

## NEW LEGISLATION

October 10, 2011

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

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-91	10/10/11	Fin	An ordinance authorizing the Director of Public Service to enter into a cooperative procurement agreement with the North Central Service Cooperative dba National Joint Powers Alliance ("NJPA"), waiving competitive bidding for the purchase of products, services, materials and supplies purchased through cooperative purchase agreements administered by NJPA, and declaring an emergency.
B-92	10/10/11	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County Budget Commission, authorizing the necessary tax levies, certifying such authorization to the County Fiscal Officer, and declaring an emergency.
B-93	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Broad Boulevard between Second and Newberry Streets, and declaring an emergency.
B-94	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Howe Avenue between Main Street and Buchholzer Boulevard, and declaring an emergency.
B-95	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the

resurfacing of Tallmadge Road between Newberry Street and Clyde Avenue, and declaring an emergency.

B-96            10/10/11      PA

An ordinance amending Sections 929.05 and 929.06 of Title Five, Part Nine of the Codified Ordinances, enacting new Sections 929.07, 929.08, 929.09, 929.10, 929.11 and 929.12 thereof, relating to storm water pollution prevention plans, and declaring an emergency.

B-97            10/10/11      PA

An ordinance amending Sections 1336.01 and 1336.02 of Title Five, Part Thirteen of the Codified Ordinances, relating to clandestine drug labs, and declaring an emergency.

## CALENDAR

October 10, 2011

The following legislation will be up for passage at the Council Meeting on October 10, 2011.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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None.

## PENDING LEGISLATION

October 10, 2011

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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-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.
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-90	9/26/11	Fin	An ordinance authorizing the Director of Finance to enter into a contract with the City of Cleveland, Ohio to establish membership in the Central Collection Agency and for the purchase of certain income tax collections services, 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 DIRECTOR OF  
8 PUBLIC SERVICE TO ENTER INTO A COOPERATIVE  
9 PROCUREMENT AGREEMENT WITH THE NORTH  
10 CENTRAL SERVICE COOPERATIVE dba NATIONAL  
11 JOINT POWERS ALLIANCE (“NJPA”), WAIVING  
12 COMPETITIVE BIDDING FOR THE PURCHASE OF  
13 PRODUCTS, SERVICES, MATERIALS AND SUPPLIES  
14 PURCHASED THROUGH COOPERATIVE PURCHASE  
15 AGREEMENTS ADMINISTERED BY NJPA, AND  
16 DECLARING AN EMERGENCY.

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18  
19 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,  
20 Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make  
21 exception to the competitive bidding procedures set forth in the Revised Code,  
22

23 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
24 Falls, County of Summit and State of Ohio, that:

25  
26 Section 1. Notwithstanding and as an exception to the competitive bidding  
27 requirements set forth in Title 7 and elsewhere in the Ohio Revised Code, the  
28 Director of Public Service is authorized to enter into a contract with the North  
29 Central Service Cooperative dba National Joint Powers Alliance (“NJPA”), a political  
30 subdivision of the State of Minnesota, for the purpose of establishing membership  
31 in NJPA, and for the further purpose of purchasing products, services, materials  
32 and supplies through cooperative purchase agreements administered by NJPA.  
33 Competitive bidding requirements which would otherwise be associated with such  
34 purchases are hereby waived. The duration of the contract authorized hereunder  
35 shall not to exceed three (3) years.

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

41  
42 Section 3. It is found and determined that all formal actions of this Council  
43 concerning and relating to the passage of this ordinance were taken in an open  
44 meeting of this Council and that all deliberations of this Council and of any  
45 committees that resulted in those formal actions were in meetings open to the  
46 public, in compliance with all legal requirements including Chapter 107 of the  
47 Codified Ordinances.

48  
49 Section 4. This ordinance is hereby declared to be an emergency measure

50 necessary for the preservation of the public peace, health, safety, convenience and  
51 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
52 receives the affirmative vote of two-thirds of the members elected or appointed to  
53 Council, it shall take effect and be in force immediately upon its passage and  
54 approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
55 period allowed by law.

