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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 35 - 2007

7
8 AN ORDINANCE AMENDING SECTIONS 901.01, 901.06, 901.07,
9 901.12(a), 903.01, 903.02, 903.03 AND 927.06 OF THE CODIFIED
10 ORDINANCES OF THE CITY OF CUYAHOGA FALLS, AND
11 DECLARING AN EMERGENCY.

12
13 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
14 Summit and State of Ohio:

15
16 Section 1. That Sections 901.01, 901.06, 901.07, 901.12(a), 903.01, 903.02 903.03 and 927.06
17 of the Codified Ordinances of the City of Cuyahoga Falls are hereby amended as follows:

18
19 901.01 REGULATIONS FOR STREET EXCAVATIONS; PERMIT AND FEE

20 No person other than a duly authorized officer of the City shall make an excavation in any street,
21 sidewalk or public ground within the City, for any purpose whatsoever, unless he shall have obtained
22 a permit in writing therefore from the Division of Engineering of the Department of Public Service.
23 The charge for the permit shall be ~~twenty dollars (\$20.00)~~ **forty dollars (\$40.00)** for each permit
24 issued by the Department of Public Service, and in addition thereto, the applicant for such permit
25 shall furnish a deposit approved by the City Engineer in a sufficient amount to cover the cost or
26 expense of filling such excavation and of restoring to its former condition such street or public
27 ground where the same shall have been excavated, and for the payment of any expense incurred by
28 the City in replacing or supplying the materials disturbed or removed by such excavation. The
29 provisions of this section shall not apply to such person as heretofore has been or hereafter shall be
30 granted permission by ordinance to make excavations in the streets of the City for the purpose of
31 laying water pipes, sewers or conduits therein, or for the purpose of laying street railroad tracks.

32
33 901.06 STREET OR SIDEWALK OBSTRUCTION BY BUILDING; PERMIT AND FEE

34 Any property owner who desires to build or alter any building and use or obstruct the sidewalk or
35 any part of the street adjacent to such building, shall obtain a permit from the Division of
36 Engineering of the Department of Public Service, and shall comply with all orders of the Engineering
37 Division regarding the construction of a safe passage way for pedestrian and vehicular traffic and
38 shall remove the obstruction from the street or sidewalk when so ordered by the City Engineer. The
39 permit required by this section shall be furnished by the Department of Public Service and shall be
40 issued to any property owner, subject to compliance with the orders of the City Engineer regarding
41 uses of streets or sidewalks, at a cost of ~~twenty-five dollars (\$25.00)~~ **fifty dollars (\$50.00)**.

42
43 901.07 CURB CUTTING; PERMIT AND FEE

44 (a) No person shall cut any existing curb or cause downspout outlets to be cut in any existing
45 curb within the City. All curb cuts shall be made only by employees of the City or by individuals as
46 directed by the City Engineer. ~~The~~ fee for each downspout outlet to be cut is ~~forty dollars (\$40.00)~~
47 **fifty dollars (\$50.00)**.

48 (b) Curb cutting shall be handled in the following manner: persons doing drive approach work
49 shall apply at the Engineering Division. A ~~twenty dollar (\$20.00)~~ **thirty dollar (\$30.00)** permit fee
50 shall be paid to the Division for inspection of the approach work and the verification of the cut.

51 (c) ~~Curb cutting can be either done by pneumatic removal by City forces at a rate of eight dollars~~
52 ~~(\$8.00) per foot, money paid to the Engineering Division, or by saw cutting at~~
53 ~~rates similar to the above, set by the person saw cutting, and paid directly to the contractor cutting~~
54 ~~the curb.~~

55
56 901.12 ROADWAY DRAINAGE CROSSING STRUCTURES; PERMIT REQUIRED; FEE

57 (a) No person, firm or corporation shall construct, maintain or repair, or cause to be constructed,
58 maintained or repaired a crossing or a roadway drainage path for driveway access ~~only~~ by means of
59 culvert pipes, bridges, or structures without first obtaining from the City Engineer a permit to do so.
60 For such permit, a fee of ~~twenty dollars (\$20.00)~~ **forty dollars \$40.00** shall be paid to the City
61 Engineer to be deposited by him with the Finance Director.

62
63 [the remainder of Section 901.12 to remain unchanged]

64
65 903.01 DECLARATION OF NECESSITY – SIDEWALKS/DRIVE APPROACHES

66 Public welfare requires that the construction, reconstruction, replacement and repair of public
67 sidewalks **and drive approaches** be regulated as a safety measure, and no person shall construct,
68 reconstruct, replace or repair a public sidewalk **or drive approach** without first securing a permit
69 from the office of the City Engineer.

