

**NORTH CANTON CITY COUNCIL NOTICE
COMMITTEE OF THE WHOLE AGENDA
Monday, July 1, 2019, 7:00 p.m.**

North Canton City Council will meet as a Committee of the Whole **Monday, July 1, 2019 at 7:00 p.m.** in Council chambers at North Canton City Hall.

Items to be discussed:

1. Community & Economic Development Committee

Chairperson: Marcia Kiesling
Vice Chairperson: Mark Cerreta
Doug Foltz
Dominic Fonte
Daniel Peters
Daryl Revoldt
Stephanie Werren

- (a) A resolution requesting the Planning Commission review, consider, and propose to City Council, amendments to North Canton's Codified Ordinance, Chapter 1171 Administrative Powers and Duties, specifically, Section 1171.06 Schedule of Fees, pertaining to permits and fees for cement work on private property and the public right-of-way.
- (b) A resolution requesting the Planning Commission review, consider, and propose to City Council, amendments to North Canton's Codified Ordinances, Chapter 1173 Procedures for Zoning Certificates and Certificates of Occupancy, specifically, Section 1173.02 Zoning Certificate Required.
- (c) A resolution requesting the Planning Commission review, consider, and propose to City Council, an amendment to North Canton's Codified Ordinances, Chapter 1173 Procedures for Zoning Certificates and Certificates of Occupancy, to include a new section, 1173.07 Administrative Waiver Requests.

2. Street & Alley Committee

Chairperson: Dominic Fonte
Vice Chairperson: Daniel Peters
Mark Cerreta
Doug Foltz
Marcia Kiesling
Stephanie Werren
Daryl Revoldt

- (a) An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, upon Board of Control approval, to enter into a contract for the complete reconstruction of Easthill Street SE including new concrete curb and gutter, concrete driveway aprons, catch basins, storm sewer system, and full depth asphalt pavement, together with an alternate bid price for sidewalk construction on the south side of the street, and declaring the same to be an emergency.
- (b) Discussion concerning potential legislation regarding Chapter 902 – Sidewalk Policy.

3. Water, Sewer and Rubbish Committee
Chairperson: Mark Cerreta
Vice Chairperson: Daryl Revoldt
Stephanie Werren
Dominic Fonte
Marcia Kiesling
Daniel Peters
Doug Foltz

An ordinance amending Chapter 937, Water Rates, of the Codified Ordinances of the City of North Canton, specifically sections 937.03, 937.04, 937.07, and 937.09, and declaring the same to be an emergency.

4. Adjourn

North Canton City Council
Community and Economic Development Committee

Resolution No. - 2019

A resolution requesting the Planning Commission review, consider, and propose to City Council, amendments to North Canton's Codified Ordinance, Chapter 1171 Administrative Powers and Duties, specifically, Section 1171.06 Schedule of Fees, pertaining to permits and fees for cement work on private property and the public right-of-way.

WHEREAS, City Council respectfully requests the Planning Commission consider a text amendment to North Canton's Planning and Zoning Code to modernize the requirements and fees paid for cement work on private property and the public right-of-way as further detailed in Exhibit A attached hereto and incorporate herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That pursuant to North Canton Codified Ordinance section 1181.04, City Council requests the Planning Commission review, consider, and propose amendments to subsection 1171.06, Schedule of Fees, of the City's codified ordinances, pertaining to permits and fees for cement work on private property and the public right-of-way as further detailed in Exhibit A attached hereto and incorporate herein.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance

North Canton City Council
Community and Economic Development Committee

Resolution No. - 2019

A resolution requesting the Planning Commission review, consider, and propose to City Council, amendments to North Canton's Codified Ordinances, Chapter 1173 Procedures for Zoning Certificates and Certificates of Occupancy, specifically, Section 1173.02 Zoning Certificate Required.

WHEREAS, City Council respectfully requests the Planning Commission consider a text amendment to North Canton's Planning and Zoning Code to update the procedures for zoning certificates and certificates of occupancy as further detailed in Exhibit A attached hereto and incorporate herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That, pursuant to North Canton Codified Ordinance section 1181.04, City Council requests the Planning Commission review and consider and propose amendments to Section 1173.02, Zoning Certificate Required, of the City's codified ordinances to update the procedures for zoning certificates and certificates of occupancy as further detailed in Exhibit A attached hereto and incorporate herein.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance

North Canton City Council
Community and Economic Development Committee

Resolution No. - 2019

A resolution requesting the Planning Commission review, consider, and propose to City Council, an amendment to North Canton's Codified Ordinances, Chapter 1173 Procedures for Zoning Certificates and Certificates of Occupancy, to include a new section, 1173.07 Administrative Waiver Requests.

WHEREAS, City Council respectfully requests the Planning Commission consider a text amendment to North Canton's Planning and Zoning Code to update and streamline reasonable administrative requests for waivers for area or dimensional regulations not in excess of 10 percent of the applicable minimum or maximum requirement, and as further detailed in Exhibit A attached hereto and incorporated herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That, pursuant to North Canton Codified Ordinance section 1181.04, City Council requests the Planning Commission review and consider and propose amendments to an amendment to North Canton's Codified Ordinances, Chapter 1173 Procedures for Zoning Certificates and Certificates of Occupancy, to include a new section, 1173.07 Administrative Waiver Requests, as further detailed in Exhibit A attached hereto and incorporate herein.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance

145 N. Main Street
North Canton, Ohio 44720
Office Phone: (330) 499-8223
Fax: (330)305-0603
pdeorio@northcantonohio.gov



Patrick A. De Orio
Director of Administration
CITY OF NORTH CANTON

Legislation Request

To: Daniel J. Peters, Council President

Date: June 25, 2019

Subject: Amendment of Chapter 1171.06 – Schedule of Fees
Amendment of Chapter 1173 – Procedures for Zoning Certificates and
Certificates of Occupancy

I am requesting the Amendment of Chapter 1171.06 and Chapter 1173 be assigned to Committee for purposes of discussion and potential legislative action concerning when or if permits are required for certain cement work done on private property and public right-of-way.

EMERGENCY REQUESTED: YES NO

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. De Orio", is written over the typed name.

