

ORDINANCE NO.: 97-2023

INTRODUCED BY: MAYOR THOMAS

**AN ORDINANCE AMENDING SECTION 935.01, "WATER USE EMERGENCY", AND REPEALING SECTION 935.01, "PENALTY", OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS**

WHEREAS, this Council desires to enter into a new Water Service Agreement with the City of Cleveland, Division of Water;

WHEREAS, upon entering into the new Water Service Agreement, the City of Cleveland, Division of Water, has requested the City of Richmond Heights to amend its Water Use Emergency ordinance, which is in Section 935.01 of the Codified Ordinances and was originally adopted by this Council in 1988, so as to be consistent with Cleveland's proposed ordinance therefor and this Council agrees with the minimal revisions requested by Cleveland;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, Ohio, that:

Section 1: Section 935.01, "Water Use Emergency", of Chapter 935, "Water" of the Codified Ordinances is hereby amended to hereinafter provide as follows:

**"935.01 WATER USE EMERGENCY.**

(a) Upon notice from the City of Cleveland, Division of Water ~~and Heat~~ of the Department of Public Utilities, that a shortage of the water supply exists which threatens the public health and safety and that the shortage makes it necessary to curtail water use within all or any part of the City, the Mayor shall proclaim a water use emergency throughout all or any part of the City.

(b) A water use emergency proclamation shall specify:

- (1) The geographic area affected by the water use emergency;
- (2) The length of time the emergency shall be in effect. Such time shall not exceed thirty seven (7) days; and
- (3) The degree of water use curtailment.

(c) During a water use emergency, the Mayor may order a water use curtailment by prohibiting unnecessary use or consumption of water during all or specified hours of the day and/or may order that specified premises curtail unnecessary use or consumption of water on specified days only as the Mayor shall determine to be necessary.

(d) A proclamation of a water use emergency shall become effective at the time of issuance by the Mayor. Notice thereof shall be given to a newspaper of general circulation in the Municipal area City and shall be reported to a local radio and television stations for broadcast.

(e) As used in this section, "unnecessary use or consumption" means the use or consumption of water for purposes other than personal health, safety, sanitation and bodily consumption. Unnecessary use or consumption of water includes but is not limited to sprinkling or watering lawns, other land irrigation, the washing of automobiles, houses or other structures and the use of water for recreational purposes such as the maintenance of swimming pools. The use of water for private construction such as the mixing and curing of concrete, the puddling of backfill in excavations, the moistening of masonry walls preparatory to pointing or sealing, and other similar uses is not an unnecessary use or consumption of water. The use of water to scrub and rinse areas such as hard-surfaced drives, garage floors, patios and similar uses where necessary for the purpose of sanitation and the protection of health is not an unnecessary use and consumption of water.

(f) No person or entity shall, during a water use emergency, use water in violation of the terms and conditions of the Mayor's water use emergency proclamation.

(g) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Whoever violates this section having been previously convicted of a violation of this ordinance is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues."

Section 2: Existing Section 935.01 of the Codified Ordinances is hereby repealed.

Section 3: Section 935.99, "Penalty", of Chapter 935, "Water", which reads as follows, is hereby repealed in its entirety:

**“935.99 PENALTY.**

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”~~

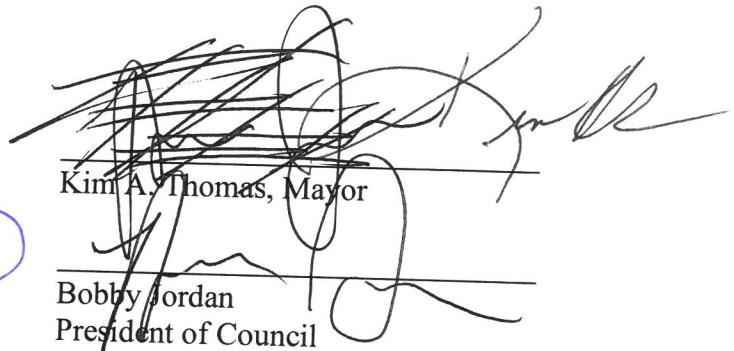
Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 27, 2023

APPROVED: June 27, 2023

ATTEST: Donnie L. Hunter  
Donnie L. Hunter  
Clerk of Council

  
Kim A. Thomas, Mayor  
Bobby Jordan  
President of Council