70
71 903.02 CONSTRUCTION PERMIT; PERFORMANCE BOND; DEPOSIT

72 The owner of property or his contractor shall, before construction begins, secure a permit for
73 construction, reconstruction, replacement or repair of public sidewalks and drive approaches
74 abutting his property. Such permit shall be issued only under the following conditions:

75 (a) ~~That the proposed contractor is accredited by the Division of Engineering and that that he has~~
76 ~~on file with the Director of Public Service a performance bond or other acceptable collateral in the~~
77 ~~amount of one thousand dollars (\$1,000.00) guaranteeing the performance of~~ **is registered by the**
78 **Building Department of the Division of Engineering and the use of** Portland cement concrete
79 work on any sidewalk or drive approach is in accordance with the plans and construction
80 specifications of the City.

81 (b) That, in the event the property owner elects to perform the work, a deposit in the amount of
82 twenty-five percent (25%) of the estimated cost of the work shall be deposited with the City Engineer.
83 This sum shall be refunded when and if the sidewalk **and/or drive approach** has been completed in
84 accordance with the plans and construction specifications of the City and approved by the City
85 Engineer.

86
87 903.03 PERMIT FEES; ENGINEERING SERVICE CHARGES

88 (a) A schedule of fees is hereby established in connection with the issuance of permits for the
89 construction, reconstruction, replacement or repair of public walks in accordance with the
90 specifications for the City, as follows:

91 (1) For repair or replacement of an existing walk **or drive approach** where no change in grade is
92 contemplated, ~~twenty dollars (\$20.00)~~ **forty dollars (\$40.00).**

93 (2) ~~For replacement of an existing walk or for a new walk where no hard surface walk existed~~
94 ~~previously, other than of the type specified in Section 903.04 where the setting of grade is required,~~
95 ~~twenty dollars (\$20.00) forty dollars (\$40.00).~~

96 (b) In the event the public walk **or drive approach** to be constructed, replaced or repaired is part
97 of an improvement program where the walks **and drive approaches** would normally be constructed,
98 reconstructed, replaced or repaired as part of an improvement, then the fees outlined above shall not
99 apply.

100 (c) ~~The following engineering service charges are hereby established, which charges are in~~
101 ~~addition to the permit fees contained in subsection (a) hereof, and which charges are for the~~
102 ~~establishment of grade and alignment as follows:~~

103 (1) ~~\$100.00 plus \$1.00 per lineal foot in excess of fifty lineal feet.~~

104 (2) ~~for foundation grade stake, \$100.00~~

105 (3) ~~for resetting grade and alignment, 100% of the cost~~

106
107 927.06 PERMIT REQUIRED; FEE; COMPLIANCE WITH AND COPIES OF SPECIFICATIONS

108 No person, firm or corporation shall open or tap any sewer, or construct any drain in any street,
109 alley, public place or easement in the City, or open or excavate in any street, alley or public place in
110 the City for the purpose of opening or tapping any sewer, or for the purpose of constructing or
111 repairing any private sewer or drain therein, without first obtaining from the City Engineer a permit
112 to do so. For such permit, a fee of ~~twenty dollars (\$20.00)~~ **forty dollars (\$40.00)** shall be paid to the
113 City Engineer to be deposited by him with the Finance Director and to be credited to the General
114 Fund.

115
116 All work shall be performed in strict conformity with the current construction specifications and
117 supplemental specifications of the City, and upon completion, such street or public way must be
118 restored in accordance with those specifications and meeting the approval of the City Engineer.
119 Copies of the current specifications as referred to in this section will be supplied upon request at the
120 time of the issuance of such permit.

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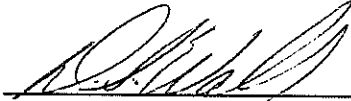
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Section 2. That any other ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 3. That 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 of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 4. That 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, for the reason that it is immediately necessary to permit timely and appropriate development of this property, 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: 3/12-07

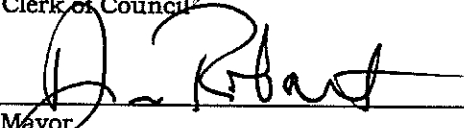


President of Council

Barbara J. White

Clerk of Council

Approved: 3/13/07



Mayor