



## Legislation Text

---

**File #: O-310-21, Version: 1**

---

### DPU060821AMENDTMC

Water Distribution

Abed Semaan (x1702)

Repealing the existing Toledo Municipal Code Chapter 937, “Water Meters” and enacting a new Chapter 937, “Water Meters”; and declaring an emergency.

#### SUMMARY & BACKGROUND:

As authorized by Ordinances 339-18, 291-19, 232-20 and 364.20, the Department of Public Utilities (“DPU”) is implementing an Automatic Meter Reading (“AMR”) and Advanced Meter Infrastructure (“AMI”) and Leak Detection System Project (“Project”). The Project will improve the water distribution system’s infrastructure, reduce lost revenue due to leakage or meter inefficiency, reduce operating costs, provided real-time utility consumption and cost data, improve customer service, and reduce costs and response time for resolving customer issues due to improved system information. The implementation of AMR-AMI Project involves the replacement or both large and small meters for both residential and commercial/industrial customers.

Currently under the provisions of Ch. 937 of the Toledo Municipal Code (“TMC”), the city owns and is responsible for all small meters (meters 1.5” or smaller) and the customers owns and is responsible for large meters (over 1.5”) or auxiliary meters. As the Project is implemented and the large meters are replaced or repaired with additional components, effective management and operation of the AMR-AMI system, and to fully realize the cost and revenue benefits of the Project, requires that the City own the meters and control the ongoing measurement, calibration and maintenance of the meters and related components.

This Ordinance amends TMC Chapter 937 to provide that the city will provide and own both large as well as the small meters connected to the Toledo water distribution system. This change is consistent as well with the provisions of the regional water agreements as approved by Council.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: 0
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): none (other than code changes generally support AMR-AMI project anticipated to have positive revenue impacts)
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)?: no (relative to this ord.)
- Is this a capital project (yes/no)?: N/A (changes to code necessary to AMR-AMI Project)
- If yes, is it new or existing (new/existing)?: N/A
- What section of the City’s Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes

- Workplace Culture & Customer Service (yes/no) yes
- Environment (yes/no) yes

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

SECTION 1. That the current Toledo Municipal Code Chapter 937, Water Meters, which is attached hereto and incorporated herein in its entirety as Exhibit A, is repealed.

SECTION 2. That a new Toledo Municipal Code Chapter 937, Water Meters, is enacted to read as follows:

- 937.01 Meters to be furnished by the City.
- 937.02 Assignment of private-owned meters to City.
- 937.03 Responsibility for Repair, Calibration and Replacement.
- 937.04 Further purchases of used meters prohibited.
- 937.05 Customer’s responsibility for meters and remote registers.

**CROSS REFERENCES**

When City water is not used - see S.U. & P.S.929.04  
Tampering with water hydrants, pipes or meters; unauthorized connections-see Ohio R.C. 4933.22, S.U. & P.S. 939.07  
Meter water rates-see S.U. & P.S. 933.02  
Meter applied to fire pipe-see S.U. & P.S. 939.02 Damaging property-see S.U. & P.S. 939.05

**937.01 Meters to be furnished by the City.**

All water meters of any size used to meter water usage to any customer of the City water utility shall be furnished by the Department of Public Utilities (“DPU”) Division of Water at its own expense, which water meters shall be set by the employees of the Division of Water or by a third party contractor pursuant to a contract with the City duly made in accord with law. No meter make, model or design other than that approved, adopted and meeting the requirements or specifications of the Director of the Department Public Utilities or his/her designee shall be set or used for water measurement.

**937.02 Assignment of privately owned meters to City.**

The Mayor or the Director of the Department of Public Utilities as appropriate are hereby authorized to enter into agreements with individual meter owners, that own meters in accord with earlier prior provisions of this Chapter 937, providing for the taking of title by the DPU Division of Water of meters that the City agrees shall continue to be used to meters water after the date of transfer of ownership to the City, and that the City agrees to repair or alter at its expense to comply with the City’s Automated Meter Reading (“AMI”) and Advanced Meter Infrastructure (“AMI”)system. The consideration for the transfer of ownership of an existing water meter, qualifying under this section, shall be the agreement by DPU to pay for necessary repair or improvements, or the addition of necessary components to make the meter compliant with the AMR-AMI system and DPU’s acceptance of general repairs, calibration and maintenance responsibilities going forward in accord with Section 937.03.

Nothing in this chapter shall be construed as compulsory in relation to water consumers turning over their meters to the City. However, all meters owned by consumers must comply with the meter requirements and specifications adopted by the Director of the Department of Public Utilities or his/her designee. The provisions of Section 937.03 shall not apply to a consumer that elects to continue to own their existing meter; and that consumer shall continue to be responsible for all costs of calibration, maintenance, and repair necessary to comply with meter requirements and specifications.

**937.03 Responsibility for Repair, Calibration and Replacement.**

The Department of Public Utilities, Division of Water shall be responsible for costs of maintenance, calibration, repair or replacement of city-owned meters, except as provided in Section 937.05.

**937.04. Further purchases of used meters prohibited.**

Except for the consideration stated in Section 937.02, purchases of used water meters by the Division of Water are

hereby terminated.

**937.05 Customer's responsibility for meters and remote registers.**

- (a) In all cases where the Department of Public Utilities has furnished a water meter and/or remote register, at its expense, or has acquired title to any water meter as provided in Section 937.02, the customer will be charged and held responsible for all damages, repairs or costs of replacement occasioned by frost, hot water, or neglect on the part of such customer, as determined by the Department of Public Utilities.
- (b) Customers shall be held responsible for, and shall reimburse the Department of Public Utilities for the loss or theft of any meter and/or remote register provided by the Department of Public Utilities.

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 is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary to improve the safety of streets and neighborhoods within the City of Toledo.

Vote on emergency clause: yeas 11, nays 0.

Passed: June 8, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Cerssandra McPherson  
President Pro Tempore of Council

Approved:

June 8, 2021  
Wade Kapszukiewicz  
Mayor