

RULE 5 – CONDOMINIUM WATER SERVICE APPLICATION

Section 1. In the case of premises constituting "Condominium Property", as defined in Ohio Revised Code Section 5311.01, application for water service for the Common Areas and Facilities may be made by the Unit Owners Association and signed for by an officer of the Association. Where water service is desired for a Condominium Unit, application must be made by the owner of such Unit. Each such Unit shall be served from a separate service connection and through a separate meter provided for that Unit.

Section 2. The following exception to the provisions of this Rule hereinbefore set forth shall be applicable to each Condominium Unit, as defined in Ohio Revised Code Section 5311.01, meeting the following qualifications, to-wit:

- A. Such Unit constitutes part of a building constituting "Condominium Property", the foundation of which building was constructed at least to ground level prior to February 26, 1976, and
- B. Such Unit does not encompass an area extending from the ground to the roof of the building in which the Unit is located; and
- C. The Declaration of Condominium Ownership or the by-laws of the Unit Owners Association applicable to the building in which such Unit is located was filed for record with the Erie County Recorder prior to February 26, 1976, and, as thus recorded, contained the provisions hereinafter set forth. Such unit is referred to hereinafter in these Rules as an "Excepted Unit".

Section 3. Where water service is required for a Condominium Unit which constitutes an Excepted Unit under the provisions of Section 5 (C) above, the Unit Owners Association may make application for water service for such Unit from the same service connection and through the same meter provided for the Common Areas and Facilities, if such application is authorized by following provision in either the Declaration of Condominium Ownership or in the by-laws of the Unit Owners Association applicable to the building in which such unit is located.

"The Unit Owners Association shall arrange for a supply of water to be furnished by Erie County, Ohio, through a single meter for the use and benefit of the Common Areas and Facilities and the several Units located in the Condominium Building. For such purposes, the Unit Owners Association (acting on behalf of itself and the Unit Owners) shall make application to the County for water service subject to and in accordance with the applicable rules and regulations (including, but not limited to, such as fix the liability for the payment of water service charges) then in effect or

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Section 3. (Continued)

thereafter established by the Board of County Commissioners of Erie County, Ohio. The charges made from time-to-time by the County for water furnished through such single meter shall be paid promptly by the Unit Owners Association and shall constitute part of the common

Evidence must be presented that the above provision is in either the Declaration of Condominium Ownership or in the by-laws of the Unit Owners Association and that it has been filed and recorded by the Erie County Recorder before an application for water service by the Unit Owners Association for an Excepted Condominium Unit will be accepted by the Department of Environmental Services Billing Office.