

NEW LEGISLATION

July 11, 2011

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

Temp. No.	Introduced	Committee	Description
B-71	7/11/11	Fin	An ordinance authorizing the Mayor to enter into a settlement agreement in the case of John P. Richard, Jr. v. City of Cuyahoga Falls, and declaring an emergency.
B-72	7/11/11	Fin	An ordinance authorizing the Director of Public Service to issue an encroachment permit to the Judith Loving Trust for the purpose of installing and operating a private sanitary force main sewer in Quick Road, and declaring an emergency.
B-73	7/11/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of the parking lot at Brookledge Golf Course, and declaring an emergency.
B-74	7/11/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of State Road between Quick Road and Seasons Road, and declaring an emergency.
B-75	7/11/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the installation of storm sewers on Issaquah and Sequoia Streets, and declaring an emergency.
B-76	7/11/11	PA	An ordinance amending Sections 161.05, 161.07, 161.09, 161.11 and 161.13 of Title Seven, Part One of the Codified Ordinances, relating to municipal income tax, and declaring an emergency.
B-77	7/11/11	PA	An ordinance amending Sections 771.01, 771.02, 771.03, 771.04, and 771.05 of Part Seven of the Codified Ordinances, relating to alarm systems and false alarms, and declaring an emergency.

CALENDAR

July 11, 2011

The following legislation will be up for passage at the Council Meeting on July 11, 2011.

Temp. No.	Introduced	Committee	Description
B-67	6/27/11	Fin	An ordinance providing for the issuance and sale of \$8,600,000 principal amount of notes, in anticipation of the issuance of bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
B-68	6/27/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with D&G Uniforms, Inc., for the purchase of body armor vests, and declaring an emergency.
B-69	6/27/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of Portage Trail from 4 th Street to 13 th Street, and declaring an emergency.

PENDING LEGISLATION

July 11, 2011

Temp. No.	Introduced	Committee	Description
B-53	5/9/11	PA	An ordinance enacting new Section 1366.06 of Title 7, Part 13 of the Codified Ordinances, relating to outdoor composting, and declaring an emergency.
B-54	5/9/11	PA	An ordinance amending Section 505.18 of Part 5 of the Codified Ordinances, relating to feeding of birds, and declaring an emergency.
B-62	6/13/11	P Z	An ordinance amending Chapter 1115, Title 1, and Section 1131.03 of Chapter 1131, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), relating to regulation of crematories, and declaring an emergency.
B-64	6/13/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the reconstruction of concrete pavement at various locations in the city, and declaring an emergency.
B-67	6/27/11	Fin	An ordinance providing for the issuance and sale of \$8,600,000 principal amount of notes, in anticipation of the issuance of bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
B-68	6/27/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with D&G Uniforms, Inc., for the purchase of body armor vests, and declaring an emergency.
B-69	6/27/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of Portage Trail from 4 th Street to 13 th Street, and declaring an emergency.
B-70	6/27/11	PA	A resolution urging the Ohio General Assembly to promptly enact pending legislation which would regulate dangerous hallucinogenic substances that are currently being marketed as bath salts and plant food, by adding such substances to the list of controlled substances identified in Section 3719.41 of the Ohio Revised Code, and declaring an emergency.

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
8 SETTLEMENT AGREEMENT IN THE CASE OF JOHN P.
9 RICHARD, JR. V. CITY OF CUYAHOGA FALLS, AND
10 DECLARING AN EMERGENCY.

11
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State
13 of Ohio, that:

14
15 Section 1. The Mayor is hereby authorized to execute a settlement agreement in the case of
16 *John P. Richard, Jr. v. City of Cuyahoga Falls*, Summit County Court of Common Pleas Case No.
17 CV 2010-04-2432, on the basis of the proposal negotiated and presented to City Council on July
18 __, 2011.

19
20 Section 2. The Director of Finance is hereby authorized and directed to make payment for
21 same from the Capital Projects Fund.

22
23 Section 3. The Mayor and/or Director of Law, as indicated, are hereby authorized to execute
24 and file such pleadings and documents with the court or other agencies, including, without
25 limitation, a stipulated judgment entry and any other pleadings necessary to effectuate the intent
26 of the parties as set forth in the proposed settlement agreement.

27
28 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
29 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
30 herewith and which have not previously been repealed are hereby ratified and confirmed.

