

North Canton City Council  
Ordinance, Rules and Claims Committee

Ordinance No. 60 - 2018

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring the same to be an emergency.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council in the form of replacement pages to the Codified Ordinances.

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

Section 1. That, in accordance with Ohio R.C. 731.23, the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2018 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Streets, Utilities and Public Services Code

935.08 Nonresident's Use of Water or Sanitary Sewer Service; Agreement (Amended)

Minimum Housing Code

1701.03 Compliance and Enforcement (Amended)

Section 3. That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the current replacement pages to the Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid legal entanglements including conflict with general State law; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed in Council this 8<sup>th</sup> day of October, 2018



David Held, Mayor

Signed: 10/12, 2018

ATTEST:



Mary Beth Bailey, Clerk of Council

**CHAPTER 935  
Water Lines and Hydrants**

<p><b>935.01</b> Extension procedures.</p> <p><b>935.02</b> Connection charge other than by assessment.</p> <p><b>935.03</b> Extending water lines to farthest points.</p> <p><b>935.04</b> Minimum coverage depth for water lines.</p> <p><b>935.05</b> Special water line connections permitted.</p>	<p><b>935.06</b> Repairing frozen water lines.</p> <p><b>935.07</b> Use of water from fire hydrants.</p> <p><b>935.08</b> Sale of water or sanitary sewer service outside City boundaries.</p> <p><b>935.09</b> Use of water outside residential premises.</p> <p><b>935.10</b> Backflow prevention device.</p> <p><b>935.99</b> Penalty.</p>
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**CROSS REFERENCES**

Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01

Compulsory water connections - see Ohio R.C. 729.06

Water system regulations - see Ohio R.C. 743.02

Management and control of water works - see Ohio R.C. 743.03

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22

Water rates - see S.U.&P.S. Chap. 937

Public utilities - see Ohio Const. Art. XVIII, Sec. 4

Sale of surplus outside corporation - see Ohio Const. Art. XVIII, Sec. 6

**935.01 EXTENSION PROCEDURES.**

(a) Water Line Extensions. The cost of water line extensions shall be paid by the developer or individual requesting the water line, except where it is determined by the City that extensions are essential to provide adequate water circulation or fire protection, or are necessary to provide water service to City property.

(b) Larger Water Mains.

(1) When the City requires water mains larger than eight inches in diameter to be constructed within the Municipality, the difference in the cost of materials and the size of pipe over eight inches shall be paid by the City. The difference in cost shall be determined by the City Engineer, based upon project invoices and current City water works material invoices, as recorded in the office of the Director of Administration.

- (2) When the City requires water mains larger than eight inches in diameter to be constructed outside the corporate limits of the Municipality, the entire cost of the extension shall be paid by the applicant - developer.

(c) Prior Agreements. Agreements which have been entered into between the City and a developer prior to April 8, 1968, wherein the City agreed to share the cost of water line installation are not affected by subsection (a) above.

(d) Extension of Water Lines. Water lines shall be extended the full distance across the development, tract or lot that is to be serviced; i.e., to farthest point of the lot line.

(e) Size of Water Line. The size of a water line shall be determined by the City Engineer, based on requirements for the satisfactory servicing of present and future areas to be serviced.

(f) Water Lines to Become City Property. All water lines after installation, shall become the property of the City and all maintenance thereon shall be the responsibility of the City. All connections thereto must have proper City approval. All property owners shall be required to take out and pay for the necessary permits for making connections to existing water lines.

However, the City shall not issue permits for connections to properties for which no owner has contributed to the cost of constructing the line to which they are connecting until such owners have remunerated those who constructed or had the line constructed in accordance with the following regulations.

- (1) Within a period of ten years from date of construction, such remuneration shall be paid to the person, persons or corporation responsible for the initial construction of the water line.
- (2) Such remuneration shall be based on one-half of the actual cost per foot of the original construction of the water line; that is one-half per each side of the street serviced. Payment shall be based on eight-inch diameter pipes, or smaller.
- (3) Evidence, in writing, must be furnished to the City that satisfactory remuneration has been made before a permit shall be issued.
- (4) In event of a disagreement between the parties regarding the amount of remuneration, the Board of Control shall have the authority to determine the amount of remuneration which must be paid before a permit shall be issued.

