

## ORDINANCE NO. 2015-045

### AN ORDINANCE ENACTING NEW CODIFIED SECTIONS 521.011, 521.012, AND 521.013 FOR THE CITY OF FINDLAY, OHIO.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That new Sections 521.011, 521.012, and 521.013 of the Codified Ordinance of the City of Findlay, Ohio be and the same is hereby enacted to read as follows:

#### **521.011 CREATION AND MEMBERSHIP**

- A. **CREATION.** A Utility Termination Board of Appeals, hereafter referred to as the "Board", shall be established to hear appeals of consumers who have been served with a notice of termination of water service pursuant to the City's authority to exercise all powers of local self-government and to enforce such local police, sanitary and other similar health regulations.
- B. **MEMBER COMPOSITION.** The Board shall consist of five (5) members, all of whom shall be electors of the City and who shall be appointed as follows: Four members of the Board shall be appointed by the Mayor, with the consent and approval of Council. One member of the Board shall be a member of City Council appointed by the Council President Pro Tempore.
- C. **TERMS.** The members of the Board appointed by the Mayor shall hold office for terms of four (4) years, and their terms shall be staggered so that not more than two shall expire in any one year. The Council President Pro Tempore appointment shall serve at the pleasure of the President Pro Tempore.
- D. **VACANCIES.** The Mayor shall appoint a new member to fill any vacancy for the unexpired term created by a resignation, or otherwise, of any of his/her appointments. Any such appointments shall be subject to Council confirmation.
- E. **CONTINUITY.** All members shall serve until their successors are appointed and qualified.
- F. **REMOVAL.** Members appointed by the Mayor may be removed for cause or otherwise.

#### **521.012 ORGANIZATION**

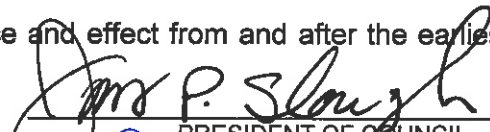
- A. **OFFICERS AND PROCEEDINGS.** The Board shall, within ten days after appointment, meet and organize by electing a chairman, a vice-chairman and a secretary from their membership. All meetings of the Board shall be held at the call of the chairman, or on the written request to the chairman of two (2) members of the Board, and at such time and places as the chairman may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and require the attendance of witnesses. All meetings of the Board shall comply with requirements of Ohio's open meeting laws.
- B. **RECORD KEEPING.** The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent, or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. The Board may adopt its own rules of procedure. Every order, requirement, decision or determination of the Board shall be filed in the Mayor's Office and shall become a public record.

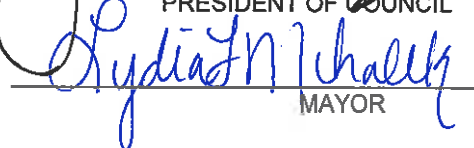
- C. OPERATIONS. In the performance of its duties, the Board may incur such expenditures as shall be authorized by Council. Each member of the Board shall serve without compensation.
- D. QUORUM. A majority of the members of the Board shall constitute a quorum; but no action of said Board shall be official unless such action be taken or authorized by a quorum of the Board.

**521.013 JURISDICTION**

- A. APPEALS. The Board shall hear appeals from any notice of termination of water service issued by the Zoning Administrator and/or NEAT Department personnel. Such appeal shall be taken within such time as shall be prescribed by the Board in its rules, and by filing with the Mayor's Office a notice of appeal, specifying the grounds thereof. The Mayor's Office shall transmit to the Board all facts constituting the record on which the action of appeal is taken.
- B. STAY OF PROCEEDINGS. An appeal shall stay all proceedings in furtherance of the action appealed from.
- C. SET MEETING. The Board shall fix a time for the hearing of an appeal and give not less than ten (10) days' notice thereof to the parties, in accordance with its rules of procedure, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- D. BOARD ACTION. The Board may deny, affirm or modify the officer's request for water service termination, as in its opinion shall seem just and fair, and to that end, the Board shall have all the powers of the officer from whom the appeal is taken.
- E. APPEAL OF BOARD ACTION. After hearing as provided above, any person adversely affected by any order issued by the Board may appeal from the order of the Board to the Court of Common Pleas. Any party desiring to appeal shall file a notice of appeal with the Board setting forth the order appealed from and the grounds for appeal. A copy of such notice of appeal shall also be filed in the Court of Common Pleas by the party appealing. Such notice of appeal shall be filed within thirty days after the filing of a decision of the Board in the office of the Mayor's Office. Such appeal may be on questions of law or on questions of law and fact. The filing of a notice of appeal in the office of the Mayor shall stay all proceedings appealed from until the Court of Common Pleas has rendered a decision on the matter. The provisions of the Ohio Revised Code shall further govern all appeals under the provisions of this Chapter.

SECTION 2: This Ordinance shall be in full force and effect from and after the earliest period provided by law.

  
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 PRESIDENT OF COUNCIL

  
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 MAYOR

PASSED: June 16, 2015

ATTEST: Denise DeVore  
CLERK OF COUNCIL

APPROVED: June 16, 2015