31
32 Section 5. It is found and determined that all formal actions of this Council concerning and
33 relating to the passage of this ordinance were taken in an open meeting of this Council and that
34 all deliberations of this Council and of any committees that resulted in those formal actions were
35 in meetings open to the public, in compliance with all legal requirements including Chapter 107
36 of the Codified Ordinances.

37
38 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the
39 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
40 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
41 members elected or appointed to Council, it shall take effect and be in force immediately upon its
42 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
43 period allowed by law.

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46 Passed: _____

President of Council

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Clerk of Council

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54 Approved _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ISSUE AN ENCROACHMENT PERMIT TO THE
9 JUDITH LOVING TRUST FOR THE PURPOSE OF INSTALLING
10 AND OPERATING A PRIVATE SANITARY FORCE MAIN SEWER
11 IN QUICK ROAD, AND DECLARING AN EMERGENCY.
12

13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State
14 of Ohio, that:

15
16 Section 1. The Director of Public Service is hereby authorized to issue an encroachment
17 permit, revocable at the will of Council, to the Judith Loving Trust, for the purpose of installing
18 and operating a private 4-inch sanitary force main sewer within the public right-of-way of Quick
19 Road, from 4557 Quick Road to an existing sanitary sewer approximately 900 feet south. The
20 permit shall be substantially in the form now on file with the Clerk in Council File No. ____ and
21 shall contain such terms and conditions as are necessary in the opinion of the Director of Law to
22 protect the public interest.
23

24 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
25 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
26 ordinances and resolutions not inconsistent herewith and which have not previously been
27 repealed are hereby ratified and confirmed.
28

29 Section 3. It is found and determined that all formal actions of this Council concerning and
30 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
31 that all deliberations of this Council and of any of its committees that resulted in such formal
32 action were in meetings open to the public, in compliance with all legal requirements including
33 Chapter 107 of the Codified Ordinances.
34

35 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
36 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
37 Falls, and provided it receives the affirmative vote of two-thirds of the members elected or
38 appointed to Council, it shall take effect and be in force immediately upon its passage and
39 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
40 by law.
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43 Passed: _____
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45 President of Council

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48 Clerk of Council

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51 Approved: _____
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53 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2011

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE REPAIR AND RESURFACING OF
12 THE PARKING LOT AT BROOKLEDGE GOLF COURSE, AND
13 DECLARING AN EMERGENCY.
14

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

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
20 contracts, according to law, for the repair and resurfacing of the parking lot at Brookledge Golf
21 Course.
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
24 from the Capital Projects Fund.
25

26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
28 herewith and which have not previously been repealed are hereby ratified and confirmed.
29

30 Section 4. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
32 all deliberations of this Council and of any of its committees that resulted in such formal action, were
33 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
34 including Chapter 107 of the Codified Ordinances.
35

36 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
39 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
40 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
42 allowed by law.
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45 Passed: _____

President of Council

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Clerk of Council

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53 Approved: _____

Mayor

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56 7/11/11

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2011

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE REPAIR AND RESURFACING OF
12 STATE ROAD BETWEEN QUICK ROAD AND SEASONS ROAD, AND
13 DECLARING AN EMERGENCY.
14

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

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
20 contracts, according to law, for the repair and resurfacing of State Road between Quick Road and
21 Seasons Road.
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
24 from the Capital Projects Fund.
25

26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
28 herewith and which have not previously been repealed are hereby ratified and confirmed.
29

30 Section 4. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
32 all deliberations of this Council and of any of its committees that resulted in such formal action, were
33 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
34 including Chapter 107 of the Codified Ordinances.
35

36 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
39 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
40 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
42 allowed by law.
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45 Passed: _____
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47 President of Council

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50 Clerk of Council

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53 Approved: _____
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55 Mayor

56 7/11/11

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2011

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE INSTALLATION OF STORM
12 SEWERS ON ISSAQUAH AND SEQUOIA STREETS, AND
13 DECLARING AN EMERGENCY.

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

17
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
19 contracts, according to law, for the installation of storm sewers on Issaquah Street and Sequoia
20 Street, including construction of a storm water detention facility on City-owned land at Oneida
21 Avenue and Sequoia Street.

22
23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
24 from the Storm Drainage Utility Fund, line item Capital Outlay.