Patrick A. De Orio

1171.06 SCHEDULE OF FEES.

(a) BUILDING PERMIT FEES

New, additions, alterations and accessory buildings more than 200 square feet	\$75.00 + \$.10 per sq. ft.
Miscellaneous, including roof, siding patio and deck	\$75.00 per inspection

(b) ELECTRICAL PERMIT FEES

New, temporary, additions, and alterations	\$75.00 + \$.08 per sq. ft.
New or replacement service	\$75.00
Signs	\$75.00
Low voltage system	\$50.00 + \$2.00 per 100 sq. ft.
Spa, pool	\$75.00

(c) PLUMBING PERMIT FEES

New, additions and alterations	\$75.00 + \$.08 per sq. ft.
Water service	\$75.00
Fire Suppression System	\$75.00 + \$.08 per sq. ft.
Replacement water heater + permit	\$75.00
Backflow / isolation / containment	\$75.00 per device

(d) HVAC

New, additions and alterations	\$75.00 + \$.08 per sq. ft.
Replacement heating device + permit	\$75.00
Solid fuel device (Wood/coal burner/auxiliary heat source)	\$125.00
Hood system	\$75.00 + \$100 plan review
Hood suppression system	\$75.00 + \$100 plan review

(e) INSPECTIONS

Re-inspections & additional inspections	\$75.00 per inspection
After hours and/or weekends	Overtime rate for Inspector
Permits issued after work is started	Twice the original fee
Sewer inspections	\$500.00 per inspection + County Sewer Charges

(g) PLAN REVIEW

Commercial	Processing	Plan Exam Fee
Building	\$200.00	\$4.50 per 100 sq. ft.
HVAC	\$200.00	\$2.50 per 100 sq. ft.
Electrical	\$200.00	\$2.50 per 100 sq. ft.
Fire Alarm	\$200.00	\$3.00 per device
Plumbing	\$200.00	\$2.50 per 100 sq. ft.
Suppression	\$200.00	\$2.50 per 100 sq. ft.
Industrialized Units	\$200.00	\$1.50 per 100 sq. ft.
Residential (applies to 1-2-3 Family Dwellings & Accessory Structures)		
Per submittal	\$100.00	

(h) STATE OF OHIO BOARD OF BUILDING STANDARDS ASSESSMENT

Commercial permits and plan review	add three (3%) percent to permit cost & plan exam
Residential permits and plan review	add one (1%) percent to permit cost & plan exam

(i) MISCELLANEOUS

Square footage calculations are based on aggregate area of each floor, including basement and attached garages.

(j) PLANNING AND ZONING APPLICATION FEES

Certificate of Occupancy	\$50.00
1,2,3 Family - Residential (per dwelling unit)	\$100.00 +\$.05 per sq. ft.
Residential - Addition	\$75.00
Residential / Accessory Bldg / Structure	\$ 50.00 +\$.05 per sq. ft.
Multi-family Residential (per dwelling unit)	\$100.00
Commercial / Industrial (new or addition)	\$125.00
Commercial/Industrial/Accessory Bldg/Structure	\$100.00
Business Parking Lot	\$75.00
Conditional Use	\$75.00

Zoning amendment	\$100.00
Appeal / Variance	\$75.00
Similar Use	\$100.00
Substitution of Non-Conforming Use	\$100.00
General Development Plan	\$150.00
Final Development Plan	\$150.00
Subdivision Preliminary	\$150.00
Subdivision Final	\$150.00
Zoning Map (small)	\$5.00
Zoning Map (large)	\$15.00
Zoning Ordinance	\$30.00
Temporary Zoning Permit	\$75.00
Temporary Sign Permit	\$50.00
Sign (per sign) & Building Permit if required	\$100.00
Home Occupancy	\$75.00
Driveway/sidewalk/fence, small storage shed, swimming Pool, etc.	\$75.00
<u>Sidewalk replacement with 40 square feet or less of concrete</u>	<u>\$40.00</u>

CHAPTER 1173

Procedures for Zoning Certificates and Certificates of Occupancy

1173.01 Purpose.

1173.02 Zoning certificate required.

1173.03 Zoning certificate for a single-family dwelling or use accessory thereto.

1173.04 Expiration of zoning certificate.

1173.05 Certificate of occupancy.

1173.06 Records.

1173.07 Administrative waiver requests.

1173.01 PURPOSE.

The administrative provisions of this Chapter establish the procedures for reviewing and acting upon applications for zoning certificates, including certificates of occupancy, in order to accomplish the purposes for which this Zoning Ordinance is adopted.

1173.02 ZONING CERTIFICATE REQUIRED.

No building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the City of North Canton prior to the issuance of a zoning certificate. A zoning certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Zoning Ordinance.

(a) A zoning certificate shall be issued when:

(1) Single-family Dwellings and Uses Accessory Thereto. An application for a single-family dwelling or use accessory thereto has been reviewed and approved by the Superintendent of Permits and Inspection according to the procedures of this Chapter. Provided the maximum lot coverage area has not been exceeded: patios located in the rear yard, private sidewalks consisting of concrete, and the replacement of legally established driveways not located in the public right-of-way are exempt from a zoning certificate.

(2) Accessory Building in Nonresidential Districts. An application for an accessory building that has a gross floor area of 200 square feet or less has been reviewed and approved by the Superintendent of Permits and Inspection according to the procedures of this Chapter.

(3) All Other Permitted Uses. An application for any other permitted use not described in subsection (a) above has been reviewed and approved by the Planning Commission according to the development plan procedures set forth in Chapter 1175.

(4) Conditional Uses. An application for a conditional use has been reviewed and approved by the Planning Commission according to the procedures set forth in Chapter 1177.

(5) Variance Requests. An application for which a variance from a requirement of this Zoning Ordinance is requested has been reviewed and approved by the Board of Zoning Appeals, according to the procedures set forth in Chapter 1179.

(6) Similar Uses. An application for any building or use not specifically listed in this Ordinance as a permitted or conditional use has been reviewed and approved by the Planning Commission and Council according to the procedures set forth in Section 1177.09.

(b) Applications for zoning certificates are available in the office of the Superintendent of Permits and Inspection. A completed application form accompanied by all other applicable submission requirements shall be submitted to the Superintendent of Permits and Inspection.

1173.03 ZONING CERTIFICATE FOR A SINGLE-FAMILY DWELLING OR USE ACCESSORY THERETO.

(a) Submission of Applications. An application for the construction or alteration of a single-family dwelling or use accessory thereto shall include the items set forth below. Such applications may be submitted simultaneously with an application for a building permit.

(1) The completed application form, along with the application fee as established by City Council.

(2) One copy of a general vicinity map.

(3) Two copies of a plot plan showing the following. Such plans shall be legibly drawn to scale and shall be based on an accurate survey.

A. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.