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58 Passed:\_\_\_\_\_

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President of Council

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Clerk of Council

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66 Approved\_\_\_\_\_

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Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 RESOLUTION NO. - 2011

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7 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES  
8 OF TAXATION AS CERTIFIED BY THE SUMMIT COUNTY  
9 BUDGET COMMISSION, AUTHORIZING THE NECESSARY  
10 TAX LEVIES, CERTIFYING SUCH AUTHORIZATION TO THE  
11 COUNTY FISCAL OFFICER, AND DECLARING AN  
12 EMERGENCY.

13  
14 WHEREAS, the City, in accordance with the provisions of law, has previously filed  
15 Alternative Tax Budget Information with the Summit County Fiscal Officer for the fiscal  
16 year beginning January 1, 2012; and

17  
18 WHEREAS, on September 30, 2011 the Budget Commission of Summit County certified  
19 its action thereon to the City, together with an estimate by the County Fiscal Officer of the  
20 rate of each tax necessary to be levied by the City and what part thereof is without and  
21 what part thereof is within the Charter tax limitation,

22  
23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
24 County of Summit and State of Ohio, that:

25  
26 Section 1. The amounts and rates of taxation as determined by the Budget  
27 Commission in its certification are hereby accepted.

28  
29 Section 2. There shall be and hereby is levied on the tax duplicate of the said City the  
30 rate of each tax necessary to be levied within and without the Charter limitation as follows:

Purpose	Amount to be Derived from Levies Inside Charter Limit	Amount Approved by Budget Commission outside Charter Limit	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside Charter Limit	Outside Charter Limit
General Fund	\$10,783,314		\$10.40	
Police Pension	311,058		.30	
Fire Pension	311,058		.30	

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32  
33 Section 3. The Clerk of Council be and hereby is authorized and directed to forward a  
34 certified copy of this resolution to the County Fiscal Officer.

35  
36 Section 4. Any other ordinances and resolutions or portions of ordinances and  
37 resolutions inconsistent herewith be and the same are hereby repealed, but any  
38 ordinances and resolutions or portions of ordinances and resolutions not inconsistent  
39 herewith and which have not previously been repealed are hereby ratified and confirmed.

40  
41 Section 5. It is found and determined that all formal actions of this Council concerning  
42 and relating to the adoption of this resolution were adopted in an open meeting of this

43 Council and that all deliberations of this Council and of any of its committees that resulted  
44 in such formal action were in meetings open to the public, in compliance with all legal  
45 requirements including Chapter 107 of the Codified Ordinances.

46  
47 Section 6. This resolution is hereby declared to be an emergency measure necessary for  
48 the preservation of the public peace, health, safety, convenience and welfare of the City of  
49 Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of  
50 two-thirds of the members elected or appointed to Council, it shall take effect and be in  
51 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
52 and be in force at the earliest period allowed by law.

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56 Passed: \_\_\_\_\_  
57 \_\_\_\_\_  
58 President of Council

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61 Clerk of Council

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64 Approved: \_\_\_\_\_  
65 \_\_\_\_\_  
66 Mayor

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68 10/10/11  
69 O:\2011ords\accepting tax rates.resolution.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2011

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL  
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.  
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON  
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),  
14 FOR THE RECONSTRUCTION OF BROAD BOULEVARD  
15 BETWEEN SECOND AND NEWBERRY STREETS, AND  
16 DECLARING AN EMERGENCY.

17  
18  
19 WHEREAS, the City Engineer has identified the need for and proposes the  
20 reconstruction of Broad Boulevard between Second and Newberry Streets (the "Project"), in  
21 the City of Cuyahoga Falls, and

22  
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a  
24 competitive grant process under which Federal Surface Transportation Funds may be made  
25 available to partially support construction costs for City sponsored projects,

26  
27 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
28 County of Summit and State of Ohio, that:

29  
30 Section 1. The Director of Public Service is authorized to apply for and accept financial  
31 assistance in the form of a grant from the U.S. Department of Transportation, through the  
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting  
33 construction costs related to the Project, as follows:

34  
35 Project Name: Broad Boulevard in the City of Cuyahoga Falls.

36  
37 Description: Reconstruction of Broad Boulevard between Second and Newberry Streets  
38 (approximately 1,110 feet).

39  
40 Estimated Construction Cost: \$900,000.

