

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 72 - 2011

6  
7 AN ORDINANCE AMENDING SECTION 923.03 OF TITLE FIVE,  
8 PART NINE OF THE CODIFIED ORDINANCES, RELATING TO  
9 FREE WATER ACCOUNTS, AND DECLARING AN EMERGENCY.

10  
11 WHEREAS, this Council hereby finds and determines that the provision of free water service  
12 to public and non-profit educational institutions is a public purpose within the scope and  
13 meaning of the Ohio Constitution and the City Charter,

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

17  
18 Section 1. Section 923.03 of Title Five, Part Nine the Codified Ordinances of the City of  
19 Cuyahoga Falls are hereby amended to read in full as follows (new text underlined; deleted text in  
20 strikethrough):

21  
22 923.03 FREE WATER FOR PUBLIC LIBRARY AND SCHOOLS.

23  
24 (a) To the extent the following entities establish or maintain water service accounts with the  
25 City, the Director of Public Service shall, upon request, cause furnish water to such accounts to  
26 be furnished free of without charge for human consumption, food service and sanitary purposes,  
27 provided, however, that regular rates shall apply for landscaping, irrigation, recreation or other  
28 purposes; to the Taylor Memorial Library.

29 ~~The use of water constitutes a use for public purposes, free use of which is authorized by~~  
30 ~~Ohio R. C. 743.27.~~

- 31 (i) The William A and Margaretta Taylor Memorial Association dba Cuyahoga Falls  
32 Library, 2015 Third Street,  
33 (ii) All public schools within the territorial limits of the City, and  
34 (iii) All private, non-profit schools within the territorial limits of the City.

35  
36 (b) ~~No charge shall be imposed for City water furnished to public schools within the~~  
37 ~~territorial limits of the City which are supported in whole or in part by taxation and which are~~  
38 ~~served by City water mains. Notwithstanding the provisions of subsection (a) above, free water~~  
39 ~~will not be provided if it is used for commercial purposes, or if any building served by the account~~  
40 ~~is not used primarily for school or library purposes.~~

41  
42 (c) ~~No charge shall be imposed for City water furnished to parochial, sectarian or private~~  
43 ~~nonprofit schools within the territorial limits of the City which regularly operate schools during a~~  
44 ~~school term similar in length to the public school term for students similar in age to those in the~~  
45 ~~public school system and which are served by City water mains. No entity eligible to receive free~~  
46 ~~water service is required to accept it. All expenses associated with plumbing and metering any~~  
47 ~~premises to receive free water in compliance with this section shall be borne by the account~~  
48 ~~holder.~~

49  
50 (d) Nothing in this section shall be construed to require the City to extend water mains or  
51 service to schools not served thereby.

52  
53 (e) ~~The use of water for schools in the City constitutes a use for public purposes, free use of~~  
54 ~~which is authorized by Ohio R. C. 743.27.~~

55  
56 Section 2. The Council hereby finds and determines that the provision of free water service  
57 in accordance with Section 923.03 of the Codified Ordinances, as hereby amended, is a public  
58 purpose within the scope and meaning of the Ohio Constitution and the City Charter.

59  
60 Section 3. Any water account holder receiving free water service on the effective date of this  
61 ordinance which, as a result of this ordinance, is no longer eligible to receive free water, shall

62 achieve compliance with Section 923.03, as hereby amended, within 180 days after the effective  
63 date of this ordinance.

64  
65 Section 4. Existing Section 923.03 of the Codified Ordinances, as re-enacted by Ord. No. 45-  
66 1998, passed March 9, 1998, is hereby repealed.

67  
68 Section 5. Any ordinances or resolutions or portions of ordinances and resolutions  
69 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
70 herewith and which have not previously been repealed are hereby ratified and confirmed.

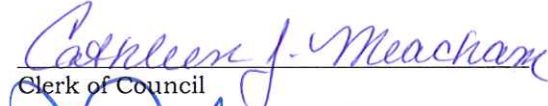
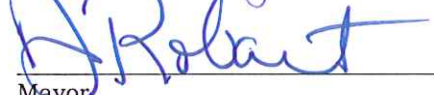
71  
72 Section 6. It is found and determined that all formal actions of this Council concerning and  
73 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
74 all deliberations of this Council and of any committees that resulted in those formal actions were  
75 in meetings open to the public, in compliance with all requirements including Chapter 107 of the  
76 Codified Ordinances.

77  
78 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the  
79 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
80 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
81 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
82 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
83 period allowed by law.

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85  
86 Passed: 9-12-11

  
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President of Council

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94 Approved 9/21/11

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