B. Right-of-way of adjacent streets.

C. Location, dimensions, height, bulk of all structures to be erected or altered.

D. The existing and intended use(s) of all land, buildings and structures.

E. Dimensions of yards, driveways and parking areas.

F. Location and use of buildings and adjoining lots within 10 feet of all property lines.

G. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(b) Review for Completeness. The Superintendent of Permits and Inspection shall review each submitted application to determine compliance with the applicable submission requirements. If the application is deemed insufficient, the Superintendent of Permits and Inspection shall notify the applicant of necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Superintendent of Permits and Inspection shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

(c) Action by Superintendent of Permits and Inspection. The Superintendent of Permits and Inspection shall evaluate the application and approve or deny it within 30 days from the date it was

determined to be complete. In evaluating the application, the Superintendent of Permits and Inspection may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Zoning Ordinance.

(1) Approval. The Superintendent of Permits and Inspection shall issue a zoning certificate upon finding that the building, structure or use, as proposed, complies with the provisions of this Zoning Ordinance.

(2) Denial. If it is determined by the Superintendent of Permits and Inspection that the proposed building, structure or use would violate one or more provisions of this Zoning Ordinance, then the zoning certificate shall not be issued. The Superintendent of Permits and Inspection shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated and noted as disapproved, retaining the original application for the City's permanent record.

1173.04 EXPIRATION OF ZONING CERTIFICATE.

A zoning certificate shall become void at the expiration of 12 months after the date of issuance unless, prior thereto, construction is begun, or an extension has been granted by the Superintendent of Permits and Inspection. If no construction is begun within one year of the date of the certificate and an extension has not been granted, a new application and certificate shall be required. Construction is deemed to have begun when all necessary excavation and piers or footings of the structure included in the application have been completed. The date of expiration shall be noted on the zoning certificate. Unfinished construction projects on which no progress is made for 180 days shall be considered abandoned and declared a nuisance.

1173.05 CERTIFICATE OF OCCUPANCY.

(a) Certificate of Occupancy Required. Land shall not be occupied or used and a building which has been erected or altered shall not be occupied or used until a certificate of occupancy had been applied for and issued as follows:

(1) Occupancy of a Building. A certificate of occupancy shall be required before a building that has been constructed, or an existing building that has been altered, moved, changed in use, or changed as to off-street parking or loading requirements may be occupied. A certificate of occupancy shall only be issued after the completion of the erection or alteration, or change in use of the building and the building is found, upon inspection, to conform with the provisions of this Zoning Ordinance.

(2) Occupancy of Land. A certificate of occupancy shall be required before occupancy of the land or where use of the land has been changed to a use different from the prior use. A certificate of occupancy shall be issued when it is determined, upon inspection, that the use conforms with the provisions of this Zoning Ordinance.

(3) Change in Use of Nonconforming Building or Use. A certificate of occupancy shall be required whenever a nonconforming building or land is changed to another nonconforming use, and shall not be issued until the Zoning Board of Appeals has approved the change in accordance with the provisions of Section 1159.03.

(b) Applications. Applications for a certificate of occupancy are available in the office of the Superintendent of Permits and Inspection and shall include accurate information provided by the owner, or authorized representative, regarding the size and location of the lot, dimensions of all yards and open space, the use of land or building operations or processes and other pertinent information as may be requested by the City.

(c) Certification. The certificate of occupancy shall document that the building or proposed use of land or building conforms to the provisions of this Zoning Ordinance.

1173.06 RECORDS.

A permanent record of all applications and certificates issued shall be on file in the office of the Superintendent of Permits and Inspection and available to the public.

1173.07 Administrative Waiver Requests

(a) Applicability

(1) The Superintendent of Permits and Inspections may grant administrative waivers for any area or dimensional regulation that does not exceed 10 percent of the applicable minimum or maximum regulation. Area and dimensional regulations include, but are not limited to, minimum front, side, and rear yard setbacks; maximum height of structures; maximum sign height; maximum sign area, etc.

(2) An administrative waiver for a minimum lot area or lot width requirement is prohibited.

(3) The applicant shall be required to apply for a variance for any waiver request that exceeds 10 percent or other variations from the code that do not qualify for administrative waivers.

(b) Administrative Waiver Review Procedure and Decision

(1) Administrative waivers shall be reviewed as part of the zoning permit review procedure.

(2) In making a decision on the administrative waiver, the Superintendent of Permits and Inspections may approve or deny the application.

(c) Review Criteria

(1) Decisions on an administrative waiver shall be based on consideration of the following criteria:

A. The waiver will allow the proposed development to reflect the predominant development character of surrounding, similar uses and properties (e.g., similar setbacks, similar sign areas, etc.).

B. Special circumstances exist that make the precise compliance with the subject

standards impractical or unreasonable;

C. The waiver request is minor in nature;

D. The waiver request does not substantially alter characteristics found in the development character of the surrounding properties; and

E. The waiver request does not deviate from the overall purpose of this code or the intent and objective of the original regulation.

North Canton City Council
Street and Alley Committee

Ordinance No. - 2019

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, upon Board of Control approval, to enter into a contract for the complete reconstruction of Easthill Street SE including new concrete curb and gutter, concrete driveway aprons, catch basins, storm sewer system, and full depth asphalt pavement, together with an alternate bid price for sidewalk construction on the south side of the street, and declaring the same to be an emergency.

WHEREAS, Easthill Street SE just east of Westview Circle to the City Corporation limits at Frazer Avenue requires reconstruction; and

WHEREAS, the City must advertise, receive, and evaluate bids, determine the lowest and best bidder, and complete the Easthill Street SE Project during a brief, weather-permitting window.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the Director's office, for the Easthill Street SE Reconstruction Project. The project received a grant from the Ohio Public Works Commission in the amount of \$845,000.00.