41  
42 Section 2. This Council's authorization is granted with the following understandings:

- 43  
44 A. The City will bear one hundred percent (100%) of the cost of preliminary  
45 engineering.  
46 B. The City will bear one hundred percent (100%) of the total cost of those  
47 features requested by the City which are not eligible for Federal  
48 participation.  
49 C. The Federal share will assume eighty percent (80%) of the construction  
50 cost of the improvement not to exceed \$720,000.00. The City will be  
51 responsible for the local share.  
52 D. The City of Cuyahoga Falls is in receipt of and acknowledges the  
53 applicability of the AMATS "Funding Policy Guidelines" to this funding  
54 request.

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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 adoption of this resolution 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 5. This resolution 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: \_\_\_\_\_  
President of Council

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Clerk of Council

Approved: \_\_\_\_\_  
Mayor

10/10/11  
O:\2011ords\AMATS Grant App - Broad Blvd

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2011

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL  
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.  
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON  
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),  
14 FOR THE RECONSTRUCTION OF HOWE AVENUE  
15 BETWEEN MAIN STREET AND BUCHHOLZER BOULEVARD,  
16 AND DECLARING AN EMERGENCY.

17  
18  
19 WHEREAS, the City Engineer has identified the need for and proposes the  
20 reconstruction of Howe Avenue between Main Street and Buchholzer Boulevard (the  
21 "Project"), in the City of Cuyahoga Falls, and

22  
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a  
24 competitive grant process under which Federal Surface Transportation Funds may be made  
25 available to partially support construction costs for City sponsored projects,

26  
27 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
28 County of Summit and State of Ohio, that:

29  
30 Section 1. The Director of Public Service is authorized to apply for and accept financial  
31 assistance in the form of a grant from the U.S. Department of Transportation, through the  
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting  
33 construction costs related to the Project, as follows:

34  
35 Project Name: Howe Avenue in the City of Cuyahoga Falls.

36  
37 Description: Reconstruction of Howe Avenue Main Street and Buchholzer Blvd.  
38 (approximately 3,540 feet)

39  
40 Estimated Construction Cost: \$3,500,000.

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42 Section 2. This Council's authorization is granted with the following understandings:

- 43  
44 A. The City will bear one hundred percent (100%) of the cost of preliminary  
45 engineering.  
46 B. The City will bear one hundred percent (100%) of the total cost of those  
47 features requested by the City which are not eligible for Federal  
48 participation.  
49 C. The Federal share will assume eighty percent (80%) of the construction  
50 cost of the improvement not to exceed \$2,800,000. The City will be  
51 responsible for the local share.  
52 D. The City of Cuyahoga Falls is in receipt of and acknowledges the  
53 applicability of the AMATS "Funding Policy Guidelines" to this funding  
54 request.

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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 adoption of this resolution 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 5. This resolution 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: \_\_\_\_\_  
President of Council

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Clerk of Council

Approved: \_\_\_\_\_  
Mayor

10/10/11  
O:\2011lords\AMATS Grant App - Howe Ave

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2011

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL  
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.  
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON  
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),  
14 FOR THE RESURFACING OF TALLMADGE ROAD BETWEEN  
15 NEWBERRY STREET AND CLYDE AVENUE, AND  
16 DECLARING AN EMERGENCY.

17  
18  
19 WHEREAS, the City Engineer has identified the need for and proposes the resurfacing  
20 of Tallmadge Road between Newberry Street and Clyde Avenue (the "Project"), in the City of  
21 Cuyahoga Falls, and

22  
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a  
24 competitive grant process under which Federal Surface Transportation Funds may be made  
25 available to partially support construction costs for City sponsored projects,

26  
27 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
28 County of Summit and State of Ohio, that:

29  
30 Section 1. The Director of Public Service is authorized to apply for and accept financial  
31 assistance in the form of a grant from the U.S. Department of Transportation, through the  
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting  
33 construction costs related to the Project, as follows:

34  
35 Project Name: Tallmadge Road in the City of Cuyahoga Falls.

36  
37 Description: Resurfacing of Tallmadge Road between Newberry Street and Clyde Avenue  
38 (approximately 5,810 feet).

39  
40 Estimated Construction Cost: \$425,000.

41  
42 Section 2. This Council's authorization is granted with the following understandings:

- 43  
44 A. The City will bear one hundred percent (100%) of the cost of preliminary  
45 engineering.  
46 B. The City will bear one hundred percent (100%) of the total cost of those  
47 features requested by the City which are not eligible for Federal  
48 participation.  
49 C. The Federal share will assume eighty percent (80%) of the construction  
50 cost of the improvement not to exceed \$340,000. The City will be  
51 responsible for the local share.  
52 D. The City of Cuyahoga Falls is in receipt of and acknowledges the  
53 applicability of the AMATS "Funding Policy Guidelines" to this funding  
54 request.

