

Com. 3 2-9-26

Mayor Police Treas.
Law Fire Planning
Audit Water Budget
Engineer

JPR/PDS/tk

2/11/26

2035

By: Council as a Whole

1st Reading 2/23/26

Referred to Annex

2nd Reading _____

3rd Reading _____

PASSED:

Recorded in Volume _____ Page _____

ORDINANCE NO.

AN ORDINANCE TO REQUIRE ANNEXATION INTO THE CITY FOR ANY PROPERTIES CURRENTLY OUTSIDE THE CITY OF CANTON CORPORATE LIMITS SEEKING MUNICIPAL WATER AND SEWER SERVICES TO SAID PROPERTIES; AMENDING CHAPTER 955, WATER COMMISSION OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE AUTHORITY TO ENTER INTO ALL NECESSARY AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, the Council of the city of Canton has determined that it is in the best interest of the city to require annexation into the City for any properties currently outside the city of Canton corporate limits seeking municipal water and sewer services to said properties subject to any existing JEDD, CEDA, or Annexation Agreements in place at the time of the request for utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT:

Section 1. Council determines that it is in the best interests of the city and its inhabitants to require territories receiving municipal utilities, including, but not limited to, sewer and water, to be annexed within the corporate limits of the city of Canton as a condition of said services, subject to any existing JEDD, CEDA, or Annexation Agreements in place at the time of request for utilities. The Director of Public Service may issue a waiver of the annexation requirement; however, Council must be notified of any waiver and may deny it by a two-thirds vote of all Council Members.

Section 2. Chapter 955, Water Commission of the Codified Ordinances of the city of Canton, is amended to add a new section to read as follows:

955.06 REQUIREMENTS FOR MUNICIPAL WATER AND SEWER SERVICES FOR EXTRATERRITORIAL CUSTOMERS.

The owner of property requesting municipal water and sewer services to property outside the corporate limits of the City shall comply with the following prior to receiving municipal services:

- (a) Execute an agreement to annex the property to the City or a petition for annexation to the City as determined by the City. The Director of Public Service may issue a waiver of the annexation requirement; however, Council must be notified of any waiver and may deny it by a two-thirds vote of all Council Members.
- (b) Compliance with the zoning regulation of the governmental unit in which the property is located, unless the property is subject to annexation by the City. If the property is subject to annexation by the City, City zoning regulations shall apply. All properties within the boundaries of the City's defined water and sewer districts are deemed to be subject to annexation unless they are geographically exempt from annexation pursuant to a written agreement between the City and another political jurisdiction.
- (c) Compliance with the Comprehensive Plan, as adopted and amended.
- (d) Compliance with any City, County, State or Federal plans related to the extension, expansion or maintenance of municipal utilities. Prior to municipal water and sewer services being extended, the owner shall submit and obtain City engineering approvals for site civil construction plans including pavement and drainage, water, storm and sanitary sewer.

Section 3. Council determines said annexation requirement in exchange for municipal utility services outside the municipal boundaries is in the best interest for the City and its inhabitants and is a valid exercise of its police power for the health, safety, and welfare of its citizens.

Section 4. The Mayor or Director of Public Service, on behalf of the city of Canton, is authorized and directed to enter into all necessary agreements.

Section 5. Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Majority

Leader, to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the citizens of the city of Canton and to ensure equitable contribution from those benefiting from City services, reduce subsidy burden on City residents, encourage compact, coordinated growth, aligns infrastructure investment with revenue, strengthen long-term fiscal sustainability and to promote fair regional partnership within the city of Canton. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

President of Council

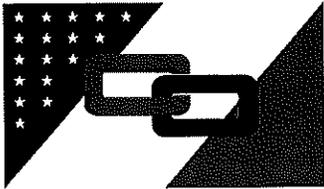
ATTEST:

APPROVED:

Clerk of Council

Mayor

2/9/26
C# 3
Annex



February 3, 2026

OKAY TO PREPARE LEGISLATION:

Brenda Kimberly

Canton City Council
Council Office
Canton, OH 44702

President of Council
Louis Giavasis

Councilmembers-At-Large
James Babcock, Assistant
Majority Leader
Bill Smuckler
Joe Cole

Ward Councilmembers

Ward 1

Darren Mayle

Ward 2

Brenda Kimbrough

Ward 3

Jason Scaglione

Ward 4

Chris Smith

Ward 5

Robert Fisher

Ward 6

J. Nate Cooks

Ward 7

John Mariol, Majority Leader

Ward 8

Richard Sacco

Ward 9

Frank Morris

RE: Request for Legislation Requiring Annexation as a Condition of New or Transferred City Water Services

Dear Mr. President and Honorable Members:

I am requesting the drafting and consideration of legislation requiring annexation into the City of Canton as a condition of receiving new City water services, or transferring existing City water service, for properties that are legally eligible for annexation at the time of application.

Summary of Proposal:

Under this proposal, when a property owner applies for new City water service or the transfer of existing City water service into a new owner's name, and the property is outside but contiguous to the City and legally eligible for annexation, the applicant would be required to execute annexation paperwork as part of the water service process.

The Service Director may issue a waiver; however, Canton City Council must be notified of any waiver and may deny it by two-thirds of all Council Members.