Section 2. That the Mayor of City of North Canton, upon Board of Control approval, be, and is hereby authorized to enter into a contract for the Easthill Street Reconstruction Project, at a total cost not to exceed \$1,230,000.00.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriations:

330.546.5229 Contract Payments	\$350,000.00
332.546.5228 OPWC Grant	845,000.00
210.543.5229 Contract Payments	<u>35,000.00</u>
	\$1,230,000.00

upon receipt of vouchers duly approved by the proper departmental authority.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to advertise, receive, and evaluate bids, determine the lowest and best bidder, and complete the Easthill Street SE Reconstruction Project during a brief, weather-permitting window; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

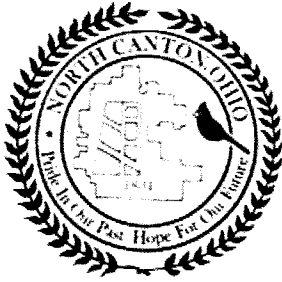
Passed in Council this _____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance



City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587

LEGISLATION REQUEST

June 18, 2019

To: **Daniel Jeff Peters, President
City Council**

Subject: **Easthill Street SE Reconstruction Project**

Requested By: 
City Engineer

Date: 6/18/2019

Approved By: 
Director of Administration

Date: 6-19-19

Request: An ordinance authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor through the Board of Control to enter into a contract for the complete reconstruction of Easthill Street SE including new concrete curb and gutter, concrete driveway aprons, catch basins, storm sewer system, and full depth asphalt pavement. An alternate bid price for sidewalk construction on the south side of the street will be included. Project limits are from just east of Westview Circle east 2,850 linear feet to the City Corporation Limits at Frazer Avenue.

Funds have been allocated as follows:

330.546.5229	\$	350,000	
332.546.5228 OPWC Grant	\$	845,000	
210.543.5229 (Sidewalk Alternate)	\$	35,000	
	\$	1,230,000	TOTAL

EMERGENCY REQUESTED: Yes X No

Emergency legislation is being requested in order to start construction in a timely manner.

145 N. Main Street
North Canton, Ohio 44720
Office Phone: (330) 499-8223
Fax: (330)305-0603
pdeorio@northcantonohio.gov



Patrick A. De Orio
Director of Administration
CITY OF NORTH CANTON

Legislation Request

To: Daniel J. Peters, Council President
Date: June 26, 2019
Subject: Amendment of Chapter 902 – Sidewalk Policy

I am requesting the amendment of Chapter 902 – Sidewalk Policy be assigned to Committee for purposes of discussion and potential legislative action regarding a potential replacement program.

EMERGENCY REQUESTED: YES NO

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. De Orio", is written over the signature line.

Patrick A. De Orio

CHAPTER 902 (Original)
Sidewalk Policy

902.01 Installation of sidewalks.

902.02 Existing sidewalks.

902.03 New sidewalks.

902.04 Participation voluntary; requirements to qualify.

CROSS REFERENCES

Construction standards - see S.U. & P.S. Ch. [903](#)

Repair and replacement standard - see S.U. & P.S. Ch. [905](#)

902.01 INSTALLATION OF SIDEWALKS.

(a) The City may cause sidewalks to be installed on any City street, as funds are available, if the street meets any two of the following three criteria:

(1) A school, school facility, governmental recreation area or governmental athletic facility is located on the street; or

(2) The street has a vehicular traffic count like other similarly situated connector streets as evidenced in the most recent Stark County Area Transportation Study. In lieu of a SCAT study a written safety recommendation in favor of sidewalk installation from either the Chief of Police or Chief of Fire may be substituted; or

(3) The street is within the current no transport zone of the school.

(b) If the street meets any two of the above three criteria, the City may initiate construction of the sidewalk at its own cost. The City will cause the property to be staked so the property owners would be aware of the exact placement of the sidewalks.

(Ord. 36-09. Passed 5-11-09.)

902.02 EXISTING SIDEWALKS. ~~REPLACEMENT PROGRAM.~~

A property owner may petition the City of North Canton to replace the property owner's substandard sidewalks and driveway approaches, **as defined by the Standards Determining Need for Repair established under Section 501.01 of this Title, when in the public right of way** with costs being shared equally by the property owner(s) and the City. ~~when subsections (a) or (b) below are met:~~

~~(a) At least fifty percent (50%) of the property owners living in a city block, as defined by the City Engineer, petition the City to repair substandard sidewalks; or~~

~~(b) At least forty percent (40%) of the property owners living within a three (3) block radius, as defined by the City Engineer, petition the City to repair substandard sidewalks.~~

(Ord. 36-09. Passed 5-11-09.)

902.03 ~~NEW SIDEWALKS.~~ PETITION PROCESS.

~~A property owner may petition the City of North Canton for the installation of new sidewalks and driveway approaches with costs being shared equally by the property owner(s) and the City when 100% of the property owners on one side of the street within a city block, as defined by the City Engineer, petition the City to install new sidewalks.~~

- (a) A property owner must contact the Director of Administration to request a formal petition form during the posted petition period, as determined by the Administration.
- (b) A city representative, as determined by the Administration, will visit the site, speak with the property owner(s), if available, and determine which items of work are needed and eligibility of the proposed repair.
- (c) After selection of project sites by the Administration, selected property owners will be provided a preliminary cost estimate. The estimate may provide for replacement or installation of sidewalk, driveway apron, the curb adjacent to the apron, retaining wall (along the right of way), roof drainpipe, and tree removal. If the property owner chooses to have the City do the work, the owner(s) must sign a cost share agreement and return it to the City. When a sufficient number of signed agreements have been accepted by the City, the city may construct the necessary improvements.
- (d) Costs to the property owners shall be paid as reimbursement to the City which shall be responsible for selecting and retaining the contractor to perform the necessary improvements. Improvements shall be completed according to the timeline determined by the Administration.
- (e) Property owners shall be responsible to remit funds in full to the city no later than thirty days following the receipt of final invoice from the City. Upon failure of the property owner to pay the costs within the allotted time, the Director of Finance shall certify the costs to the county auditor for collection as other taxes are collected.

(Ord. 36-09. Passed 5-11-09.)

902.04 PARTICIPATION VOLUNTARY; REQUIREMENTS TO QUALIFY.

(a) Participation in ~~Section [902.02](#) and Section [902.03](#)~~ is voluntary and is limited to **owner occupied** residential properties **within the municipal corporation limits of the City of North Canton**. The property must be located on an improved street (i.e., must have curbs) and the total **lineage area** of the improvements must ~~exceed~~ **equal** a minimum of ~~500 lineal~~ **50 square** feet. ~~for all participating property owners combined.~~

(b) ~~To qualify, a~~ **A** residential property owner ~~living within the area designated in Sections [902.02](#) or Section [902.03](#)~~ must sign an agreement to pay for an equal share of the costs, excluding engineering and survey expenses **to be paid by the City**. ~~When the participatory minimums have been met, the City may construct the necessary improvements.~~

~~(e) Property owners must contact the Director of Administration to request a participation agreement. A City representative, as determined by the Administration, will visit the site, speak with the property owner(s), if available, and determine which items of work are needed. The estimate may provide for replacement or installation of the sidewalk, driveway apron, the curb adjacent to the apron, retaining wall (along right of way), roof drain pipe, and tree removal. The City will cause the property to be staked so the property owners would be aware of the exact placement of the sidewalks.~~

(f) Any tree on private property that must be removed to accomplish the work will be removed at the owner's expense. These costs will be provided in the estimate with the petition. Sidewalk slabs that are lifted by tree roots but are otherwise undamaged are considered defective, and need to be replaced. If it is determined that cutting the roots will kill the tree, the tree will be removed at the time of construction.

