

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 79 - 2013
6

7 AN ORDINANCE AMENDING SECTION 923.10 OF
8 TITLE FIVE, PART NINE OF THE CODIFIED
9 ORDINANCES, RELATING TO WATER RATES IN THE
10 NORTHEAST HIGH PRESSURE WATER DISTRICT,
11 AND DECLARING AN EMERGENCY.
12

13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
14 Summit, and State of Ohio, that:
15

16 Section 1. Section 929.10 of the Codified Ordinances of the City of
17 Cuyahoga Falls is hereby amended to read in full as follows (new text
18 underlined; deleted text in ~~strikethrough~~):
19

20 923.10 NORTHEAST HIGH PRESSURE WATER DISTRICT CAPITAL
21 COST SURCHARGES.

22 (a) The Director of Public Service is authorized and directed to require
23 that every person or business located in the Surcharge Areas as defined in
24 Ordinance No. 60-1996 duly passed by City Council on April 22, 1996 and now
25 on file in the office of the Clerk of Council and served or to be served by a
26 connection to the City's water system, shall pay, in addition to the other
27 charges provided in this Chapter the capital cost surcharges calculated as
28 follows:

29 (1) The Lump Sum Surcharge Amount shall be calculated by
30 multiplying the Base Surcharge, as set forth in the table below, by the number
31 of capital surcharge units assigned or anticipated to be assigned as of the date
32 of connection to the water system, determined as follows:

33 A. Each single-family residential unit shall be assigned one
34 capital surcharge unit.

35 B. A multi-family residential or nonresidential building, structure,
36 or other facility shall be assigned capital surcharge units or portions thereof to
37 the nearest one-hundredth as is arrived at by dividing the assumed average
38 daily water usage for the structure by 400. Such daily water usage shall be
39 determined from the "Water Usage Suggested Guide" as set forth in the
40 publication entitled "Guidelines for Design of Small Public Water Systems"
41 published by the Ohio Environmental Protection Agency in 1988, which guide is
42 on file with the Clerk of Council and incorporated herein by reference.

43 C. A nonresidential building, structure or other facility, the daily
44 water usage of which is not set forth in "Water Usage Suggested Guide", shall
45 be assigned such number of capital surcharge benefits or portions thereof to
46 the nearest one-hundredth as determined by the Director of Public Service who
47 shall review the preliminary plans of the building, structure, or other facility
48 together with other pertinent information, and based upon accepted engineering
49 practices, determine the anticipated daily water usage to be delivered to such

50 building, structure, or other facility from the water system. This quantity
51 divided by 400 shall be the number of surcharge benefits units assigned.

52

53 The Lump Sum Surcharge Amount shall be in effect for and apply to all
54 users located in the Lump Sum Surcharge Area depicted in Exhibit A, other
55 than users on property which has been assessed for the water lines to which
56 they connect, who connect to the City's water system on or after May 1,1996.
57 For purposes of the Lump Sum Surcharge Amount but not for purposes of the
58 High Pressure Service Charge Amount, any user who was served by a
59 connection to the County water system prior to May 1,1996, shall be deemed to
60 have connected to the City's water system prior to May 1,1996. The Lump Sum
61 Surcharge Amount shall be paid by all such users in the Lump Sum Surcharge
62 Area depicted in Exhibit A who connect to the City's water system on or after
63 May 1,1996, prior to connection to the water system, and said Surcharge
64 Amount shall be equal to the following amounts for each calendar year in which
65 a tap-in permit is obtained:

66

| Year | Base Surcharge |
|------|----------------|
| 1996 | \$ 2,500.00 |
| 1997 | 2,650.00 |
| 1998 | 2,809.00 |
| 1999 | 2,977.54 |
| 2000 | 3,156.19 |
| 2001 | 3,345.56 |
| 2002 | 3,546.30 |
| 2003 | 3,759.08 |
| 2004 | 3,984.62 |
| 2005 | 4,223.70 |
| 2006 | 4,477.12 |

67

68 Any person planning to connect to the City's water system may pay the
69 entire Lump Sum Surcharge Amount in a year prior to connection equal to the
70 amount that would apply as if a tap-in permit had been obtained in the year of
71 payment, provided, however, if the use of the applicable property changes by
72 the date of the actual connection, the amount due will be adjusted. All users
73 actually served by a connection to the City's water system within eighteen (18)
74 months of the date upon which the City Engineer and the Water
75 Superintendent certify that the waterline serving that user is completed, except
76 those connecting to a newly-constructed facility, shall have an option of paying
77 the surcharge in 120 monthly installment payments, which payments increase
78 each calendar year. The installment payments to be made each calendar year
79 shall be calculated by dividing the lump sum surcharge which would apply as if
80 a connection had been made in the year the payment is due by 120. At any time
81 a user may determine to prepay the remaining installments due by paying an
82 amount calculated by dividing the remaining installment payments due by 120
83 and multiplying the quotient by the applicable lump sum surcharge for the year
84 in which the prepayment is made.