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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 adoption of this resolution 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 5. This resolution 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: \_\_\_\_\_  
President of Council

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Clerk of Council

Approved: \_\_\_\_\_  
Mayor

10/10/11  
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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AMENDING SECTIONS 929.05 AND  
8 929.06 OF TITLE FIVE, PART NINE OF THE  
9 CODIFIED ORDINANCES, ENACTING NEW  
10 SECTIONS 929.07, 929.08, 929.09, 929.10, 929.11  
11 AND 929.12 THEREOF, RELATING TO STORM  
12 WATER POLLUTION PREVENTION PLANS, AND  
13 DECLARING AN EMERGENCY.  
14

15 WHEREAS, discharges to the environment through the City’s storm water  
16 sewer system are subject to regulation under the National Pollutant Discharge  
17 Elimination System (NPDES), administered by the Ohio Environmental  
18 Protection Agency (Ohio EPA), and  
19

20 WHEREAS, as a condition of the City’s NPDES permit authority, federal  
21 regulations administered by Ohio EPA mandate that the City implement  
22 controls over inputs to the storm sewer system from construction site storm  
23 water runoff, and implement long-term storm water management strategies for  
24 new development and redevelopment projects impacting the system,  
25

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

29 Section 1. Sections 929.05 and 929.06 of the Codified Ordinances of the  
30 City of Cuyahoga Falls are hereby amended to read in full as follows (new text  
31 underlined; deleted text in ~~strikethrough~~):  
32

33 929.05 CONSTRUCTION SITE STORM WATER RUNOFF CONTROL  
34 EXCAVATION ACTIVITIES PROHIBITED WITHOUT PLAN.

35 ~~No person, corporation, organization or public agency shall initiate any~~  
36 ~~land clearing, grubbing, land grading, earth moving, or development activities~~  
37 ~~in an area in excess of one (1) acre without first preparing a Storm Water~~  
38 ~~Pollution Prevention Plan and obtaining approval of the plan from the City~~  
39 ~~Engineer. Said plan shall conform to regulations on file in the City Engineering~~  
40 ~~Department.~~

41 (a) The requirements of this Section and of Sections 929.06 through  
42 929.12 shall apply to the disturbance of any lot or parcel of land of one acre or  
43 more, and to any lot or parcel of land less than one acre if the disturbance is  
44 part of a larger common plan of development or sale disturbing one acre or  
45 more.

46 (b) The discharge of construction site storm water runoff into the City’s  
47 storm water sewer system without a permit issued in accordance with this  
48 Chapter, or in violation of a permit duly issued, is deemed an illicit discharge  
49 under Section 929.03.

50 (c) For the purpose of this Chapter, “disturbance” and “soil disturbing  
51 activity” means the clearing, grading, excavating, filling or other alteration of  
52 land surface where natural or man-made cover is destroyed in a manner that  
53 exposes the underlying soils. “Larger common plan of development or sale”  
54 means a contiguous area where multiple separate and distinct construction  
55 activities may take place at different times on different schedules, under one  
56 plan.

57  
58 929.06 EXCAVATION/GRADING PERMIT REQUIRED.

59 POST-CONSTRUCTION WATER QUALITY PRACTICES.

60 (a) No person, corporation, or other entity shall conduct any soil  
61 disturbing activity on a lot or parcel of land specified in Section 929.05(a)  
62 without first obtaining an Excavation/Grading Permit from the City Engineer.

63 (b) No person, corporation, or other entity shall conduct any soil  
64 disturbing activity on a lot or parcel of land subject to a Permit issued under  
65 this Chapter, after that permit has been revoked.