25
26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
28 herewith and which have not previously been repealed are hereby ratified and confirmed.

29
30 Section 4. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
32 all deliberations of this Council and of any of its committees that resulted in such formal action, were
33 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
34 including Chapter 107 of the Codified Ordinances.

35
36 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
39 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
40 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
42 allowed by law.

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45 Passed: _____

President of Council

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Clerk of Council

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53 Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

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7 AN ORDINANCE AMENDING SECTIONS 161.05, 161.07, 161.09,
8 161.11 and 161.13 OF TITLE SEVEN, PART ONE OF THE
9 CODIFIED ORDINANCES, RELATING TO MUNICIPAL INCOME
10 TAX, AND DECLARING AN EMERGENCY.

11
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State
13 of Ohio, that:

14
15 Section 1. Sections 161.05, 161.07, 161.09, 161.11, and 161.13, of the Codified Ordinances
16 of the City of Cuyahoga Falls are hereby amended to read in full as follows (new text underlined;
17 deleted text in ~~strike through~~):

18
19 161.05 RETURN AND PAYMENT OF TAX.

20 (a) Each taxpayer shall whether or not a tax be due thereon, make and file a return on or
21 before April ~~30~~ 15 of each calendar year. When the return is made for a fiscal year or other period
22 different from the calendar year, the return shall be filed ~~within four months from~~ not later than
23 the 15th day of the fourth month after the end of such fiscal year or period.

24
25 (b) The return shall be filed with the Tax Administrator on a form or forms furnished by or
26 obtainable upon request from such Tax Administrator setting forth:

27 (1) A. The aggregate amount of salaries, wages, commissions and other compensation
28 earned;

29 B. The gross income from a business, profession or other activity less allowable
30 expenses incurred in the acquisition of such gross income;

31 C. Such income shall include only income earned during the year, or portion
32 thereof, covered by the return and subject to the tax imposed by this chapter;

33 (2) A. The amount of tax imposed by this chapter on income reported;

34 B. Any credits to which the taxpayer may be entitled under the provisions of
35 Sections 161.06, 161.07 and 161.15 of this chapter; and

36 (3) Such other pertinent statements, information returns or other information as the Tax
37 Administrator may require.

38
39 (c) The Tax Administrator may extend the time for filing of the annual return upon the
40 request of the taxpayer for a period of not to exceed six months, or one month beyond any
41 extension requested of or granted by the Internal Revenue Service for the filing of the Federal
42 income tax return. The Tax Administrator may require a tentative return, accompanied by
43 payment of the amount of tax shown to be due thereon, by the date the return is normally due.
44 Interest shall be assessed according to the provisions of Section 161.10 in those cases in which
45 the return is filed and the final tax paid within the period as extended. No penalty shall be
46 assessed in the above cases.

47
48 (d) (1) The taxpayer making a return shall, at the time of the filing thereof, pay to the Tax
49 Administrator the balance of tax due, if any, after deducting:

50 A. The amount of the City income tax deducted or withheld at the source pursuant
51 to Section 161.06;

52 B. Such portion of the tax as has been paid on declaration by the taxpayer pursuant
53 to Section 161.07;

54 C. Any credit allowable under the provisions of Section 161.15.

55 (2) Should the return or the records of the Tax Administrator indicate an overpayment of
56 the tax to which the City is entitled under the provisions of this chapter, such overpayment shall
57 first be applied against any existing liability and the balance, if any, at the election of the
58 taxpayer communicated to the Tax Administrator in writing, shall be refunded or applied against
59 any subsequent liability.

60
61 (e) (1) Where necessary, an amended return must be filed in order to report additional
62 income and pay any additional tax due, or claim a refund of tax over paid, subject to the

63 requirements and/or limitations contained in Sections 161.11 and 161.15. Such amended
64 returns shall be on a form obtainable on request from the Tax Administrator. A taxpayer may not
65 change the method of accounting or apportionment of net profits after the due date for filing the
66 original return.

67 (2) Within three months from the final determination of any Federal tax liability affecting
68 the taxpayer's City tax liability, such taxpayer shall make and file an amended City return
69 showing income subject to the City tax based upon such final determination of Federal tax
70 liability, and pay any additional tax shown due thereon or make claim for refund of any
71 overpayment.

72
73 161.07 DECLARATION.