- (2) Costs for large taps are based on six hours labor. If there is extra time involved, there is an extra cost of \$95.00 per hour inside the City and \$115.00 per hour outside the City.
- (3) The contractor shall do the road opening and road repair on all taps and is responsible for all digging and backfilling on taps.
- (4) The contractor shall be responsible for the cost of all material and labor and other costs associated with water service from the water main to the meter. The City shall tap the water main.  
(Ord. 40-13. Passed 6-23-14.)

#### **935.03 EXTENDING WATER LINES TO FARTHEST POINTS.**

The regulations of the Board of Public Affairs are hereby approved requiring property owners requesting the Board or Council to extend water lines to their properties, to extend the line to the farthest point of their lot line from the point of connection.  
(Res. 478. Passed 5-11-59.)

#### **935.04 MINIMUM COVERAGE DEPTH FOR WATER LINES.**

All new installation of water lines, lateral and main lines, shall be installed at a minimum coverage depth of four feet, for residential, commercial, industrial properties and all other users. The Water Division shall inspect all installations before final approval is granted for every new installation. (Ord. 2264. Passed 8-26-63.)

#### **935.05 SPECIAL WATER LINES CONNECTIONS PERMITTED.**

The Director of Administration is authorized to permit individual connections onto the twelve-inch water line running from a point near the pump station on Easton Street in Plain Township to a tract of land owned by Walsh College located in Plain Township, in accordance with existing water line regulations. (Ord. 2491. Passed 7-11-66.)

#### **935.06 REPAIRING FROZEN WATER LINES.**

The cost of thawing or repair of any frozen water lines from the curb line to any buildings shall be at the expense of the owner or owners of the buildings.  
(Ord. 2264. Passed 8-26-63.)

#### **935.07 USE OF WATER FROM FIRE HYDRANTS.**

(a) No person except an authorized agent of the Water Department or the North Canton Fire Department or a person with a special permit issued by the Director of Administration shall disturb or tamper with any fire hydrant or any part thereof or take any water from hydrants under any circumstances. This section applies to all hydrants connected to the North Canton water supply system.

(b) Installation of a meter and backflow device for all bulk water customers using water from a City hydrant, meter fees and refundable equipment damage deposit can be found under the provisions of Section 937.05 Bulk Water Charge.  
(Ord. 39-13. Passed 6-24-13.)

#### **935.08 NONRESIDENT'S USE OF WATER OR SANITARY SEWER SERVICE; AGREEMENT.**

(a) All applications for water or sewer service for locations outside City boundaries require the Water Board and chair of the Water, Sewer and Rubbish Committee's approval.

(b) The Water Board and chair of the Water, Sewer and Rubbish Committee shall evaluate each application, and while considering foremost the City's best interest, they may:

- (1) Reduce or waive the cost to place water and sanitary sewer lines, associated costs, and tap in fees;
- (2) Determine the applicability of inside or outside water rates;
- (3) Determine the necessity of an agreement between the City and applicant whereby the applicant shall, upon request, promptly sign a recordable annexation petition, creating a covenant running with the land and enforceable against all successors and assigns; and
- (4) Evaluate and approve or deny other applicable and negotiable considerations, that in their sole discretion, are in the City's best interest.

(c) Unless a separate, binding agreement is currently in place, all locations outside City boundaries presently receiving City water or sewer service, shall comply with the provisions of this ordinance. (Ord. 88-2017. Passed 10-23-17.)

#### **935.09 USE OF WATER OUTSIDE RESIDENTIAL PREMISES.**

(a) The following policy regulating the use of water outside the premises for all residents on the North Canton Water System, in the event it becomes necessary for the Mayor to declare a mandatory conservation period, is hereby established:

Residents with odd numbered addresses shall be permitted to use water outside the premises on Tuesday, Thursday and Saturday from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 11:00 p.m.

Residents with even numbered addresses shall be permitted to use water outside the premises on Wednesday, Friday and Sunday from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 11:00 p.m.

No resident on the North Canton Water System shall be permitted to use water outside the premises on Monday.

(b) When the Mayor declares a mandatory conservation period, the following penalties shall be in effect for each separate violation of this Conservation Period. Each day shall constitute a separate offense.