66 ~~(a) Non-Structural Water Quality Practices. — Non structural post~~  
67 ~~construction best management practices include preservation, planning, or~~  
68 ~~procedures that direct development away from water resources or limit creation~~  
69 ~~of impervious surfaces. Practices such as conservation easements, riparian and~~  
70 ~~wetland setbacks, and conservation subdivision design are all non-structural~~  
71 ~~controls.~~

72 ~~(1) All non-structural water quality practices must be protected from~~  
73 ~~disturbance through the construction phase of the project.~~

74 ~~(2) All non-structural water quality practices must be protected in~~  
75 ~~perpetuity through the use of appropriate legal tools. All easement or~~  
76 ~~conservation areas must appear on the final plat and be disclosed to potential~~  
77 ~~buyers.~~

78  
79 ~~(b) Structural Water Quality Practices. — Structural post construction~~  
80 ~~management practices are permanent features constructed to provide treatment~~  
81 ~~of storm water runoff either through storage, filtration, or infiltration.~~

82 ~~(1) All structural water quality practices must be established prior to~~  
83 ~~the completion of the project. Structural water quality practices should be~~  
84 ~~made functional once the disturbed areas on site are stabilized. If~~  
85 ~~detention/retention facilities were used for sediment control during~~  
86 ~~development, sediments must be removed prior to the basin being used for post~~  
87 ~~construction storm water quality.~~

88 ~~(2) The post construction water quality practice must be maintained~~  
89 ~~in perpetuity by those parties identified in the Storm Water Pollution Prevention~~  
90 ~~Plan or the Storm Water Management Maintenance Agreement.~~

91  
92 Section 2. New sections 929.07, 929.08, 929.09, 929.10, 929.11 and  
93 929.12 of the Codified Ordinances of the City of Cuyahoga Falls are hereby  
94 enacted to read in full as follows:

95  
96 929.07 POST-CONSTRUCTION STORM WATER MANAGEMENT IN  
97 NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS

98 The City Engineer is authorized to condition the issuance of an  
99 Excavation/Grading Permit upon the agreement of the Owner of the lot or

100 parcel affected to implement and maintain Best Management Practices (BMPs),  
101 as defined in Section 1124.03 of these Ordinances, for the purpose of  
102 controlling runoff from new development and redevelopment projects for the life  
103 of such projects. The form of agreement shall be approved by the Director of  
104 Law and shall be known as a Storm Water Drainage Facilities Maintenance  
105 Agreement. The Agreement shall ensure adequate long-term operation and  
106 maintenance of the BMPs, and shall be recordable with the intent to bind  
107 subsequent owners, transferees, mortgagees, and other parties in interest.  
108

109 929.08 PERMIT APPLICATION; STORM WATER POLLUTION  
110 PREVENTION PLAN.

111 The application for an Excavation/Grading Permit shall consist of the  
112 application for a Storm Water Pollution Prevention Plan and associated  
113 Checklist for Construction Activities in Summit County, promulgated by the  
114 Summit Soil and Water Conservation District ("SSWCD"). Any person seeking  
115 an Excavation/Grading Permit shall submit the required application materials  
116 and supporting documents directly to SSWCD and shall pay any fees imposed  
117 by SSWCD for the plan review.  
118

119 929.09 ACTION ON APPLICATION; PERMIT ISSUANCE; PERMIT FEE.

120 Upon receipt of the reviewed application materials, comments and/or  
121 recommendations from SSWCD, the City Engineer shall grant the  
122 Excavation/Grading Permit, deny the permit, or grant the permit subject to  
123 modifications appended by the City Engineer. The City Engineer shall require  
124 that a permit fee of fifty dollars (\$50.00) be paid to the City prior to issuing any  
125 permit under this Section. Every Excavation/Grading Permit granted shall  
126 meet the following requirements:

127 (a) For the purpose of implementing construction site storm water  
128 runoff control, the permit shall require conformance with the requirements for  
129 Storm Water Pollution Prevention Plans set forth in the Ohio EPA General  
130 Construction Permit effective April 21, 2008 (Ohio EPA Permit No. OHC000003),  
131 or successor requirements.

132 (b) For post-construction storm water management in new  
133 development or redevelopment projects, the permit shall require conformance  
134 with the requirements for Storm Water Pollution Prevention Plans set forth in  
135 Ohio EPA Permit No. OHC000003 and in Section 1124.03 of these Ordinances.  
136 In the event these requirements conflict, the authority requiring the higher  
137 performance standard shall apply.

