

RECORD OF ORDINANCES

Ordinance No. 20-11 Passed February 28, 2011

2/23/11-gmk
(Water, Sewer & Rubbish)

Ordinance No. 20-11

An ordinance amending Chapter 937 WATER RATES of the Codified Ordinances of the City of North Canton, Ohio, specifically sections providing for the billing and collection of water rentals; repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

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

Section 1. That Chapter 937 of the Codified Ordinance of the City of North Canton, Ohio, specifically sections providing for the billing and collection of water rentals, be, and the same are hereby amended to read as follows:

"Rate Structure for Residential Premises Inside City Rate Per 1,000 Gallons

<u>Monthly Consumption In Gallons</u>	<u>January 1, 2009</u>
0 – 15,000	\$ 4.60
15,001 – 30,000	\$ 5.27
30,001 – 40,000	\$ 6.11
40,001 and Up	\$ 6.61

Rate Structure for Residential Premises Outside the City Rate Per 1,000 Gallons

<u>Monthly Consumption In Gallons</u>	<u>January 1, 2009</u>
0 – 15,000	\$ 8.66
15,001 – 30,000	\$ 9.28
30,001 – 40,000	\$10.07
40,001 and Up	\$10.55

Business Premises Located Inside Corporate Limits of City Rate Per 1,000 Gallons

<u>Monthly Consumption In Gallons</u>	<u>January 1, 2009</u>
0 – 40,000	\$4.60
40,001 and up	\$4.18

Business Premises Located Outside Corporate Limits of City Rate Per 1,000 Gallons

<u>Monthly Consumption In Gallons</u>	<u>January 1, 2009</u>
0 – 40,000	\$8.66
40,001 – 100,000	\$7.87
100,001 – 750,000	\$7.09
750,001 and up	\$6.30

RECORD OF ORDINANCES

Ordinance No. 20-11

Passed February 28, 20 11

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:

(a) Multiple Residential:

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.

(b) Converted Residential Buildings:

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.

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

<u>Size of Meter</u>	<u>Minimum Monthly Consumption in Gallons</u>
5/8 inch	2,000
1 inch	8,000
1 ½ 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

<u>Size of Meter</u>	<u>Minimum Monthly Consumption in Gallons</u>
5/8 inch	3,000
1 inch	8,000
1 ½ 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

RECORD OF ORDINANCES

Ordinance No. 20-11

Passed February 28, 20 11

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:

- (a) Sixty-five (65%) percent 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;
- (b) Sixty-five (65%) percent 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 (40%) percent 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.

937.03 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) The City shall also have the right in the event of nonpayment as aforesaid, to discontinue service to such premises of water supplied by the City waterworks system until such unpaid water charges have been fully paid.

(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 which 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.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 20-11

Passed February 28, 2011

(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, there shall be a charge of fifty (\$50.00) dollars to be paid before the water service will be turned on during the standard working day.

(b) Whenever water service has been turned off, there shall be a charge of seventy-five (\$75.00) dollars 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, the past due amount, in addition to applicable turn on charge, shall be paid in full before water service will be turned on.

937.05 BULK WATER CHARGE

Bulk or construction water shall be sold at a cost of \$3.60 per thousand gallons. Water shall be sold with the consent and approval of the Director of Administration. Where a meter installation is required, there shall be an additional charge of \$25.00.

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 \$24.00 per month for each hydrant.

937.07 METER REGULATIONS

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

(b) All new installations shall have touchpad, radio or telephone read dials.

(c) All new tap-in installations shall be 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.

RECORD OF ORDINANCES

Ordinance No. 20-11

Passed February 28, 2011

- (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.

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.

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.

937.08 WATER TURN ON

- (a) All property owners or their designated agent 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) That the residential property 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 Water System will be required to make a deposit that equals an estimated forty-five (45) day usage. 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."

Section 2. That any and all legislation inconsistent herewith, be, and the same is hereby repealed.

Section 3. 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.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 20-11

Passed February 28, 2011

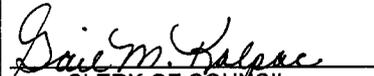
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to ensure the continued efficient operation of the Utility Department; wherefore, provided it receives the affirmative vote of six (6) 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. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed: 2/28/11


MAYOR

SIGNED: 2-28, 2011

ATTEST:


CLERK OF COUNCIL

g:\2011 legislation\20-11 chapter 937 re water billing & collection.docx