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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2026

8  
9 AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE  
10 CUYAHOGA FALLS GENERAL DEVELOPMENT CODE,  
11 ADOPTING REGULATIONS REGARDING BEST  
12 MANAGEMENT PRACTICES FOR STORM WATER  
13 FACILITIES, AS MORE FULLY DESCRIBED AND DEPICTED  
14 HEREIN, AND DECLARING AN EMERGENCY.

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16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made  
17 by the Planning Commission be submitted to Council; and

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19 WHEREAS, it is the finding of the City of Cuyahoga Falls that these proposed  
20 amendments will bring the City into compliance with current Ohio EPA guidance and  
21 regulations regarding the use of alternative best management practices when designing  
22 storm water management systems; and

23  
24 WHEREAS, on March 17, 2026 the Planning Commission recommended the adoption  
25 of a regulations regarding best management practices for storm water facilities as more  
26 fully described in Project File TXT-26-00005.

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28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
29 County of Summit, and State of Ohio:

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31 Section 1. That Council hereby approves text amendments to the Cuyahoga Falls  
32 General Development Code, Section 1124.02, Flood Plain and Storm Water, and adopts  
33 regulations regarding best management practices for storm water facilities as set forth in  
34 Exhibit A, attached hereto and made a part of this ordinance.

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37 resolutions inconsistent herewith be and the same are hereby repealed, but any  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39 repealed are hereby ratified and confirmed.

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41 Section 3. That it is found and determined that all formal actions of this Council  
42 concerning and relating to the adoption of this ordinance were adopted in an open  
43 meeting of this Council, and that all deliberations of this Council and of any of its  
44 committees that resulted in such formal action, were in meetings open to the public, in  
45 compliance with all legal requirements, to the extent applicable, including Chapter 107  
46 of the Codified Ordinances.

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48 Section 4. That this ordinance is hereby declared to be an emergency measure  
49 necessary for the preservation of the public peace, health, safety, convenience and welfare  
50 of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
51 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
52 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
53 it shall take effect and be in force at the earliest period allowed by law.

56 Passed: \_\_\_\_\_

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64 Approved: \_\_\_\_\_

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66 3/23/26

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

## Exhibit A

### 1124.02 FLOOD PLAIN AND STORM WATER

*No changes to subsection A*

*No changes to subsection B (1 through 5)*

6. Disclaimer of liability
  - a. Compliance with the provisions of this chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this chapter are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
  - b. Failure of the City of Cuyahoga Falls to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the project owner from the responsibility for the condition or damage resulting therefrom and shall not result in the City of Cuyahoga Falls, its officers, employees or agents as being responsible for any condition or damage resulting therefrom.
  - c. By approving a plan under this Chapter, the City of Cuyahoga Falls does not accept responsibility for the design, installation and operation and maintenance of private stormwater management systems.

#### 1. Inspection

- a. Upon presentation of proper credentials and having obtained consent from the property owner or tenant in possession, representatives of the City or other authorized designee or government agency may enter at reasonable times or such other times as may be necessary, any site for the purpose of making storm water inspections and performing the duties required by this chapter.
- b. If acting to determine compliance with applicable provisions of the Storm Water Management Plan **and Long Term Maintenance Plan**, persons described in subsection (a) hereof may enter any site currently under construction or under permit by the City without first obtaining consent of the property owner or tenant in possession.
- c. If acting under to actual or apparent emergency conditions, and in conjunction with the authority set forth in Section [1111.08.B. 1. a](#), persons described in subsection (a) hereof may also enter without first obtaining consent of the property owner or tenant in possession.
- d. The City shall have the right to set up at facilities subject to this chapter such devices as are necessary, as determined by the City, to conduct monitoring and/or sampling of the facility's storm water discharge.
- e. The City shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City or its authorized representative to ensure their accuracy.
- f. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City. The costs of clearing such access shall be borne by the facility owner/operator.

- g. Unreasonable delay in allowing the City or designee access to a facility subject to this chapter for the purposes of illicit discharge inspection is a violation of this chapter.
- C. Storm Water Best Management Practices. Storm Water Best Management Practices (BMPs) refers to the process by which storm water is either converted to runoff or is delivered into the groundwater or natural wetlands. The BMP used for individual development sites is based upon the specific site conditions. However, in ordinary conditions *Table 1124-19: Storm Water Best Management Practices* identifies the types and applicability of BMPs, in descending order of acceptance. All storm water facilities, including any drainage way integral to the selected Best Management Practice, shall be designated as a storm water easement, with easement lines conforming substantially to the boundary lines of the facility. **The Owner may propose alternative BMPs for City review. The Project Owner shall submit an Ohio EPA application to Ohio EPA for any proposed alternative post-construction BMP and secure any approval from Ohio EPA before a Notice of Intent is submitted for NPDES permit coverage. The use of an alternative practice requires pre-approval by the City of Cuyahoga Falls before submitting the application to Ohio EPA.**