138 (c) For post-construction storm water management in new  
139 development or redevelopment projects, the permit shall require execution and  
140 recording of a Storm Water Drainage Facilities Maintenance Agreement, for the  
141 purpose of ensuring that Best Management Practices implemented pursuant to  
142 the permit are in place and functioning to prevent or minimize water quality  
143 impacts, for the life of the project.  
144

145 929.10 EFFECT OF PERMIT; INSPECTIONS.

146 (a) Every Excavation/Grading Permit granted by the City Engineer  
147 shall be deemed an approved Storm Water Pollution Prevention Plan for the lot  
148 or parcel of land affected.

149 (b) Every Excavation/Grading Permit granted by the City Engineer,  
150 once accepted by the Permittee, shall be deemed a right of entry granting the  
151 Director of Public Service or her designee the authority to enter onto the Permit  
152 premises at reasonable hours to inspect the prosecution of the work authorized  
153 by the permit, and to assess compliance with the permit conditions.

154 (c) No person, and no Permittee, being in charge of a permit premises,  
155 shall refuse to allow the Director of Public Service or her designee to enter the  
156 permit premises for the purposes of inspection.

157  
158 929.11 ENFORCEMENT; REVOCATION

159 (a) Whenever on the basis of an inspection the Director of Public  
160 Service or her designee determines that the work authorized under an  
161 Excavation/Grading Permit is proceeding contrary to or in violation of the  
162 Permit, the Director or her designee may issue a Notice of Violation (“NOV”) to  
163 the Permittee and to any contractor or other person performing the work. The  
164 NOV shall describe the variance between the permit requirements and the work  
165 or conditions observed, and shall require correction of conditions and/or  
166 removal and reconstruction of the improper work, as is necessary to restore  
167 compliance with the Permit conditions.

168 (b) If corrections required by an NOV have not been fully implemented  
169 within thirty (30) days after issuance, the Director of Public Service may order  
170 all work authorized under the Permit to immediately cease until corrections  
171 have been made.

172 (c) No person, and no Permittee, being in charge of a permit premises,  
173 shall continue work under an Excavation/Grading Permit in violation of a stop  
174 work order issued under this Section.

175 (d) An Excavation/Grading Permit may be revoked by the City  
176 Engineer if the Permittee or any person or contractor performing work  
177 authorized by the Permit fails to make timely corrections to work as specified in  
178 an NOV, or continues to work after a stop work order has been issued by the  
179 Director of Public Service.

180  
181 929.12 APPEALS.

182 Any person aggrieved by a decision made by the City Engineer, the Director  
183 of Public Service, or their designees under Sections 929.05 through 929.11 may  
184 file an appeal with the Board of Building Appeals (“Board”) within thirty (30)  
185 days after the decision. The Board shall have jurisdiction to affirm, reverse or  
186 modify any such decision pursuant to its jurisdiction under Section 1307.04 of  
187 these Ordinances. The filing of an appeal does not by itself suspend or nullify  
188 any order made and in effect, and does not authorize any work that would  
189 otherwise be unauthorized or unpermitted.

190  
191 Section 3. Existing Section 929.05 of the Codified Ordinances, as enacted  
192 by Ord. No. 89-2003, passed June 9, 2003, and existing Section 929.06 of the  
193 Codified Ordinances, as enacted by Ord. No. 30-2006, passed February 27,  
194 2006, are hereby repealed.

195  
196 Section 4. Any ordinances or resolutions or portions of ordinances and  
197 resolutions inconsistent herewith are hereby repealed, but any ordinances and

198 resolutions not inconsistent herewith and which have not previously been  
199 repealed are hereby ratified and confirmed.

200

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

207

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

215

216

217 Passed: \_\_\_\_\_

218

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

219

220

221

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

222

223

224

225 Approved \_\_\_\_\_

226

\_\_\_\_\_  
Mayor

227

228

229 10/10/11

230 O:\2011ords\amend-929.05 et seq. Storm Drainage Utility.doc

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2011

7  
8 AN ORDINANCE AMENDING SECTIONS 1336.01 AND  
9 1336.02 OF TITLE FIVE, PART THIRTEEN OF THE  
10 CODIFIED ORDINANCES, RELATING TO CLANDESTINE  
11 DRUG LABS, AND DECLARING AN EMERGENCY.

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

15  
16 Section 1. Sections 1336.01 and 1336.02 of the Codified Ordinances of the City of  
17 Cuyahoga Falls are hereby amended to read in full as follows (new text underlined;  
18 deleted text in ~~strike through~~):

19  
20 1336.01 GENERAL PROVISIONS.