##### Improper Watering During Mandatory Conservation Period.

First Offense: written warning, sent certified mail (if unclaimed or refused, sent regular mail).

Second Offense: Excess use fee of one hundred dollars (\$100.00), must be paid within three days (or first working day if third day falls on a weekend or holiday).

Third and Subsequent Offenses: Excess use fee of two hundred fifty dollars (\$250.00) for the third offense and doubling for each subsequent offense, must be paid within three days (or first working day if third day falls on a weekend or holiday).

Offenses are per calendar year but shall be considered a separate violation for each day a violation occurs.

(c) There shall be established a committee that shall have the authority to waive the excess use fee in instances where the water use was beyond the control of the home owner. The committee shall be made up of the Director of Administration, Director of Finance and Chief Operator - Water Treatment Plant. (Ord. 44-2000. Passed 5-22-00.)

(t) "Two-family dwelling" means a detached dwelling arranged, intended or designed to be occupied by only two families, one of which has its principal living rooms on the first floor, the other of which has its principal living rooms on the second floor.  
(Ord. 50-12. Passed 6-25-12.)

### 1701.03 COMPLIANCE AND ENFORCEMENT.

(a) Responsibility for Compliance. The owner as defined herein shall be responsible for compliance with all of the provisions of this Housing Code except where the responsibility therefor is specifically placed elsewhere.

(b) Inspection. The Superintendent of Permits and Inspection and other City department heads and their representatives are hereby authorized to make or cause to be made inspections of all structures or premises used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Housing Code.

(c) Right of Entry. Upon presentation of proper credentials the Superintendent of Permits and Inspection and other City department heads and their representatives may, with the consent of the occupant, operator or owner, enter at reasonable times, or at such other times as may be necessary without such consent in an emergency, any dwelling, building, structure or premises in the City to perform any duty imposed on him by this Housing Code. When consent of the occupant, operator or owner is not given to enter and an emergency situation does not exist, the Superintendent of Permits and Inspection and other City department heads and their representatives may, when probable cause for an inspection of any dwelling, building, structure or premises exists, seek a search warrant from an impartial magistrate to effectuate entrance and inspection. (Ord. 50-12. Passed 6-25-12.)

(d) (1) Notice of Violation.

A. Whenever the Superintendent of Permits and Inspection or other City department heads or their representatives find any dwelling, structure or premises, or any part thereof, to be in violation of the provisions of this Housing Code, the Superintendent of Permits and Inspection shall cause written notice thereof to be served upon the operator and owner of record of such property, and to the holder of legal or equitable liens of record upon the real property on which such dwelling, structure, structure, or premises, or any part thereof is located. Such notice shall state the violation therein and require the operator or owner, within a stated reasonable time, which shall not be less than thirty days, to remedy the violation, together with notice of the City's intent to prosecute noncompliance therewith.

B. If the violation involves the owner or operator's failure to provide necessities, such as heat, running water, etc., specifically those described in Ohio Revised Code subsection 5321.04, landlord obligations, subsection (6), as may be amended from time to time, the notice described herein shall require the owner or operator to remedy the violation within a reasonable time considering the severity of the violation and the time necessary to remedy it.

(Ord. 93-2017. Passed 11-13-17.)

- (2) If the person to whom a notice of violation is addressed cannot be found within Stark County after reasonable and diligent search, then notice may be sent by registered mail to the last known address of such person, and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.

(e) Cases of Emergency. Whenever, in the opinion of the Superintendent of Permits and Inspection and the Director of Administration, the condition of a structure or premises or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and request the Law Director to cause immediate vacation of the structure or premises or part thereof.

(f) Placards. Whenever the Superintendent of Permits and Inspection orders a structure or premises or part thereof to be vacated, he shall cause to be posted at each entrance to such structure or premises or part thereof, a placard ordering such vacation. No person shall deface or remove such placard without written permission of the Superintendent of Permits and Inspection. No person shall enter or use any structure or premises so placarded except as authorized by the Superintendent of Permits and Inspection.

(g) Zoning and Building Standards Board of Appeals. The City Zoning and Building Standards Board of Appeals, as established by Charter, Section 3.07(3), shall be the Board of Appeals for this Housing Code.