

**AN ORDINANCE AMENDING SECTION 52.116 WATER RATES AND
MUNICIPALITY OF THE CODE OF ORDINANCES FOR THE
MUNICIPALITY OF WEST MILTON, OHIO**

WHEREAS, it has been determined that Section 52.116(D) is no longer feasible, due to the increased cost of providing water to the Village of West Milton; and

WHEREAS, it is the desire of Council to repeal the language currently existing in this code section in order to maintain the fiscal stability of the water fund.

NOW, THEREFORE, Be it ordained by the Council for the Village of West Milton, Ohio as follows:

SECTION I: The language contained in the existing Section of the West Milton Code of Ordinances 52.116(D) is hereby repealed and the remaining subsections are renumbered and modified to reflect this change as follows:

~~(D) — Each customer who is permanently and totally disabled, as defined herein, and each customer who has attained age 62 prior to January 1 of the year of application hereunder, whose total income is less than the amount specified in the “Annual Update of the Poverty Income Guidelines”, published by the U.S. Department of Health and Human Services in the February edition of the Federal Register, and complies with all provisions of this section, then he or she is eligible for a 20% reduction in the sewer rate schedule. In no case shall the total income level be less than \$7,000.~~

~~(1) — For the purpose of this section, PERMANENTLY AND TOTALLY DISABLED shall mean a customer who has, on January 1 of the year of application for reduction in the (water) rate schedule, some impairment in body or mind that makes him unfit to work at any substantially remunerative employment which he is reasonably able to perform and, which will, with reasonable probability, continue for an indefinite period of at least 12 months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.~~

~~(2) — For the purpose of this section, TOTAL INCOME shall mean the adjusted gross income of the customer and his or her spouse for the year preceding the year in which application for a reduction in the water rate schedule is made, as determined in the “Annual Update of the Poverty Income Guidelines”, a copy of which shall be on file at the municipal building.~~

~~(3) — To obtain a reduction in the rate schedule under this section, the customer shall file an application with the Director of Finance of the municipality by December 15 prior the year for which the application is applicable. The application shall be in a form devised and supplied by the Director of Finance, which shall require no more information than is necessary to establish the applicant’s eligibility for the reduction in water rate schedule. The application shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the Director of Finance to examine any financial records that relate to income earned by the customer as stated on the application, for the purpose of determining eligibility.~~

~~(4) — Each customer determined to be eligible shall file a new application for reduction each succeeding year.~~

~~(E)~~ **(D)** (Current language remains unchanged)

SECTION III: This Ordinance shall become effective from and after January 1, 2016.

Passed this _____ day of _____ 2015.

Jason Tinnerman, Mayor

ATTEST:

Linda L. Cantrell, CAP/OM
Clerk of Council

APPROVED TO AS FORM:

Leneé M. Brosh, Director of Law