

North Canton City Council  
Water, Sewer & Rubbish Committee

Ordinance No. 53 - 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.

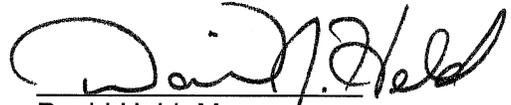
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- 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 in providing potable water to our residents, guests, and customers; 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 8 day of July 2019

ATTEST:

  
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Laura Brown, Director of Finance

  
\_\_\_\_\_  
David Held, Mayor

Signed: 7/08, 2019

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

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

<b>Monthly Consumption in Gallons</b>	<b>June 1 2013</b>	<b>June 1 2014</b>	<b>June 1 2015</b>
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

<b>Monthly Consumption in Gallons</b>	<b>June 1 2013</b>	<b>June 1 2014</b>	<b>June 1 2015</b>
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

<b>Monthly Consumption in Gallons</b>	<b>June 1 2013</b>	<b>June 1 2014</b>	<b>June 1 2015</b>
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

<b>Monthly Consumption in Gallons</b>	<b>June 1 2013</b>	<b>June 1 2014</b>	<b>June 1 2015</b>
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**

<b>Size of Meter</b>	<b>Minimum Monthly Consumption in Gallons</b>
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**

<b>Size of Meter</b>	<b>Minimum Monthly Consumption in Gallons</b>
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.