74 (a) Every person who anticipates any taxable income which is not subject to Section 161.06
75 hereof, or who engages in any business, profession, enterprise or activity subject to the tax
76 imposed by Section 161.03 hereof shall file a declaration setting forth such estimated income or
77 the estimated profit or loss from such business activity together with the estimated tax due
78 thereon, if any; provided, however, if a person's income is wholly from wages from which the tax
79 will be withheld and remitted to the City in accordance with Section 161.06, such person need
80 not file a declaration.

81
82 (b) (1) Such declaration shall be filed on or before April ~~30~~ 15 of each year during the life of
83 this chapter, or ~~within four months of~~ not later than the 15th day of the fourth month after the
84 date the taxpayer becomes subject to tax for the first time.

85 (2) Those taxpayers reporting on a fiscal year basis shall file a declaration ~~within four~~
86 months not later than the 15th day of the fourth month after the beginning of each fiscal year or
87 period.

88
89 (c) (1) Such declaration shall be filed upon a form furnished by, or obtainable from, the Tax
90 Administrator. Credit shall be taken for the City income tax to be withheld, if any, from any
91 portion of such income. In addition, credit may be taken for tax payable to other taxing
92 municipalities or Joint Economic Development Districts in accordance with the provisions of
93 Section 161.15.

94 (2) The original declaration (or subsequent amendment thereof) may be increased or
95 decreased on or before any subsequent quarterly payment date as provided for herein.

96
97 (d) The taxpayer making the declaration shall, at the time of the filing thereof, pay to the Tax
98 Administrator at least one-fourth of the estimated annual tax due after deducting:

99 (1) Any portion of such tax to be deducted or withheld at the source pursuant to Section
100 161.06; and

101 (2) Any credits allowable under the provisions of Section 161.15.
102 At least a similar amount shall be paid on or before the last day of the ~~sixth~~ seventh, ~~ninth~~
103 and twelfth thirteenth month after the beginning of the taxpayer's taxable year, provided that in
104 case an amended declaration has been duly filed, or the taxpayer is taxable for a portion of the
105 year only, the unpaid balance shall be paid in equal installments on or before the remaining
106 payment dates.

107
108 (e) On or before the ~~last~~ 15th day of the fourth month of the year following that for which
109 such declaration or amended declaration was filed, an annual return shall be filed and any
110 balance which may be due the City shall be paid therewith in accordance with the provisions of
111 Section 161.05 hereof.

112
113 161.09 INVESTIGATIVE POWERS OF TAX ADMINISTRATOR; PENALTY FOR DIVULGING
114 CONFIDENTIAL INFORMATION.

115 (a) The Tax Administrator, or any authorized employee, is hereby authorized to examine the
116 books, papers, records and Federal income tax returns of any employer or of any taxpayer or
117 person subject to, or whom the Tax Administrator believes is subject to the provisions of this
118 chapter, for the purpose of verifying the accuracy of any return made, or, if no return was made,
119 to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer
120 or supposed taxpayer is hereby directed and required to furnish upon written request by the Tax
121 Administrator, or his duly authorized agent or employee, the means, facilities and opportunity for
122 making such examinations and investigations as are hereby authorized.

123

124 (b) The Tax Administrator is hereby authorized to order any person presumed to have
125 knowledge of the facts to appear before him and may examine such person, under oath,
126 concerning any income which was or should have been returned for taxation, or any transaction
127 tending to affect such income, and for this purpose may compel the production of books, papers,
128 records and Federal income tax returns and the attendance of all persons before him, whether as
129 parties or witnesses, whenever he believes such persons have knowledge of such income or
130 information pertinent to such inquiry.

131
132 (c) The refusal to produce books, papers, records and Federal income tax returns, or the
133 refusal to submit to such examination by any employer or person subject or presumed to be
134 subject to the tax or by any officer, agent or employee of a person subject to the tax or required to
135 withhold tax or the failure of any person to comply with the provisions of this section or with an
136 order or subpoena of the Tax Administrator authorized hereby shall be deemed a violation of this
137 chapter, punishable as provided in Section 161.12.

138
139 (d) Any information gained as the result of any returns, investigations, hearings or
140 verifications required or authorized by this chapter shall be confidential, and no person shall
141 disclose such information except for official purposes or as provided in subsection (e) of this
142 ordinance. This section does not prohibit the publication of statistics in a manner which does not
143 disclose information with respect to individual taxpayers.

