

North Canton City Council
Water, Sewer & Rubbish Committee

Ordinance No. 88 - 2017

An ordinance replacing the title of North Canton codified ordinance 935.08 NONRESIDENT'S USE OF WATER OR SANITARY SEWER SERVICE, AGREEMENT, to SALE OF WATER OR SANITARY SEWER SERVICE OUTSIDE CITY BOUNDARIES, together with a text amendment permitting the Water Board and the chair of the Water, Sewer and Rubbish Committee to negotiate water and sanitary service agreements in the City's best interest, and declaring the same to be an emergency.

WHEREAS, the City of North Canton wishes to increase public access to its water and sanitary sewer services; and

WHEREAS, current legislation places mandatory restrictions on the sale of water and sanitary sewer services to nonresidents;

WHEREAS, the City wishes to provide its Water Board and chair of the Water, Sewer and Rubbish Committee with the tools and authority to negotiate in the City's best interest, water and sanitary sewer service agreements to locations outside the City's boundaries.

WHEREAS, current, yet temporary opportunities are before the City such that without the ability to negotiate in the City's best interests, such opportunities shall promptly be directed to City competitors.

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

Section 1. That Section 935.08 of North Canton's codified ordinance shall be retitled SALE OF WATER OR SANITARY SEWER SERVICE OUTSIDE CITY BOUNDARIES.

Section 2. That the text of Section 935.08 be, and the same is hereby amended to read as follows:

(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.

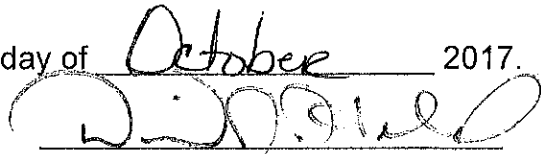
(c) Unless a separate, binding agreement is currently in place, all locations outside City boundaries presently receiving City water or sewer service, shall comply with the provisions of this ordinance.

Section 3. That a true and exact copy of codified ordinance 935.08 is attached hereto and incorporated herein.

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.

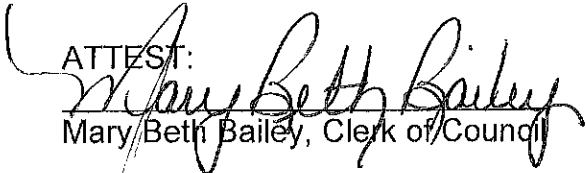
Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to permit the City to promptly act and negotiate, in its best interest, long-term agreements to provide City water and sanitary services outside City boundaries; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 23rd day of October 2017.



David Held, Mayor

ATTEST:



Mary Beth Bailey, Clerk of Council

Signed: 11/01, 2017