(g) Any utility on private property that must be removed, relocated, repaired, or altered in any way to accomplish the work will be done so at the owner's expense. These costs will be provided in the preliminary estimate to the best of the City's knowledge.

~~(e) The property owner(s) must accept the City's work order in its entirety. The City will provide the property owner(s) with a preliminary cost estimate. If the property owner chooses to have the City do the work, the owner(s) must sign the agreement and return it to the City. When sufficient numbers of signed agreements have been accepted by the City, the City will invoice the participating property owners. Before construction begins, the property owner(s) shall remit funds in full to the City. Improvements will only be made on those properties for which payment has been received. Construction will begin as soon as practicable.~~

(Ord. 36-09. Passed 5-11-09.)

North Canton City Council
Water, Sewer & Rubbish Committee

Ordinance No. - 2019

An ordinance amending Chapter 937, Water Rates, of the Codified Ordinances of the City of North Canton, specifically sections 937.03, 937.04, 937.07, and 937.09, and declaring the same to be an emergency.

WHEREAS, the City recognizes the benefits in maintaining a modern and efficient waterworks system; and

WHEREAS, the water ordinances shall be amended from time to time to keep regulations in line with current operations.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That Chapter 937, Water Rates, of the Codified Ordinances of the City of North Canton, specifically sections 937.03, 937.04, and 937.07, be, and is hereby amended as described in Exhibit "A" attached hereto.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary to allow for continued efficient operations of the waterworks system; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this _____ day of _____ 2019

ATTEST:

David Held, Mayor

Laura Brown, Director of Finance

Signed: _____, 2019

Exhibit "A"**937.01 WATER RATES.**

- (a) Rate Structure for Residential Premises Inside City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 15,000	\$4.85	\$5.12	\$5.40
15,001 - 30,000	\$5.56	\$5.87	\$6.19
30,001 - 40,000	\$6.45	\$6.80	\$7.17
40,001 and up	\$6.97	\$7.36	\$7.76

- (b) Rate Structure for Residential Premises Outside the City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 15,000	\$9.14	\$9.64	\$10.17
15,001 - 30,000	\$9.79	\$10.33	\$10.90
30,001 - 40,000	\$10.62	\$11.21	\$11.82
40,001 and up	\$11.13	\$11.74	\$12.39

- (c) Business Premises Located Inside Corporate Limits of City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 40,000	\$4.85	\$5.12	\$5.40
40,001 and up	\$4.41	\$4.65	\$4.91

- (d) Business Premises Located Outside Corporate Limits of City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 15,000	\$9.14	\$9.64	\$10.17
15,001 - 30,000	\$8.30	\$8.76	\$9.24
30,001 - 40,000	\$7.48	\$7.89	\$8.33
40,001 and up	\$6.65	\$7.01	\$7.40
Bulk Rate	\$3.80	\$4.01	\$4.23

(e) That monthly minimum billings for water service shall be based on the size of the meter installed. When more than one single premises, as hereinafter defined, is being served by a single meter, the minimum monthly charge shall be as follows:

(1) Multiple Residential:

A. The minimum monthly charge for a 5/8-inch meter multiplied by the number of single premises serviced or the calculated water bill for the actual consumption measured, whichever is greater.

(2) Converted Residential Buildings:

A. For computing minimum bills, a residential building converted to commercial usage that retains a 5/8-inch meter and that houses any of the following: office rooms and/or business rooms and/or apartments then each of the following shall constitute a single premise: each room or suite of rooms located on the first floor of the building used for single occupancy by a person or persons in the conduct of a single enterprise.

The minimum monthly charge multiplied by the number of single premises serviced or the calculated water bill for the actual consumption measured, whichever is greater.

B. In the event of a fire, the City shall estimate the water usage and shall bill for the water usage based on the current rate. This estimate shall be provided by the Director of Finance and shall be based on the number of sprinkler heads activated during the fire and based on the amount of discharge each head permits.

Premises Located Inside Corporate Limits of the City

Size of Meter	Minimum Monthly Consumption in Gallons
5/8 inch	2,000
1 inch	8,000
1½ inch	17,000
2 inch	25,000
3 inch	33,000
4 inch	50,000
6 inch	75,000
8 inch	125,000
10 inch	210,000
12 inch	375,000

Premises Located Outside Corporate Limits of the City

Size of Meter	Minimum Monthly Consumption in Gallons
5/8 inch	3,000
1 inch	8,000
1½ inch	17,000
2 inch	25,000
3 inch	33,000
4 inch	50,000
6 inch	75,000
8 inch	125,000
10 inch	210,000
12 inch	375,000

- (f) In respect to commercial customers having two or more locations within the North Canton water service area, if such customer can quarterly provide to the satisfaction of the Director of Finance on forms supplied by the City of North Canton for the purpose, that:
- (1) Sixty-five percent (65%) or more of the employees of the customer employed within the North Canton water service area are employed within the corporate limits of the City of North Canton, and;
 - (2) Sixty-five percent (65%) or more of the payroll expense of the customer attributable to and paid to employees employed within the North Canton water service area is attributable to and paid to employees employed within the corporate limits of the City of North Canton, then all locations of said customer located outside the corporate limits of the City of North Canton, but located within the North Canton water service area shall be entitled to receive a forty percent (40%) reduction in their net monthly water billing for those facilities located outside the corporate limits of said City, provided that the bill is paid within fifteen (15) days after it is rendered.

937.02 METER READING AND BILLING

- (a) Meters shall be read and billed monthly or quarterly at the option of the City.
- (b) All bills for current services together with any additional charges from whatever source, shall be increased by five percent (5%) and the amount so increased shall be the gross bill. If the bill is paid within 15 days after it is rendered, a discount shall be issued and the net bill consisting of all the foregoing charges without the five percent (5%) increase shall be accepted as payment in full.