144
145 (e) The tax administrator may disclose confidential information as described in subsection
146 (d) hereof to the Internal Revenue Service, the State Tax Commissioner or his designee, or officer
147 of a municipal corporation charged with the duty of enforcing a tax provided for by Ohio Revised
148 Code Chapter 718, acting within the scope of the authority of the requesting agency, or in
149 accordance with a proper judicial order.

150
151 (f) Whoever violates this section by improperly disclosing confidential information is guilty of
152 a misdemeanor of the first degree. In addition, any employee of the City of Cuyahoga Falls who
153 violates the provisions of this section relating to the disclosure of confidential information is
154 subject to dismissal.

155
156 (g) Every taxpayer shall retain all records necessary to compute his tax liability for a period
157 of ~~five~~ six years from the date his return is filed or the withholding taxes are paid.

158 161.11 COLLECTION OF UNPAID TAXES AND REFUNDS OF OVERPAYMENTS.

159
160 (a) All taxes imposed by this chapter shall be collectible, together with any interest and
161 penalties thereon, by suit, as other debts of like amount are recoverable. Except in the case of
162 fraud, omission of a substantial portion of income subject to this tax or failure to file a return, an
163 additional assessment shall not be made after three years from the time the return was due or
164 filed, whichever is later, provided, however, in those cases in which a Commissioner of Internal
165 Revenue and the taxpayer have executed a waiver of the Federal statute of limitation, the period
166 within which an additional assessment may be made by the Tax Administrator shall be one year
167 from the time of the final determination of the Federal tax liability.

168
169 (b) Taxes erroneously paid shall not be refunded unless a claim for refund is made within
170 three years from the date on which such payment was made or the return was due, or within
171 three months after final determination of the Federal tax liability, whichever is later.

172
173 (c) Amounts of less than one dollar (\$1.00) shall not be collected or refunded.

174 161.13 BOARD OF REVIEW.

175
176 (a) A Board of Review, consisting of five members, one of which is to be Chairman, with each
177 individual to be appointed by the Mayor, with the consent of Council, three individuals to serve
178 for initial terms of one year and two individuals to serve for two years, respectively, and thereafter
179 two-year terms for all members. These public members shall not all be adherents to the same
180 political party; they may be paid such per diem compensation as Council shall fix. A majority of
181 the members of the Board shall constitute a quorum. The Board shall adopt its own procedural
182 rules and shall keep a record of its transactions. Any hearing by the Board may be conducted
183 privately and the provisions of Section 161.09 hereof with reference to the confidential character
184 of information required to be disclosed by this chapter shall apply to such matters as may be
185 heard before the Board on appeal.

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(b) All rules and regulations and amendments or changes thereto, which are adopted by the Tax Administrator under the authority conferred by this chapter, must be approved by the Board of Review before the same becomes effective. The Board shall hear and pass on appeals from any ruling or decision of the Tax Administrator, and, at the request of the taxpayer or Tax Administrator, is empowered to substitute alternate methods of allocation.

(c) Any person dissatisfied with any ruling or decision of the Tax Administrator which is made under the authority conferred by this chapter may appeal therefrom to the Board of Review within thirty days ~~from the announcement~~ after service of such ruling or decision by the Tax Administrator, and the Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

Section 2. Existing Sections 161.05 and 161.07, of the Codified Ordinances, as amended by Ord. No. 151-1990, passed September 24, 1990, are hereby repealed. Existing Section 161.09 of the Codified Ordinances, as amended by Ord. No. 130-1993, passed November 23, 1993, is hereby repealed. Existing Sections 161.11, and 161.13 of the Codified Ordinances, as enacted by Ord. No. 113-1966, passed October 24, 1966, are hereby repealed.

Section 3. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 4. It is found and determined 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 and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all requirements including Chapter 107 of the Codified Ordinances.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the members elected or appointed 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 at the earliest period allowed by law.

Passed: _____

President of Council

Clerk of Council

Approved _____

Mayor

7/11/11

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2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AMENDING SECTIONS 771.01, 771.02, 771.03,
8 771.04, AND 771.05 OF PART SEVEN OF THE CODIFIED
9 ORDINANCES, RELATING TO ALARM SYSTEMS AND FALSE
10 ALARMS, AND DECLARING AN EMERGENCY.

