



Legislation Text

File #: O-359-21, **Version:** 1

Council Members Gadus and Komives

Repealing Toledo Municipal Code Section 933.06, Resale of Water and Enacting a New Toledo Municipal Code Section 933.06, Resale of Water.

SUMMARY & BACKGROUND:

On January 14, 1986, Toledo City Council enacted the Toledo Municipal Code Section 933.06 regarding the resale of water stating: “No person shall re-sell water provided by the Department of Public Utilities unless specifically authorized by contract with the Department of Public Utilities to do so.” Since its passing, its ambiguous nature has allowed landlords and land owners to charge tenants a separate fee for the furnishing of water service, which is a service provided by the Department of Public Utilities. This revision will provide the tenant with direct access to account information and will assure that tenants are not charged more than the actual cost of the services received.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Section 933.06 Resale of Water, which read as follows, is hereby repealed.

933.06. Resale of water.

No person shall re-sell water provided by the Department of Public Utilities unless specifically authorized by contract with the Department of Public Utilities to do so.

SECTION 2. That a new Toledo Municipal Code Section 933.06 is hereby enacted.

933.06. Resale of water.

No person shall re-sell water provided by the Department of Public Utilities unless specifically authorized by contract with the Department of Public Utilities to do so. This prohibition on the re-selling of water services without authorization includes but is not limited to the following:

- (a) Residential buildings and housing complexes with more than one rental unit.** Unless specifically authorized by contract that includes requirements for sub-metering of each rental unit with the Department of Public Utilities, no one may charge tenants living in a building or complex with more than one rental unit for any past or future water consumption or otherwise bill the tenants in any way for water or sewer services that were supplied by the Department of Public Utilities. The prohibition described in this paragraph includes, but is not limited to, billing tenants based on a ratio utility billing system that divides the bill among tenants based on certain criteria, and billing tenants less than the total amount that the owner pays for water or sewer services. This paragraph only applies to residential properties.

- (b) **Single-family residential homes.** No one, other than the Department of Public Utilities, may charge, bill, or in any way demand payment for water or sewer services supplied by the Department of Public Utilities to a tenant living in a building with one rental unit, such as a single-family home, unless the account holder gives the tenant authority, through a form designated by the Department of Public Utilities to receive the bill directly and communicate directly with the Department of Public Utilities about the account, and in no event may the tenant be charged more for water or sewer services than the amount charged by the Department of Public Utilities on the account. This paragraph only applies to residential properties.
- (c) **Penalties.** Penalties for a violation of this section may include, but are not limited to, \$200.00 per each bill or any other demand for payment sent in violation of this section. In no event may a landlord pass on any penalties assessed for noncompliance with this chapter to a tenant or request that the tenant pay the fees.
- (d) Nothing in this Section shall be construed to prohibit the Department of Public Utilities from adopting administrative rules to implement of this Section.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and 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 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Vote on emergency clause: yeas 12, nays 0.

Passed: August 17, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

August 17, 2021
Wade Kapszukiewicz
Mayor