937.03 CHARGES MADE A LIEN AGAINST PROPERTY

(a) That each water charge levied is hereby made a lien upon the premises charged therewith. If the Director of Finance determines that a transfer of property is about to occur and the water rents for said property are thirty days or more delinquent, the Director of Finance shall certify said delinquent amount together with penalties to be placed upon the real estate tax list and duplicate to be collected according to law. If the Director of Finance determines the water charges are delinquent for more than thirty days for a property, the Director of Finance's intent to certify said delinquency to be served upon the owner of the property thirty days prior to certification. If the water charges remain delinquent at the conclusion of thirty days, the Director of Finance may certify said delinquent charges to the County Auditor to be placed upon the real estate list and duplicate to be collected according to law. Said water charges may be certified to the Auditor only if the service was provided pursuant to a service contract with the owner of the property.

(b) In the event of nonpayment as aforesaid, or for non-compliance with the rules, regulations, or terms and conditions of Chapter 937, the City shall also have the right to discontinue service of water to such premises supplied by the City waterworks system until such unpaid water charges have been fully paid or compliance has been certified.

(c) Failure on the part of any property owner or the occupant of any property which is connected to the City's waterworks system to fully and faithfully comply with all the terms and provisions hereof and any and all rules and regulations that are now or may hereafter be made effective concerning the use of the City's waterworks system, shall, at the option of the City, terminate the right to continue such connection and to make sure of the City's waterworks system, and upon receipt of delinquent notice from the City, through the Director of Finance, the owner and occupant of the property specified in said delinquent notice shall discontinue the use of the waterworks system of the City and shall sever, at their own cost and expense, the physical connection from said property to the waterworks system.

Upon failure to do so, the City shall have the right, through its duly authorized officers and employees, to sever the connection into the waterworks system of the City from the property in question, and such connection shall not thereafter be reestablished, except in accordance with the terms of this and all rules and regulations then in effect and upon payment of all fees and charges, both present and delinquent, including any disconnection costs.

(d) In the event of any dispute as to charges or any dispute as failure to comply with rules and regulations concerning the use of the City's waterworks system shall upon written request by the party aggrieved be referred to a Board consisting of the Director of Law, Director of Finance and Director of Administration for review. Said Board shall hear said dispute within thirty days receipt of said notice and shall make a written decision to the party aggrieved within a reasonable time thereafter.

937.04 WATER TURN ON CHARGE

(a) Whenever water service has been turned off for non-payment or non-compliance with any of the terms and conditions or rules and regulations of Chapter 937, there shall be a charge of one hundred dollars (\$100.00) to be paid before the water service will be turned on during City Hall business hours.

(b) Whenever water service has been turned off for non-payment or non-compliance with any of the terms and conditions or rules and regulations of Chapter 937, the past due amount, in addition to applicable turn on charge, shall be paid in full before water service shall be turned on.

937.05 BULK WATER CHARGE

(a) Bulk or construction water may be sold only with the consent and approval of the Director of Administration and at the current rate, as may be amended from time to time.

(b) All bulk water purchases require a meter installation to measure the amount of water purchased together with a backflow prevention device to protect the City of North Canton's water system. The equipment rental fee for the meter and backflow prevention device, which includes installation and removal, is \$100.00, together with a \$1,250.00 equipment security deposit, which shall be returned if the equipment is returned timely without damage beyond normal wear and tear and has not been removed or altered by other than a City employee or its contractor.

(c) The bulk water purchaser is responsible to protect the meter and backflow prevention device from harm until it is removed by a City employee or its contractor. If said equipment is removed or altered by someone other than a City employee or its contractor, the bulk water purchaser shall be wholly responsible for the resulting damages to the equipment and City water supply, which may exceed the amount of the security deposit.

(d) Prior to purchasing the bulk water, the purchaser must sign an agreement to pursue no claims or actions of any kind against the City that result from the purchaser's defective equipment, construction, negligence, or intentional acts, in conjunction the purchase and use of the bulk water, and to hold the City harmless, and to defend and indemnify it against all forms of liability and expense for injury, losses, harm, or damages resulting from the same.

937.06 COMMERCIAL FIRE HYDRANT CHARGE ON PRIVATE PROPERTY

In respect to commercial establishments having fire hydrants located on private property connected to the North Canton water system and not being regularly billed for water consumption on their premises, said establishments shall pay twenty-four dollars (\$24.00) per month for each hydrant.

937.07 METER REGULATIONS

(a) All new services shall be one inch (1") or larger.

(b) All new installations for service shall be to the specifications on file with the Director of Administration.

(c) All new tap-in installations shall be fees and meter cost plus labor, equipment and material cost inside the City limits and cost plus one-half for installation outside the City limits.

(d) Owners shall deposit the amount of estimated cost of meter and tap when permit is issued, unless the following is authorized by the Director of Administration and Director of Finance. A payment plan may be established for the connection and tap-in fees for residential single-family owner-occupied premises connecting to preexisting waterlines of the water system of the City of North Canton, as provided at Section 937.02 of the Codified Ordinances.

(e) All existing water users, either business or residential, connected to the North Canton water distribution system, shall be maintained to the specifications on file with the Director of Administration.

(f) For all new installations, a separate meter for measuring water consumption shall be installed for each dwelling or business unit before water shall be furnished thereto except where two or more dwelling units, or two or more business units, located in one building, under a common roof, having common ownership, and the common owner thereof applies for and contracts to pay for the total water consumed thereto. Otherwise, a separate water line, which is connected to a separate shutoff valve, and a separate meter, shall be required for each dwelling unit or business unit.

937.08 WATER TURN ON.

(a) All property owners or their designated agents shall be required to execute an application to the City of North Canton for water and/or sewer service to premises owned by the applicant and thereby agree to pay all rentals and other charges for service at the due dates and to conform to all rules and regulations of the City of North Canton now or hereafter in force, pertaining to such water and/or sewer service.

(b) Residential owners of the premises shall be responsible for the water supplied by the City's waterworks systems. The City of North Canton will send a courtesy bill to the residential property owners' lessees.

937.09 DEPOSIT FOR BUSINESSES.

Upon the effective date of this legislation, all new businesses on the North Canton waterworks system will be required to make a deposit that equals an estimated ninety (90) days usage if services are billed monthly and one hundred eighty (180) days if services are billed quarterly. Said deposit may be applied to the amount due in case of business bankruptcy or any time the Director of Finance deems that it is necessary for payment of water consumed.

145 N. Main Street
North Canton, Ohio 44720
Office Phone: (330) 499-8223
Fax: (330)305-0603
pdeorio@northcantonohio.gov



Patrick A. De Orio
Director of Administration
CITY OF NORTH CANTON

Legislation Request

To: Daniel J. Peters, Council President
Date: June 25, 2019
Subject: Amendment of Chapter 937 – Water Rates

I am requesting the Amendment of Chapter 937 – Water Rates be assigned to Committee for purposes of discussion and potential legislative action to update the Ordinance to reflect current utility operations and technologies.