21 (a) Purpose and Intent. The purpose of this chapter is to reduce public exposure to  
22 health risks where trained law enforcement officers have determined that hazardous  
23 chemicals from a suspected clandestine drug lab site or associated dumpsite may exist.  
24 The City Council finds that such sites may contain suspected chemicals and residues  
25 that place people, particularly children or adults of child bearing age, at risk when  
26 exposed through inhabiting or visiting the site, now and in the future.

27  
28 (b) Interpretation and Application. The provisions of this chapter shall be  
29 construed to protect the public health, safety and welfare.

30 Where the conditions imposed by any provision of this chapter are either more or  
31 less restrictive than comparable provisions imposed by any other law, ordinance,  
32 statute, or regulation of any kind, the regulations which are more restrictive or which  
33 impose higher standards or requirements shall prevail.

34 Should any court of competent jurisdiction declare any section or subpart of this  
35 chapter to be invalid, such decision shall not affect the validity of the chapter as a  
36 whole or any part thereof, other than the provision declared invalid.

37  
38 (c) Definitions. As used in this chapter:

39 (1) "Child" means any person less than 18 years of age.

40 (2) "Chemical dumpsite" means any place or area where chemicals or other  
41 waste materials used or produced in a clandestine drug lab have been located.

42 (3) "Clandestine drug lab" means the unlawful manufacture or attempt to  
43 manufacture controlled substances. Only those labs which law enforcement determine  
44 may contain residual contamination that could be harmful to the occupants are subject  
45 to this chapter.

46 (4) "Clandestine drug lab site" means any place or area where law enforcement  
47 has determined that conditions associated with the operation of a clandestine drug lab  
48 exist. A clandestine drug lab site may include residential, commercial, industrial or  
49 institutional structures ~~dwellings~~, accessory buildings, accessory structures, motor  
50 vehicles, a chemical dumpsite or any land.

51 (5) "Controlled substance" means a drug, substance or immediate precursor in  
52 Schedules I through V of Ohio R.C. 3719.41. The term does not include distilled spirits,  
53 wine, malt beverages, intoxicating liquors or tobacco.

54 (6) "Household hazardous wastes" means waste generated from a clandestine  
55 drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner  
56 consistent with all federal, state and local regulations.

57 (7) "Manufacture", in places other than a pharmacy or a licensed  
58 pharmaceutical manufacturing facility, means and includes the production, cultivation,  
59 quality control, and standardization, by mechanical, physical, chemical or  
60 pharmaceutical means, packing, repacking, tableting, encapsulating, labeling,  
61 relabeling, filling, or by other process, of controlled substances.

62 (8) "Motor vehicles" shall have the same meaning as in Ohio R.C. 4501.01.

63 (9) "Owner" means any person, firm or corporation who owns, in whole or in  
64 part, the land, buildings, or structures associated with a clandestine drug lab site or  
65 chemical dumpsite.

66 (10) "Public health nuisance" includes all residential, commercial, industrial  
67 or institutional structures dwellings, accessory structures and buildings associated  
68 with a clandestine drug lab site that are potentially unsafe due to health hazards.

69  
70 1336.02 ADMINISTRATION.

71 (a) Law Enforcement Notice to Other Authorities. Law enforcement authorities that  
72 identify conditions associated with a clandestine drug lab site or chemical dumpsite  
73 that ~~present a place neighbors, visiting public, or present or future occupants of a~~  
74 ~~dwelling at risk of human~~ for exposure to harmful contaminants and other associated  
75 conditions shall promptly notify the appropriate municipal, child protection, and public  
76 health authorities of the site property location, property owner if known, and conditions  
77 found. Where the Director of Public Safety determines that an immediate threat of  
78 human exposure or injury exists, the City may conduct emergency dismantling and  
79 disposal of drug processing apparatus and/or chemicals. To the extent permitted by  
80 law, the individual or entity responsible, and/or the owner of the property where the  
81 site is found, shall be liable to the City for its costs incurred in conducting the  
82 emergency dismantling and disposal. Such costs may be recovered pursuant to  
83 subsection (f)(4) of this Section, without regard to whether a nuisance is declared or an  
84 abatement order is issued.