11
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State
13 of Ohio, that:

14
15 Section 1. Sections 771.01, 771.02, 771.03, 771.04, and 771.05 of the Codified
16 Ordinances of the City of Cuyahoga Falls are hereby amended to read in full as follows (new text
17 underlined; deleted text in ~~strike through~~):

18
19 771.01 DEFINITIONS.

20 As used in this chapter:

21 (a) "Alarm Administrator" means the Chief of Police or his designated agent.

22 (b) "Alarm Monitoring Business" means any individual, partnership, corporation or other
23 entity engaged in the business of monitoring alarm systems and summoning safety forces in
24 response to activation of an alarm system or otherwise.

25 ~~(c)(b)~~ "Alarm notification" means any notification from any person, including an Alarm
26 Monitoring Business, intended to summon, or that would reasonably be expected to summon or
27 result in the summoning of, police or fire service of the City, which notification is the result of the
28 activation or operation of an alarm system.

29 ~~(d)(e)~~ "Alarm system" means any device, means or system that upon activation emits,
30 transmits or relays an audible, visual or electronic signal intended to be used to summon, or that
31 would reasonably be expected to summon or result in the summoning of, police or fire service of
32 the City. "Alarm system" does not include:

33 ~~_____ (1) An alarm installed on a vehicle unless the vehicle is permanently located at a~~
34 ~~site; ~~nor~~~~

35 ~~_____ (2) An alarm designed to alert only persons located inside a building or structure~~
36 ~~located on the premises of the alarm.~~

37 ~~(e)(d)~~ "Alarm user" means a person, firm, partnership, association, corporation,
38 company, or organization of any kind in control of a building, structure, facility, or any portion
39 thereof, where an operational alarm system is located.

40 ~~(e)~~ "Direct connect alarm system" means any alarm system that is directly connected in
41 any physical or technological manner whatsoever with any facility owned or operated by the City
42 and which emits a direct signal to the City owned facility.

43 (f) "False alarm" means an ~~activated~~ alarm notification to which police and/or fire
44 personnel respond and find no evidence of fire, smoke, burglary, vandalism, unauthorized
45 intrusion, medical emergency, or any other valid reason for the request for police and/or fire
46 services.

47
48 771.02 ALARM SYSTEM REGISTRATION LICENSE; FEES.

49 (a) No ~~person~~ alarm user shall ~~install, have installed, or operate~~ maintain any
50 operational alarm system ~~of any type on~~ other than one serving a residential dwelling unit, upon
51 any premises in the City, property without ~~an alarm license being first granted by the City to the~~
52 ~~alarm user~~ registering the alarm system with the Alarm Administrator in accordance with this
53 Chapter. If a single alarm system serves more than one premises and emits a distinct signal for
54 each premises served, a separate license must be purchased for each premises served by the
55 alarm system. A separate registration shall be required for each premises served by an alarm
56 system.

57
58 (b) ~~Any person desiring the issuance or transfer of a license as required by this chapter~~
59 ~~shall file with the Alarm Administrator a written application,~~ Registration of an alarm system
60 shall be made on a form to be provided to the Alarm Administrator, correctly containing and/or
61 having attached the following information:

62 (1) The full name, street address and mailing address of the ~~applicant~~ alarm user;

63 (2) The common name and street address of the ~~alarm~~ premises where the alarm
64 system is installed;

65 (3) The name and contact information of any Alarm Monitoring Business engaged to
66 monitor the alarm system ~~address of the person installing, maintaining and/or owning the alarm~~
67 ~~system;~~

68 (4) ~~A description of the system's operation. and, in the case of a direct connect alarm~~
69 ~~system, a floor plan of the premises served by the alarm system on paper or in electronic format~~
70 acceptable to the Alarm Administrator;

71 (5) The names and ~~addresses of~~ contact information of any persons the alarm user
72 wishes to be contacted in case of an alarm and/or a malfunction;

73 (6) Any additional, relevant information specifically requested by the Alarm
74 Administrator.

