, drainage facilities owned or operated by or under 108
the jurisdiction of the county, including, but not limited to, 109

properties requiring, or lying within an area of the district 110
requiring, in the judgment of the board, the collection, 111
control, or abatement of waters originating or accumulating in, 112
or flowing in, into, or through, the district, and may change 113
those rates and charges from time to time as it considers 114
advisable. In addition, the board may fix the rates and charges 115
in order to pay the costs of complying with the requirements of 116
phase II of the storm water program of the national pollutant 117
discharge elimination system established in 40 C.F.R. part 122. 118

The rates and charges shall be payable periodically as 119
determined by the board, except that any connection charges 120
shall be paid in full in one payment, or, if determined by the 121
board to be equitable in a resolution relating to the payment of 122
those charges, provision considered adequate by the board shall 123
be made for their payment in installments at the times, in the 124
amounts, and with the security, carrying charges, and penalties 125
as may be found by the board in that resolution to be fair and 126
appropriate. The board may include amounts attributable to 127
connection charges being paid in installments in its billings of 128
rates and charges for the services provided by the drainage 129
facilities. In the case of rates and charges that are fixed in 130
order to pay the costs of complying with the requirements of 131
phase II of the storm water program of the national pollutant 132
discharge elimination system established in 40 C.F.R. part 122, 133
the rates and charges may be paid annually or semiannually with 134
real property taxes, provided that the board certifies to the 135
county auditor information that is sufficient for the auditor to 136
identify each parcel of property for which a rate or charge is 137
levied and the amount of the rate or charge. 138

When any of the drainage rates or charges are not paid 139
when due, the board may do any or all of the following as it 140

considers appropriate:	141
(1) Certify the unpaid rates or charges, together with any penalties, to the county auditor, who shall place them upon the real property tax list and duplicate against the property to which the rates or charges apply. The certified amount shall be a lien on the property from the date placed on the real property tax list and duplicate and shall be collected in the same manner as taxes, except that notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in that amount when separately tendered as payment for the full amount of the unpaid drainage rates or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.	142 143 144 145 146 147 148 149 150 151 152 153
(2) Collect the unpaid rates or charges, together with any penalties, by actions at law in the name of the county from an owner, tenant, or other person or public agency that is liable for the payment of the rates or charges;	154 155 156 157
(3) Terminate, in accordance with established rules, the drainage service for the particular property until the unpaid rates or charges, together with any penalties, are paid in full;	158 159 160
(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of drainage rates and charges applicable to the particular property.	161 162 163 164
All moneys collected as drainage rates, charges, or penalties in or for any sewer district shall be paid to the county treasurer and kept in a separate and distinct drainage fund established by the board to the credit of the district. Except as otherwise provided in any proceedings authorizing or	165 166 167 168 169

providing for the security for and payment of any public 170
obligations, or in any indenture or trust or other agreement 171
securing public obligations, moneys in the drainage fund shall 172
be applied first to the payment of the cost of the management, 173
maintenance, and operation of the drainage facilities of, or 174
used or operated for, the district, which cost may include the 175
county's share of management, maintenance, and operation costs 176
under cooperative contracts for the acquisition, construction, 177
or use of drainage facilities and, in accordance with a cost 178
allocation plan adopted under division (E) of this section, 179
payment of all allowable direct and indirect costs of the 180
district, the county sanitary engineer or sanitary engineering 181
department, or a federal or state grant program, incurred for 182
drainage purposes under this chapter, and shall be applied 183
second to the payment of debt charges payable on any outstanding 184
public obligations issued or incurred for the acquisition or 185
construction of drainage facilities for or serving the district, 186
or for the funding of a bond retirement or other fund 187
established for the payment of or security for the obligations. 188
Any surplus remaining may be applied to the acquisition or 189
construction of those facilities or for the payment of 190
contributions to be made, or costs incurred, for the acquisition 191
or construction of those facilities under cooperative contracts. 192
Moneys in the drainage fund shall not be expended other than for 193
the use and benefit of the district. 194

(E) A board of county commissioners may adopt a cost 195
allocation plan that identifies, accumulates, and distributes 196
allowable direct and indirect costs that may be paid from each 197
of the funds of the district created pursuant to divisions (C) 198
and (D) of this section, and that prescribes methods for 199
allocating those costs. The plan shall authorize payment from 200

each of those funds of only those costs incurred by the 201
district, the county sanitary engineer or sanitary engineering 202
department, or a federal or state grant program, and those costs 203
incurred by the general and other funds of the county for a 204
common or joint purpose, that are necessary and reasonable for 205
the proper and efficient administration of the district under 206
this chapter and properly attributable to the particular fund of 207
the district. The plan shall not authorize payment from either 208
of the funds of any general government expense required to carry 209
out the overall governmental responsibilities of a county. The 210
plan shall conform to United States office of management and 211
budget Circular A-87, "Cost Principles for State, Local, and 212
Indian Tribal Governments," published May 17, 1995. 213

(F) A board of county commissioners may establish 214
discounted rates or charges or may establish another mechanism 215
for providing a reduction in rates or charges for persons who 216
are ~~sixty-five~~ any of the following: 217

~~(1) Sixty-five years of age or older. The board shall~~ 218
~~establish eligibility requirements for such discounted or~~ 219
~~reduced rates or charges, including a requirement that a person~~ 220
~~be eligible for the homestead exemption or qualify as a low~~ 221
~~and;~~ 222

(2) Low- and moderate-income person. persons; 223

(3) Experiencing temporary hardship. 224

Section 2. That existing section 6117.02 of the Revised 225
Code is hereby repealed. 226