85  
86 (b) Declaration of Property as a Public Health Nuisance. Any clandestine drug lab  
87 site or chemical dumpsite identified by law enforcement authorities is hereby declared  
88 to be a public health nuisance. Upon identification of such a nuisance, the law  
89 enforcement authorities shall notify the Building Official.

90  
91 (c) Notice of Public Health Nuisance to Concerned Parties. Upon receipt of the  
92 notification by law enforcement authorities, the Building Official shall promptly issue a  
93 Declaration of Public Health Nuisance for the affected property and post a copy of the  
94 Declaration at the probable entrance to the dwelling or property. The Building Official  
95 shall also notify the owner of the property by mail and notify the following parties:

- 96 (1) Occupants of the property;  
97 (2) All adjacent property owners and any other neighbors at probable risk;  
98 (3) The City of Cuyahoga Falls Police Department;  
99 (4) The primary mortgage holder; and

100 (5) Other federal, state and local authorities, and City Council members which  
101 are known to have public and environmental protection responsibilities that are  
102 applicable to the situation.

103  
104 (d) Property Owner's Responsibility to Act. The Building Official shall also issue an  
105 order to abate the public health nuisance, which shall comply with the rules and  
106 regulations attached as Exhibit A to original Ordinance 115-2008, and order the owner  
107 of the property to do the following:

108 (1) Cause the immediate vacation by all occupants of those portions of the  
109 property, including building or structure interiors, which may place the occupants or  
110 visitors at risk.

111 (2) Contract with appropriate environmental testing and cleaning firms to  
112 conduct an on-site assessment, complete clean-up and remediation testing and follow-  
113 up testing, and determine that the property risks are sufficiently reduced to allow safe  
114 human occupancy of the dwelling. The City shall promulgate criteria for the  
115 assessment and remediation process.

116 (3) Provide the Building Official with written documentation of the clean-up  
117 process, including a signed, written statement from the environmental testing and  
118 cleaning firm that the property is safe for human occupancy and that the clean-up was  
119 conducted. The owner shall complete the remediation and post-remediation  
120 assessment within ninety days from the date of the Declaration of Public Health  
121 Nuisance.

122  
123 (e) Property Owner's Responsibility for Costs. The property owner shall be  
124 responsible for all costs of clean-up of the site, including any contractor's fees.

125  
126 (f) City Responsibilities and Recovery of Public Costs.

127 (1) If, after service of notice of the Declaration of Public Health Nuisance, the  
128 property owner fails to arrange appropriate assessment and clean-up pursuant to the  
129 rules and regulations attached as Exhibit A to original Ordinance 115-2008, the  
130 Building Official is authorized to proceed in a prompt manner to initiate the on-site  
131 assessment and clean-up.

132 (2) If the City is unable to locate the property owner within fourteen days of the  
133 Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt  
134 manner to initiate the on-site assessment and clean-up.

135 (3) The City may abate the nuisance by removing the hazardous structure or  
136 building, or otherwise, according to Chapter 1335 of the Codified Ordinances.

137 (4) The City shall be entitled to recover all costs of abatement of the public  
138 nuisance. The City may recover costs by civil action against the person or persons who  
139 own the property or by assessing such costs as a special tax against the property in the  
140 manner as taxes and special assessments are certified and collected pursuant to the  
141 Ohio Revised Code.

142  
143 (g) Authority of Chief Building Official to Modify or Remove Declaration of Public  
144 Health Nuisance.

145 (1) The Chief Building Official is authorized to modify the Declaration conditions  
146 or remove the Declaration of Public Health Nuisance.

147 (2) Such modifications or removal of the Declaration shall only occur after  
148 documentation from a qualified environmental or cleaning firm stating that the health  
149 and safety risks, including those to neighbors and potential dwelling occupants, are  
150 sufficiently abated or corrected to allow safe occupancy of the dwelling.

151 (3) Nothing herein shall prevent the Chief Building Official from pursuing any  
152 remedy available pursuant to Chapter 1335 of the Codified Ordinances, including the  
153 demolition of a building or structure.

154  
155 Section 2. Existing Sections 1336.01 and 1336.02 of the Codified Ordinances, as  
156 enacted by Ord. No. 115-2008, passed December 8, 2008, are hereby repealed.

157  
158 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
159 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
160 inconsistent herewith and which have not previously been repealed are hereby ratified  
161 and confirmed.

162