75 ~~The application form provided to the applicant shall be accompanied by a copy of this~~
76 ~~chapter.~~

77
78 (c) Each initial registration of an alarm system shall be accompanied by Concurrent with
79 ~~the filing of the application provided for in paragraph (b) above, the applicant shall pay a one-time~~
80 ~~fee of fifty dollars (\$50.00). It shall be the duty of the alarm user to amend the registration to~~
81 ~~reflect any change of information provided in the initial registration. No fee shall be charged for~~
82 ~~such amendment, except that a change in the identity of the alarm user shall be deemed a new~~
83 initial registration.

84
85 — (d) ~~Upon compliance with the foregoing, and upon approval of the Alarm Administrator,~~
86 ~~the alarm license shall forthwith be issued to the applicant by the Department of Records and~~
87 ~~Personnel.~~

88
89 — (e) ~~The alarm user of a direct connect alarm system shall pay a monthly monitoring fee~~
90 ~~of forty dollars (\$40.00) to the City of Cuyahoga Falls. Said monthly fee shall be due the first day~~
91 ~~of each calendar month during which the license is in effect, the first monthly payment being due~~
92 ~~the first day of the calendar month following the issuance of the license. The failure to promptly~~
93 ~~pay the monthly monitoring fee shall constitute just cause for the revocation and/or non renewal~~
94 ~~of the license.~~

95
96 ~~(d)(f) Licenses issued Registrations recorded~~ pursuant to the provisions of this chapter
97 shall remain in effect until canceled by the alarm user or ~~revoked by the City, but only upon a~~
98 ~~new registration by a new alarm user or satisfactory evidence that there is no operational alarm~~
99 ~~system at the premises. provided, however, that licenses for direct connect alarm systems shall~~
100 ~~be subject to annual renewal and shall run from January 1 through December 31 unless~~
101 ~~otherwise canceled or revoked. Users of direct connect alarm systems shall, upon license~~
102 ~~renewal, pay a license renewal fee of fifty dollars (\$50.00).~~

103
104 (e) Each Alarm Monitoring Business operating within the City shall provide a copy of
105 this Chapter to new customers located in the City.

106
107 771.03 ~~LICENSE REVOCATION; FALSE ALARMS; CIVIL PENALTY.~~

108 (a) ~~A license may be revoked or renewal of same denied if information of a false or~~
109 ~~fictitious nature is found, as offered by the applicant, or for good cause shown. It shall be the~~
110 ~~duty and responsibility of each alarm user to ensure that false alarms do not occur. Each false~~
111 ~~alarm shall be deemed a violation of this subsection.~~

112
113 (b) ~~A licensee may be subject to warnings or fees depending on the number of false~~
114 ~~alarms emitted from an alarm system over a twelve month period based upon the following~~
115 ~~schedule.~~

116

117 NUMBER OF FALSE ALARMS	ACTION TAKEN
118 1 - 2	Warning letter sent by regular U.S. mail.
119 3 or more	An administrative fee of \$50.00 for each false
120	alarm.
121	
122	

123 Each violation of subsection (a) of this Section shall be deemed a noncriminal infraction
124 for which a civil penalty of fifty dollars (\$50) shall be assessed against the alarm user. However,

125 ~~a civil penalty. Any administrative action~~ may be waived by the Alarm Administrator upon
126 satisfactory showing by the licensee alarm user that the alarm notification was not a false alarm.
127 If the alarm administrator determines that the alarm notification was not a false alarm, such
128 alarm notification shall not be counted as a false alarm for the purpose of enhancing any future
129 false alarm administrative action.

130
131 (c) ~~Notice of any action taken~~ liability for a civil penalty assessed pursuant to this
132 section, ~~with the exception of a warning letter,~~ shall be personally served or sent by certified first-
133 class mail to the licensee's last known alarm user's address as shown on the alarm system
134 registration. If the certified mail notice is returned unclaimed or refused, notice shall be sent by
135 regular U.S. mail. Payment of any fee A civil penalty assessed under this section must be paid
136 within ~~ten~~ thirty (30) days of the sending of the notice. ~~Failure to timely pay any assessed fee or~~
137 ~~file an appeal shall be considered cause for the revocation or non renewal of the license. Any~~
138 ~~amount not paid may be referred to the Law Department for collection as in a civil action. Civil~~
139 ~~penalties that have not been timely paid will accrue interest at the rate of 1.5% per month from~~
140 ~~the due date to the date of payment in full. Unpaid civil penalties and interest shall be deemed~~
141 ~~debts owed to the City, and may be collected by initiation of a civil action or any other lawful debt~~
142 ~~collection procedure.~~