In practice, a property owner purchasing a home on the City border and requesting City water services would be annexed concurrently with that request.

Rationale and Public Purpose:

This proposal addresses a long-standing imbalance in how services are provided and funded in Stark County.

The City of Canton provides extensive infrastructure and services that benefit township residents and businesses, including water production and distribution, road maintenance, emergency services, and parks. Some City-owned parks are located in surrounding townships but are funded and maintained by City taxpayers.

For decades, the City has borne primary responsibility for regional challenges using City resources, while surrounding townships have not contributed proportionally. Many township residents and businesses benefiting from City infrastructure do not pay City income taxes, resulting in City residents subsidizing services outside City limits.

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City of Canton, Ohio
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Population and economic growth are critical to long-term regional viability. Strategic City growth allows Canton to use planning, zoning, infrastructure, and economic development tools to encourage coordinated growth rather than fragmented expansion.

Fragmented governance leads to duplicated services and inefficient land use; conditional annexation tied to utility services promotes efficiency

Comparable Ohio cities illustrate this impact. Columbus pursued aggressive annexation and conditions to grow, while Cleveland largely halted annexation and has experienced population decline and fiscal strain. Courts have held that these types of ordinances are a valid exercise of the police power of a municipality, that such a requirement is not unreasonable, arbitrary, or capricious, and that it bears a rational relationship to the health, safety, and welfare of the municipality's citizens.

Benefits of the Proposed Policy:

- Ensures equitable contribution from those benefiting from City services
- Reduces subsidy burden on City residents
- Encourages compact, coordinated growth
- Aligns infrastructure investment with revenue
- Strengthens long-term fiscal sustainability
- Promotes fair regional partnership

Conclusion:

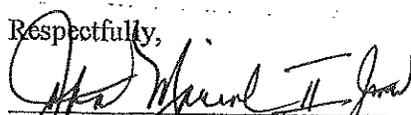
This proposal applies only when a property owner voluntarily seeks City water services and annexation is legally permissible. It establishes a fair standard that those who benefit from the City of Canton contribute on the same terms as City residents.

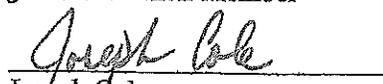
For too long, the City has carried a disproportionate share of regional responsibility without corresponding contribution. This legislation is a necessary step toward fairness, efficiency, and shared responsibility.

I respectfully request that the Law Department draft enabling legislation to implement this policy and return it to Council for consideration that does the following:

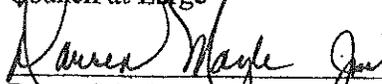
1. Authorizes the policy requiring annexation into the City for any properties currently outside of the City corporate limits seeking extension of municipal utility services, subject to the Director of Public Services waiver of said requirement and Council's ability to deny the waiver by 2/3 vote.
2. Authorizes the Mayor and/or Director of Public Service to enter into all necessary agreements.
3. Declares this ordinance to be an emergency measure.

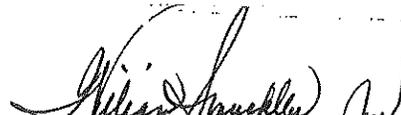
Respectfully,

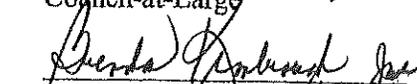

John Mariol II, Majority Leader
Ward 7 Council Member


Joseph Cole
Council-at-Large


James Babcock
Council-at-Large

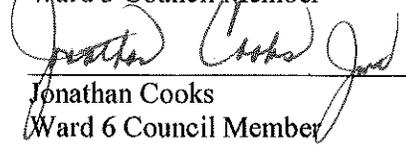

Darren Mayle
Ward 1 Council Member


William Smuckler
Council-at-Large

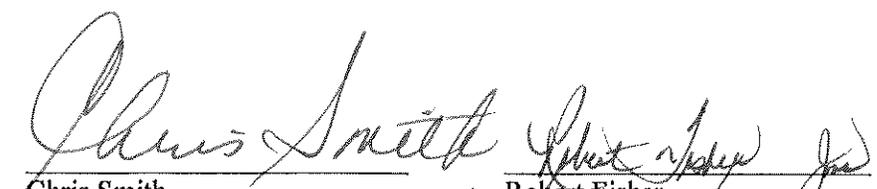

Brenda Kimbrough
Ward 2 Council Member



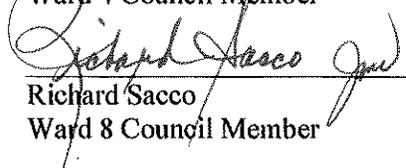
Jason Scaglione
Ward 3 Council Member



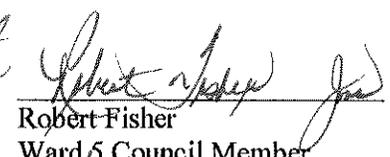
Jonathan Cooks
Ward 6 Council Member



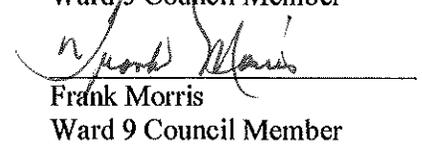
Chris Smith
Ward 4 Council Member



Richard Sacco
Ward 8 Council Member



Robert Fisher
Ward 5 Council Member



Frank Morris
Ward 9 Council Member