

**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

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| 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<br>143<br>144<br>145<br>146<br>147<br>148<br>149<br>150<br>151<br>152<br>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<br>155<br>156<br>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<br>159<br>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<br>162<br>163<br>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<br>166<br>167<br>168<br>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