

Sponsor Brown/Jones

ORDINANCE NO. 02-14

AN ORDINANCE ADOPTING THE POLICY CONCERNING THE AVAILABILITY OF UTILITY SERVICES TO ALL CONSUMERS IN THE CITY OF JACKSON AND REQUIRING THAT NEW UTILITY SERVICE CONNECTIONS BE MADE TO THE CITY OF JACKSON UTILITIES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson owns and operates electric, water and sewer utility systems for the benefit of its citizens and provides electric service to its residents and taxpayers pursuant to, inter alia, the powers contained in Article XVIII of the Ohio Constitution, and

WHEREAS, under Article XVIII of the Ohio Constitution, the City of Jackson may contract or refuse to contract with others concerning the provision of utility services within its corporate limits, and

WHEREAS, this Council has determined that the interests of all of the consumers in the City of Jackson in reasonable utility rates, quality of service, physical and fiscal integrity of the City of Jackson's municipal utility operations, the quality of life within the City, the opportunities for economic growth of the City and the prudent utilization of the City's rights-of-ways will be best served by requiring that service arrangements of all electric, water and sewer consumers within the City of Jackson be made with the City's municipal utilities or with those public or private utilities that have been granted a franchise to operate within the City of Jackson, utilize the public rights-of-way or otherwise provide electric, water and sewer utility services to consumers within the City.

WHEREAS, the policy declared herein has been the policy of the City but is now being established by Ordinance for clarity and to help assure all consumers and potential providers are aware of the City ordinance and that arrangements other than those contemplated herein would violate City ordinance, accordingly, an emergency exists affecting the public health and welfare requiring emergency action herein.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Jackson, Ohio, as follows:

SECTION 1. It is hereby declared to be the policy of the City of Jackson to make available the products and services of its municipal utilities to all consumers in the City, in accordance with such rates, rules, regulations and other terms and conditions of service as are now, or may hereafter be, adopted by the City, at reasonable rates and without undue discrimination taking into account consumer situations, classifications, usage and

other appropriate factors including, without limitation, availability of facilities and the capacity of the same to provide service.

SECTION 2. There is presently no provider of electric, water or sewer utility service, other than the City of Jackson and its utility departments, that is authorized by the City under Article XVIII of the Ohio Constitution to provide such utility services within the City's corporate limits.

SECTION 3. Except for temporary construction services which may be approved by the Service Director, all new utility service connections for electric, water or sewer utility service within the corporate limits of the City of Jackson, as the same may be altered from time to time through annexation or otherwise, shall be made with the City of Jackson's electric, water and sewer utilities unless and until any other entity desiring to provide such service obtains a franchise or like permit from the City setting forth the terms and conditions under which it may operate or serve consumers within the City. Service from facilities existing as of the effective date of this Ordinance by a provider of utility service to a new occupant of a premise lawfully served on the effective date of this Ordinance pursuant to previous franchises granted by the City shall not be precluded by this Ordinance. Likewise, service from facilities existing in any annexed areas as of the effective date of the annexation shall be similarly treated.

SECTION 4. This Ordinance shall not affect utility service connections and arrangements between individual consumers within the City of Jackson and providers of utility services other than the City, if such arrangements are pursuant to a previous franchise and are lawful, existing and in place as of the effective date of this Ordinance, or for annexed territory are lawful, existing and in place at the date of such annexation. Such arrangements and connections are hereby permitted to continue, at the option of such consumer having such arrangements and connections, unless the City of Jackson obtains such authorization or approval as may be required under the laws of the State of Ohio to cause such existing lawful arrangements and connections to be terminated and utility service provided by the City of Jackson to be substituted for service provided under such other arrangements and connections.

SECTION 5. Nothing in this ordinance is to be construed to (i) limit the rights or the authority of the City of Jackson under the laws and Constitution of Ohio, including the right to sell utility products and services outside its corporate limits or, (ii) approve the provision of utility service by any entity other than the City, or waive any of the City's rights to object to and supplant any such service with its service to any consumer within the City or hereafter not lawfully served pursuant to franchises granted by the City.

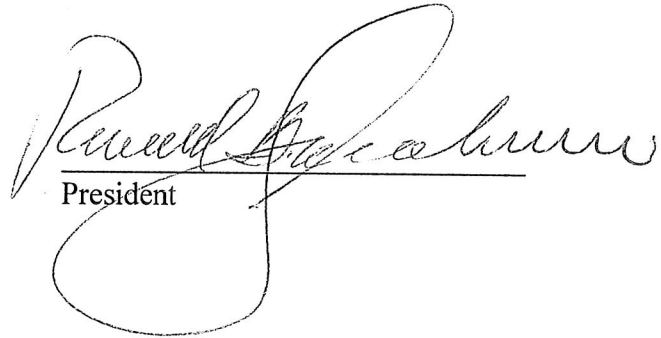
SECTION 6. The City Attorney is hereby authorized and directed to initiate, in consultation with the Service Director such applications and other proceedings before the courts and administrative agencies of the State of Ohio as may be necessary and appropriate to obtain any and all orders or other relief required to effectuate the purposes of this Ordinance.

SECTION 7. The Service Director is hereby authorized to negotiate, and present to Council for its approval, reasonable franchise or like agreements with any entity desiring to operate facilities for the provision of or to provide electric, water or sewer utility service to consumers within the City of Jackson.

SECTION 8. It is found that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That for the reasons set forth in the preamble hereof, this Ordinance is hereby declared to be an emergency measure that shall take effect and be in force from and after its passage at the earliest period allowed by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 10th day of February, 2014.


President

ATTEST:


Clerk of the Legislative Authority

Approved this 10th day of February, 2014.


Mayor