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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 48 - 2021

6  
7 AN ORDINANCE AMENDING AND/OR SUPPLEMENTING  
8 TITLE 5, PUBLIC UTILITIES, CHAPTER 923.10, NORTHEAST  
9 HIGH PRESSURE WATER DISTRICT CAPITAL COST  
10 SURCHARGES, TO CEASE COLLECTION OF THE  
11 AFOREMENTIONED CHARGES, AND DECLARING AN  
12 EMERGENCY.  
13

14  
15 WHEREAS, the City of Cuyahoga Falls owns and operates a water system serving  
16 the residential, commercial and industrial users of the City; and  
17

18 WHEREAS, in Chapter 923 of the City's Codified Ordinances, this Council has  
19 established rates to be charged users of the water system to pay costs of operating and  
20 maintaining the system; and  
21

22 WHEREAS, the City no longer has the need to collect new water extension  
23 surcharges in the Northeast High Pressure Water District.  
24

25 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
26 Falls, County of Summit, and State of Ohio, that:  
27

28 Section 1. Title 5, Public Utilities, Chapter 923.10, Northeast High Pressure Water  
29 District Capital Cost Surcharges, is hereby amended and/or supplemented as follows  
30 (new text double underlined; deleted text in ~~striketrough~~):  
31

32 **CHAPTER 923.10**  
33 **NORTHEAST HIGH PRESSURE WATER DISTRICT CAPITAL COST SURCHARGES.**  
34

35 (a) The Director of Public Service is authorized and directed to require that every  
36 person or business located in the Surcharge Areas as defined in Ordinance No. 60-  
37 1996 duly passed by City Council on April 22, 1996 and now on file in the office of  
38 the Clerk of Council and served or to be served by a connection to the City's water  
39 system, shall pay, in addition to the other charges provided in this Chapter the  
40 capital cost surcharges calculated as follows:  
41

42 (1) The Lump Sum Surcharge Amount shall be calculated by multiplying the Base  
43 Surcharge, as set forth in the table below, by the number of capital surcharge  
44 units assigned or anticipated to be assigned as of the date of connection to the  
45 water system, determined as follows:  
46

47 A. Each single-family residential unit shall be assigned one capital surcharge  
48 unit.

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

58  
59 C. A nonresidential building, structure or other facility, the daily water usage of  
60 which is not set forth in "Water Usage Suggested Guide", shall be assigned  
61 such number of capital surcharge benefits or portions thereof to the nearest  
62 one-hundredth as determined by the Director of Public Service who shall  
63 review the preliminary plans of the building, structure, or other facility  
64 together with other pertinent information, and based upon accepted  
65 engineering practices, determine the anticipated daily water usage to be  
66 delivered to such building, structure, or other facility from the water system.  
67 This quantity divided by 400 shall be the number of surcharge benefits  
68 units assigned.

69  
70 The Lump Sum Surcharge Amount shall be in effect for and apply to all  
71 users located in the Lump Sum Surcharge Area depicted in Exhibit A, other  
72 than users on property which has been assessed for the water lines to which  
73 they connect, who connect to the City's water system on or after May 1,  
74 1996. For purposes of the Lump Sum Surcharge Amount but not for  
75 purposes of the High Pressure Service Charge Amount, any user who was  
76 served by a connection to the County water system prior to May 1, 1996,  
77 shall be deemed to have connected to the City's water system prior to May 1,  
78 1996. The Lump Sum Surcharge Amount shall be paid by all such users in  
79 the Lump Sum Surcharge Area depicted in Exhibit A who connect to the  
80 City's water system on or after May 1, 1996, prior to connection to the water  
81 system, and said Surcharge Amount shall be equal to the following amounts  
82 for each calendar year in which a tap-in permit is obtained:

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

83 Any person planning to connect to the City's water system may pay the entire Lump  
84 Sum Surcharge Amount in a year prior to connection equal to the amount that would  
85 apply as if a tap-in permit had been obtained in the year of payment, provided,  
86 however, if the use of the applicable property changes by the date of the actual  
87 connection, the amount due will be adjusted. All users actually served by a correction  
88 to the City's water system within eighteen (18) months of the date upon which the City  
89 Engineer and the Water Superintendent certify that the waterline serving that user is  
90 completed, except those connecting to a newly-constructed facility, shall have an  
91 option of paying the surcharge in 120 monthly installment payments, which payments  
92 increase each calendar year. The installment payments to be made each calendar year  
93 shall be calculated by dividing the lump sum surcharge which would apply as if a  
94 connection had been made in the year the payment is due by 120. At any time a user  
95 may determine to prepay the remaining installments due by paying an amount  
96 calculated by dividing the remaining installment payments due by 120 and  
97 multiplying the quotient by the applicable lump sum surcharge for the year in which  
98 the prepayment is made.

99  
100 In the event a property owner moves before making all 120 payments, the  
101 new owner of the property shall be responsible for all remaining surcharge  
102 payments due under this Section. The owner of each property is responsible  
103 for the payment of the surcharge in the event of failure of a tenant to make  
104 such payment.

105  
106 In the event that within ten years following the payment of all or any portion  
107 of a surcharge there is a substantial change in the usage of or substantial  
108 development of any property or facility served by the connection to the City's  
109 water system which does not result in a new connection to the City's water  
110 system, the Director of Service shall determine in his discretion whether a  
111 new surcharge or an additional surcharge amount shall be imposed.

- 112  
113 (2) In addition to any other charges there shall also be charged to each user  
114 located in the High Pressure Service Charge Area depicted in Exhibit B and  
115 connected to the City's water system, except customers of the Cuyahoga Falls  
116 Water Utility who obtained Cuyahoga Falls Water service prior to May 1, 1996, a  
117 High Pressure Service Charge Amount as follows:

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

- 118 (3) The High Pressure Service Charge imposed pursuant to subsection (a)(2) above  
119 shall terminate effective December 1, 2013.  
120

- 121 (b) Upon completion of construction of all waterlines and facilities necessary to  
122 serve the Northeast High Pressure Water District, and at five year intervals  
123 thereafter, City Council shall evaluate the costs of construction, the revenue  
124 being generated, and the projected development within the District and may  
125 determine to modify the amount of either surcharge, to extend the time for  
126 payment of either surcharge, or to discontinue either surcharge as Council  
127 determines to be appropriate to accomplish the equitable reimbursement of

128 the City's actual costs of the improvements in the Surcharge Areas as set  
129 out herein.

130  
131 (c) The tap-in service charge provided in Sections 923.04(b) and the surcharges  
132 provided in 923.06, 923.07, 923.08, ~~and~~ 923.09, and 923.10 will be waived  
133 to the extent Lump Sum Surcharge payments under this Section have been  
134 paid or to the extent improvements are constructed at no cost to the City to  
135 the extent provided by ordinances enacted by City Council.  
136

137 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions  
138 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
139 inconsistent herewith and which have not previously been repealed are hereby ratified  
140 and confirmed.


141  
142 Section 3. It is found and determined that all formal actions of this Council  
143 concerning and relating to the passage of this ordinance were taken in an open  
144 meeting of this Council and that all deliberations of this Council and of any  
145 committees that resulted in those formal actions were in meetings open to the public,  
146 in compliance with all requirements including Chapter 107 of the Codified Ordinances.  
147

148 Section 4. This ordinance is hereby declared to be an emergency measure  
149 necessary for the preservation of the public peace, health, safety, convenience and  
150 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
151 receives the affirmative vote of two-thirds of the members elected or appointed to  
152 Council, it shall take effect and be in force immediately upon its passage and approval  
153 by the Mayor; otherwise it shall take effect and be in force at the earliest period  
154 allowed by law.

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158 Passed: 6-28-2021

  
\_\_\_\_\_  
President of Council

160  
161  
162  
163 Clerk of Council

  
\_\_\_\_\_  
Clerk of Council

164  
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166 Approved: 6-29-2021

  
\_\_\_\_\_  
Mayor