EMERGENCY REQUESTED: YES NO

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. De Orio", is written over the signature line.

Patrick A. De Orio

Exhibit "A"**937.01 WATER RATES.**

- (a) Rate Structure for Residential Premises Inside City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 15,000	\$4.85	\$5.12	\$5.40
15,001 - 30,000	\$5.56	\$5.87	\$6.19
30,001 - 40,000	\$6.45	\$6.80	\$7.17
40,001 and up	\$6.97	\$7.36	\$7.76

- (b) Rate Structure for Residential Premises Outside the City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 15,000	\$9.14	\$9.64	\$10.17
15,001 - 30,000	\$9.79	\$10.33	\$10.90
30,001 - 40,000	\$10.62	\$11.21	\$11.82
40,001 and up	\$11.13	\$11.74	\$12.39

- (c) Business Premises Located Inside Corporate Limits of City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 40,000	\$4.85	\$5.12	\$5.40
40,001 and up	\$4.41	\$4.65	\$4.91

- (d) Business Premises Located Outside Corporate Limits of City –
Rate Per 1,000 Gallons

Monthly Consumption in Gallons	June 1 2013	June 1 2014	June 1 2015
0 - 15,000	\$9.14	\$9.64	\$10.17
15,001 - 30,000	\$8.30	\$8.76	\$9.24
30,001 - 40,000	\$7.48	\$7.89	\$8.33
40,001 and up	\$6.65	\$7.01	\$7.40
Bulk Rate	\$3.80	\$4.01	\$4.23

(e) That monthly minimum billings for water service shall be based on the size of the meter installed. When more than one single premises, as hereinafter defined, is being served by a single meter, the minimum monthly charge shall be as follows:

(1) Multiple Residential:

A. The minimum monthly charge for a 5/8-inch meter multiplied by the number of single premises serviced or the calculated water bill for the actual consumption measured, whichever is greater.

(2) Converted Residential Buildings:

A. For computing minimum bills, a residential building converted to commercial usage that retains a 5/8-inch meter and that houses any of the following: office rooms and/or business rooms and/or apartments then each of the following shall constitute a single premise: each room or suite of rooms located on the first floor of the building used for single occupancy by a person or persons in the conduct of a single enterprise.

The minimum monthly charge multiplied by the number of single premises serviced or the calculated water bill for the actual consumption measured, whichever is greater.

B. In the event of a fire, the City shall estimate the water usage and shall bill for the water usage based on the current rate. This estimate shall be provided by the Director of Finance and shall be based on the number of sprinkler heads activated during the fire and based on the amount of discharge each head permits.

Premises Located Inside Corporate Limits of the City

Size of Meter	Minimum Monthly Consumption in Gallons
5/8 inch	2,000
1 inch	8,000
1½ inch	17,000
2 inch	25,000
3 inch	33,000
4 inch	50,000
6 inch	75,000
8 inch	125,000
10 inch	210,000
12 inch	375,000

Premises Located Outside Corporate Limits of the City

Size of Meter	Minimum Monthly Consumption in Gallons
5/8 inch	3,000
1 inch	8,000
1½ inch	17,000
2 inch	25,000
3 inch	33,000
4 inch	50,000
6 inch	75,000
8 inch	125,000
10 inch	210,000
12 inch	375,000

- (f) In respect to commercial customers having two or more locations within the North Canton water service area, if such customer can quarterly provide to the satisfaction of the Director of Finance on forms supplied by the City of North Canton for the purpose, that:
- (1) Sixty-five percent (65%) or more of the employees of the customer employed within the North Canton water service area are employed within the corporate limits of the City of North Canton, and;
 - (2) Sixty-five percent (65%) or more of the payroll expense of the customer attributable to and paid to employees employed within the North Canton water service area is attributable to and paid to employees employed within the corporate limits of the City of North Canton, then all locations of said customer located outside the corporate limits of the City of North Canton, but located within the North Canton water service area shall be entitled to receive a forty percent (40%) reduction in their net monthly water billing for those facilities located outside the corporate limits of said City, provided that the bill is paid within fifteen (15) days after it is rendered.

937.02 METER READING AND BILLING

- (a) Meters shall be read and billed monthly or quarterly at the option of the City.
- (b) All bills for current services together with any additional charges from whatever source, shall be increased by five percent (5%) and the amount so increased shall be the gross bill. If the bill is paid within 15 days after it is rendered, a discount shall be issued and the net bill consisting of all the foregoing charges without the five percent (5%) increase shall be accepted as payment in full.

937.03 CHARGES MADE A LIEN AGAINST PROPERTY

(a) That each water charge levied is hereby made a lien upon the premises charged therewith. If the Director of Finance determines that a transfer of property is about to occur and the water rents for said property are thirty days or more delinquent, the Director of Finance shall certify said delinquent amount together with penalties to be placed upon the real estate tax list and duplicate to be collected according to law. If the Director of Finance determines the water charges are delinquent for more than thirty days for a property, the Director of Finance's intent to certify said delinquency to be served upon the owner of the property thirty days prior to certification. If the water charges remain delinquent at the conclusion of thirty days, the Director of Finance may certify said delinquent charges to the County Auditor to be placed upon the real estate list and duplicate to be collected according to law. Said water charges may be certified to the Auditor only if the service was provided pursuant to a service contract with the owner of the property.

(b) In the event of nonpayment as aforesaid, or for non-compliance with the rules, regulations, or terms and conditions of Chapter 937, The City shall also have the right ~~in the event of nonpayment as aforesaid, or for non-compliance with the rules and regulations or terms and conditions of Chapter 937,~~ to discontinue service of water to such premises ~~of water~~ supplied by the City waterworks system until such unpaid water charges have been fully paid or compliance has been certified.

(c) Failure on the part of any property owner or the occupant of any property which is connected to the City's waterworks system to fully and faithfully comply with all the terms and provisions hereof and any and all rules and regulations whichthat are now or may hereafter be made effective concerning the use of the City's waterworks system, shall, at the option of the City, terminate the right to continue such connection and to make sure of the City's waterworks system, and upon receipt of delinquent notice from the City, through the Director of Finance, the owner and occupant of the property specified in said delinquent notice shall discontinue the use of the waterworks system of the City and shall sever, at their own cost and expense, the physical connection from said property to the waterworks system.