143
144
145 (d) ~~Upon revocation of, termination of, or denial of license renewal, the alarm user of a~~
146 ~~direct connect alarm system shall forthwith arrange for the removal of all equipment connecting~~
147 ~~that system to the City owned facility. If removal is not completed within thirty days, the Alarm~~
148 ~~Administrator is authorized to cause the removal of such equipment. Notice of the cost of such~~
149 ~~removal shall be sent by regular U.S. mail to the alarm user who shall, within ten days of sending~~
150 ~~of the notice, pay the cost of removal of the equipment. Any amount not paid may be referred to~~
151 ~~the Law Department for collection as in a civil action.~~

152
153 (e) ~~Application for reinstatement of any license which has been revoked or denied~~
154 ~~renewal pursuant to this section shall be considered by the issuing authority upon compliance~~
155 ~~with Section 771.02 (b) and payment of any amounts owed under the provisions of this chapter.~~
156 ~~Upon approval of any application for reinstatement, the applicant shall pay a reinstatement fee of~~
157 ~~one hundred dollars (\$100.00).~~

158
159 (f) ~~The imposition of any given administrative action provided by this section shall not~~
160 ~~be a prerequisite for the imposition of any subsequent or enhanced degree of administrative~~
161 ~~action.~~

162 163 771.04 APPEALS.

164 Any person ~~denied the issuance of an alarm license, or any alarm user whose license has~~
165 ~~been revoked or renewal of same has been denied, or any alarm user who has been charged an~~
166 ~~administrative fee~~ assessed a civil penalty for a false alarm ~~an alarm notification~~ may, within ten
167 days of such action, appeal to City Council by filing with the Clerk of Council a signed written
168 statement briefly setting forth his grounds for appeal. The Clerk of Council shall schedule a
169 public hearing and notify the appellant by regular U.S. mail. The appellant may appear before
170 City Council in person, or by his attorney. The decision of City Council may be appealed to
171 Common Pleas Court in the manner provided for by the Ohio Revised Code.

172 173 771.05 ~~POLICE LIABILITY;~~ RECORDED MESSAGES.

174 (a) ~~The acceptance of any alarm system by the Chief of Police as provided herein shall in~~
175 ~~no manner place upon the Police Department, or the City, any additional liabilities other than~~
176 ~~those incurred by statute with the police function.~~

177
178 —(b) No person shall install, cause to be installed or permit to be installed, any alarm
179 device, by whatever name known, which automatically selects a telephone line for the purpose of
180 playing a recorded message to report any emergency, on any telephone dedicated to the Police
181 Department for voice communications.

182
183 Section 2. Any alarm license issued under Chapter 771 of the Codified Ordinances prior
184 to the effective date of this Ordinance and which is valid as of the effective date of this Ordinance
185 shall be deemed a valid alarm system registration on and after the effective date of this
186 Ordinance, without any further action on the part of the alarm user. However, each alarm user

187 shall be under the duty set forth in Section 771.02(c) to provide updated and accurate
188 information to the Alarm Administrator as necessary to maintain compliance with Chapter 771.

189
190 Section 3. Existing Sections 771.01, 771.02, 771.03, and 771.04 of the Codified
191 Ordinances, as amended by Ord. No. 94-1994, passed July 11, 1994, are hereby repealed.
192 Existing Section 771.05, of the Codified Ordinances, as enacted by Ord. No. 229-1976, passed
193 November 22, 1976, is hereby repealed.

194
195 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
196 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
197 herewith and which have not previously been repealed are hereby ratified and confirmed.

198
199 Section 5. It is found and determined that all formal actions of this Council concerning
200 and relating to the passage of this ordinance were taken in an open meeting of this Council and
201 that all deliberations of this Council and of any committees that resulted in those formal actions
202 were in meetings open to the public, in compliance with all legal requirements including Chapter
203 107 of the Codified Ordinances.

204
205 Section 6. This ordinance is hereby declared to be an emergency measure necessary for
206 the preservation of the public peace, health, safety, convenience and welfare of the City of
207 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-
208 thirds of the members elected or appointed to Council, it shall take effect and be in force
209 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
210 force at the earliest period allowed by law.

211
212
213

214 Passed: _____

President of Council

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Clerk of Council

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222 Approved _____

Mayor

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