

AN ORDINANCE AMENDING TITLE FOUR - UTILITIES, CHAPTER 1040 - WATER, SECTION 1040.06 OF THE CODIFIED ORDINANCES, "WATER WELLS PROHIBITED WHERE MUNICIPAL WATER SERVICE AVAILABLE; EXCEPTIONS."

WHEREAS, Chapter 1040 of the Codified Ordinances regulates water services provided by the City: and

WHEREAS, Council wishes to amend Section 1040.06 of the Codified Ordinances clarifying that where available City of Hudson water supply must be utilized for potable water to a property unless the property is utilizing an existing well, with exceptions for non-potable use; and

WHEREAS, Council wishes to allow existing wells to be maintained but not altered as that term is defined in the Ohio Administrative Code; and

WHEREAS, a mark-up is attached as Exhibit "A" showing the changes to the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Section 1040.06, Chapter 1040, Part Ten, Title Four of the Codified Ordinances of the City of Hudson is hereby amended to read as follows:

1040.06 WATER WELLS PROHIBITED WHERE MUNICIPAL WATER SERVICE AVAILABLE; EXCEPTIONS.

- (a)(1) Where City of Hudson (City) water service is available on the street to which a premises fronts or has access, it shall be prohibited to drive, drill, dig or use any water well within the corporate limits of the Municipality unless, on or before the date when City water service becomes available, the premises was utilizing an existing water well as its source of potable water.
- (2) Where a premises as described in section (a)(1) utilizes an existing well to supply potable water, it may continue to utilize that well as its water source as long as that well remains viable, but may not drill, drive dig or use any new well for potable water is not altered, as defined in Ohio Administrative Code section 3701-28-01(A) "Alteration".
- (2)(3) Under no circumstances shall this section be interpreted to prohibit maintenance necessary for an existing well to continue supplying water at its established volume, said maintenance to include, but not be limited to, removal of impediments, or replacement of pumps.
- (b) With the approval of the City Manager or their designee an existing or new well may

be utilized to supply water for uses other than for potable supply to the premises. In determining whether to grant such approval, the City Manager or their designee shall consider the uses of such water consistent with maintaining heating or cooling systems in times of emergency or disruption of municipal supply, agricultural uses and that any approval requires that no cross-connection is possible under plans submitted to the City and that the user maintains compliance with section 1040.12 of the City of Hudson Codified Ordinances.

(c) The City shall have free access at all reasonable times of the day to enter or inspect portions of any premises to which municipal water is supplied.

Section 2. That the above recitals and attached exhibit are fully incorporated herein.

Section 32. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 43. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Jeffrey L. Anzevino, Mayor

ATTEST:

Elizabeth Slagle, Acting Clerk of Council

I certify that the foregoing Ordinance No. 23-___ was duly passed by the Council of said Municipality on _____, 2023.

Elizabeth Slagle, Acting Clerk of Council