Upon failure to do so, the City shall have the right, through its duly authorized officers and employees, to sever the connection into the waterworks system of the City from the property in question, and such connection shall not thereafter be reestablished, except in accordance with the terms of this and all rules and regulations then in effect and upon payment of all fees and charges, both present and delinquent, including any disconnection costs.

(d) In the event of any dispute as to charges or any dispute as failure to comply with rules and regulations concerning the use of the City's waterworks system shall upon written request by the party aggrieved be referred to a Board consisting of the Director of Law, Director of Finance and Director of Administration for review. Said Board shall hear said dispute within thirty days receipt of said notice and shall make a written decision to the party aggrieved within a reasonable time thereafter.

937.04 WATER TURN ON CHARGE

(a) Whenever water service has been turned off for non-payment or non-compliance with any of the terms and conditions or rules and regulations of Chapter 937, there shall be a charge of ~~fifty-one hundred~~ dollars (\$~~50~~100.00) to be paid before the water service will be turned on during the standard working day City Hall business hours.

~~(b) Whenever water service has been turned off, there shall be a charge of seventy-five dollars (\$75.00) to be paid before water service will be turned on whenever it is not the standard working day.~~

~~(c)~~ Whenever water service has been turned off for non-payment or non-compliance with any of the terms and conditions or rules and regulations of Chapter 937, the past due amount, in addition to applicable ~~turn~~ on charge, shall be paid in full before water service ~~shall~~will be turned on.

937.05 BULK WATER CHARGE

(a) Bulk or construction water may be sold only with the consent and approval of the Director of Administration and at the current rate, as may be amended from time to time.

(b) All bulk water purchases require a meter installation to measure the amount of water purchased together with a backflow prevention device to protect the City of North Canton's water system. The equipment rental fee for the meter and backflow prevention device, which includes installation and removal, is \$100.00, together with a \$1,250.00 equipment security deposit, which shall be returned if the equipment is returned timely without damage beyond normal wear and tear and has not been removed or altered by other than a City employee or its contractor.

(c) The bulk water purchaser is responsible to protect the meter and backflow prevention device from harm until it is removed by a City employee or its contractor. If said equipment is removed or altered by someone other than a City employee or its contractor, the bulk water purchaser shall be wholly responsible for the resulting damages to the equipment and City water supply, which may exceed the amount of the security deposit.

(d) Prior to purchasing the bulk water, the purchaser must sign an agreement to pursue no claims or actions of any kind against the City that result from the purchaser's defective equipment, construction, negligence, or intentional acts, in conjunction the purchase and use of the bulk water, and to hold the City harmless, and to defend and indemnify it against all forms of liability and expense for injury, losses, harm, or damages resulting from the same.

937.06 COMMERCIAL FIRE HYDRANT CHARGE ON PRIVATE PROPERTY

In respect to commercial establishments having fire hydrants located on private property connected to the North Canton water system and not being regularly billed for water consumption on their premises, said establishments shall pay twenty-four dollars (\$24.00) per month for each hydrant.

937.07 METER REGULATIONS

- (a) All new services shall be one inch (1") or larger.
- (b) All new installations for service shall be to the specifications on file with the Director of Administration ~~shall have touchpad, radio or telephone read dials.~~
- (c) All new tap-in installations shall be fees and meter cost plus labor, equipment and material cost inside the City limits and cost plus one-half for installation outside the City limits.
- (d) Owners shall deposit the amount of estimated cost of meter and tap when permit is issued, unless the following is authorized by the Director of Administration and Director of Finance. A payment plan may be established for the connection and tap-in fees for residential single-family owner-occupied premises connecting to preexisting waterlines of the water system of the City of North Canton, as provided at Section 937.02 of the Codified Ordinances.
- (e) ~~Remote meter dials are available from the City at the cost of material and labor.~~ All existing water users, either business or residential, connected to the North Canton water distribution system, shall be maintained to the specifications on file with the Director of Administration.
- (f) ~~Water users, either business or residential, connected to the North Canton water distribution system shall be required by the City to install an outside remote register at the user's expense in the event the meter reader is unable to make a reading on the existing water meter for a period of three consecutive months. For the purpose of the within Subsection (f), the inability of the meter reader to read the existing meter on the day and time he or she attempts to read the meter in the regular course of his or her duties shall be deemed inability to make a reading; the meter reader shall not be required to make any call backs or return calls during any meter reading period.~~
- (g) ~~In the event the meter reader is unable to make a reading on the existing water meter for a period of three consecutive months as provided in Subsection (f), the City shall notify the user of its intention to install an outside remote register at the user's expense.~~
- (1) ~~This notice shall request that the user make arrangements with the City for the installation of an outside remote register within thirty (30) days from receipt of the notice. The notice provided for herein shall be given to the user by registered or certified mail, return receipt requested, or by delivering the notice personally to the user.~~
- (2) ~~In the event the user fails to contact the City to make arrangements for the installation of an outside remote register within the thirty (30) day period provided, the City shall have the right to discontinue service of such premises of water supplied by the City's waterworks system until such time as an outside remote register is installed.~~ For all new installations, a separate meter for measuring water consumption shall be installed for each dwelling or business unit before water shall be furnished thereto except where two or more dwelling units, or two or more business units, located in one building, under a common roof, having common ownership, and

~~the common owner thereof applies for and contracts to pay for the total water consumed thereto. Otherwise, a separate water line, which is connected to a separate shutoff valve, and a separate meter, shall be required for each dwelling unit or business unit. of service for residential or business users, the City of North Canton will provide a single monthly or quarterly service invoice to the property owner for each separately metered unit located in the dwelling or building.~~

937.08 WATER TURN ON.

(a) All property owners or their designated agents shall be required to execute an application to the City of North Canton for water and/or sewer service to premises owned by the applicant and thereby agree to pay all rentals and other charges for service at the due dates and to conform to all rules and regulations of the City of North Canton now or hereafter in force, pertaining to such water and/or sewer service.

(b) Residential owners of the premises shall be responsible for the water supplied by the City's waterworks systems. The City of North Canton will send a courtesy bill to the residential property owners' lessees.

937.09 DEPOSIT FOR BUSINESSES.

Upon the effective date of this legislation, all new businesses on the North Canton ~~W~~waterworks ~~s~~System will be required to make a deposit that equals an estimated ~~forty five~~ninety (4590) days usage if services are billed monthly and one hundred eighty (180) days if services are billed quarterly. Said deposit may be applied to the amount due in case of business bankruptcy or any time the Director of Finance deems that it is necessary for payment of water consumed.