85

86 In the event a property owner moves before making all 120 payments,
87 the new owner of the property shall be responsible for all remaining surcharge
payments due under this Section. The owner of each property is responsible for

88 the payment of the surcharge in the event of failure of a tenant to make such
89 payment.

90 In the event that within ten years following the payment of all or any
91 portion of a surcharge there is a substantial change in the usage of or
92 substantial development of any property or facility served by the connection to
93 the City's water system which does not result in a new connection to the City's
94 water system, the Director of Service shall determine in his discretion whether a
95 new surcharge or an additional surcharge amount shall be imposed.

96 (2) In addition to any other charges there shall also be charged to
97 each user located in the High Pressure Service Charge Area depicted in Exhibit
98 B and connected to the City's water system, except customers of the Cuyahoga
99 Falls Water Utility who obtained Cuyahoga Falls Water service prior to May 1,
100 1996, a High Pressure Service Charge Amount as follows:
101

| | |
|--|-----------------------------|
| First 400 cubic feet. per month - Minimum | \$6.88 per month |
| All Over 400 cubic feet per month | \$17.21 per 1000 cubic feet |

102
103 (3) The High Pressure Service Charge imposed pursuant to subsection
104 (a)(2) above shall terminate effective December 1, 2013.
105

106 (b) Upon completion of construction of all waterlines and facilities
107 necessary to serve the Northeast High Pressure Water District, and at five year
108 intervals thereafter, City Council shall evaluate the costs of construction, the
109 revenue being generated, and the projected development within the District and
110 may determine to modify the amount of either surcharge, to extend the time for
111 payment of either surcharge, or to discontinue either surcharge as Council
112 determines to be appropriate to accomplish the equitable reimbursement of the
113 City's actual costs of the improvements in the Surcharge Areas as set out
114 herein.
115

116 (c) The tap-in service charge provided in Sections 923.04(b) and the
117 surcharges provided in 923.06, 923.07, 923.08 and 923.09 will be waived to the
118 extent Lump Sum Surcharge payments under this Section have been paid or to
119 the extent improvements are constructed at no cost to the City to the extent
120 provided by ordinances enacted by City Council.
121

122 Section 2. Existing Section 923.10 of the Codified Ordinances, as enacted by
123 Ord. No. 60-1996, passed April 22, 1996, is hereby repealed.
124

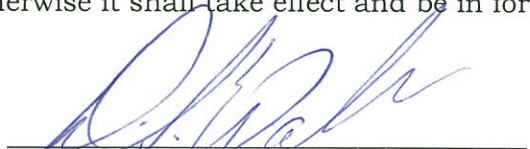
125 Section 3. Any ordinances or resolutions or portions of ordinances and
126 resolutions inconsistent herewith are hereby repealed, but any ordinances and
127 resolutions not inconsistent herewith and which have not previously been
128 repealed are hereby ratified and confirmed.
129

130 Section 4. It is found and determined that all formal actions of this
131 Council concerning and relating to the passage of this ordinance were taken in
132 an open meeting of this Council and that all deliberations of this Council and of
133 any committees that resulted in those formal actions were in meetings open to

134 the public, in compliance with all requirements including Chapter 107 of the
135 Codified Ordinances.


136
137 Section 5. This ordinance is hereby declared to be an emergency measure
138 necessary for the preservation of the public peace, health, safety, convenience
139 and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and
140 provided it receives the affirmative vote of two-thirds of the members elected or
141 appointed to Council, it shall take effect and be in force immediately upon its
142 passage and approval by the Mayor; otherwise it shall take effect and be in force
143 at the earliest period allowed by law.

144
145
146 Passed: 11-25-13




President of Council

147
148
149



Clerk of Council

150
151
152
153 Approved 12/2/13



Mayor

154
155
156 11/12/13
157 O:\2013ords\amend-923.10.doc