

## NEW LEGISLATION

July 25, 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-78	7/25/11	PZ	An ordinance approving a conditional zoning certificate authorizing the construction and operation of a wind turbine on land adjacent to 3690 Zorn Drive (parcel no. 3501095), and declaring an emergency.
B-79	7/25/11	Fin	An ordinance authorizing the Mayor to enter into a contract without competitive bidding with Summa Health System, Inc. for the equal value exchange of certain personal property no longer needed for municipal purposes, and to dispose of other obsolete personal property, and declaring an emergency.
B-80	7/25/11	Fin	An ordinance amending Section 923.03 of Title Five, Part Nine of the Codified Ordinances, relating to free water accounts, and declaring an emergency.
B-81	7/25/11	PI	A resolution consenting to the repair of the barrier wall on State Route 8 at Broad Boulevard within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
B-82	7/25/11	PA	A resolution authorizing the Superintendent of the Electric Department to represent the City of Cuyahoga Falls as a member of the Board of Trustees of American Municipal Power, Inc. and declaring an emergency.

## CALENDAR

July 25, 2011

The following legislation will be up for passage at the Council Meeting on July 25, 2011.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-64 Sub	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-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.

## PENDING LEGISLATION

July 25, 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-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 Sub	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-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-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.

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AMENDING SECTIONS 161.05, 161.07, 161.09,  
8 and 161.13 OF TITLE SEVEN, PART ONE OF THE CODIFIED  
9 ORDINANCES, RELATING TO MUNICIPAL INCOME TAX, 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. Sections 161.05, 161.07, 161.09, and 161.13, of the Codified Ordinances of the  
16 City of Cuyahoga Falls are hereby amended to read in full as follows (new text underlined; deleted  
17 text in ~~strike~~):

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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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~~ 15<sup>th</sup> 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.

#### 158 159 161.13 BOARD OF REVIEW.

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

170  
171 (b) All rules and regulations and amendments or changes thereto, which are adopted by the  
172 Tax Administrator under the authority conferred by this chapter, must be approved by the Board  
173 of Review before the same becomes effective. The Board shall hear and pass on appeals from any  
174 ruling or decision of the Tax Administrator, and, at the request of the taxpayer or Tax  
175 Administrator, is empowered to substitute alternate methods of allocation.

176  
177 (c) Any person dissatisfied with any ruling or decision of the Tax Administrator which is  
178 made under the authority conferred by this chapter may appeal therefrom to the Board of Review  
179 within thirty days ~~from the announcement~~ after service of such ruling or decision by the Tax  
180 Administrator, and the Board shall, on hearing, have jurisdiction to affirm, reverse or modify any  
181 such ruling or decision, or any part thereof.

182  
183 Section 2. Existing Sections 161.05 and 161.07, of the Codified Ordinances, as amended by  
184 Ord. No. 151-1990, passed September 24, 1990, are hereby repealed. Existing Section 161.09 of  
185 the Codified Ordinances, as amended by Ord. No. 130-1993, passed November 23, 1993, is

186 hereby repealed. Existing Section and 161.13 of the Codified Ordinances, as enacted by Ord. No.  
187 113-1966, passed October 24, 1966, is hereby repealed.

188  
189 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
190 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
191 herewith and which have not previously been repealed are hereby ratified and confirmed.

192  
193 Section 4. It is found and determined that all formal actions of this Council concerning and  
194 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
195 all deliberations of this Council and of any committees that resulted in those formal actions were  
196 in meetings open to the public, in compliance with all requirements including Chapter 107 of the  
197 Codified Ordinances.

198  
199 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
200 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
201 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
202 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
203 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
204 period allowed by law.

205  
206  
207 Passed: \_\_\_\_\_  
208 \_\_\_\_\_  
209 President of Council

210  
211 \_\_\_\_\_  
212 Clerk of Council

213  
214  
215 Approved \_\_\_\_\_  
216 \_\_\_\_\_  
217 Mayor

218 7/11/11  
219 O:\2011ords\amend-161 Income Tax Sub.doc

2  
3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2011

8  
9 AN ORDINANCE APPROVING A CONDITIONAL ZONING CERTIFICATE  
10 AUTHORIZING THE CONSTRUCTION AND OPERATION OF A WIND  
11 TURBINE ON LAND ADJACENT TO 3690 ZORN DRIVE (PARCEL NO.  
12 3501095), AND DECLARING AN EMERGENCY.  
13

14 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires that all affirmative  
15 decisions made by the Planning Commission be submitted to Council, and  
16

17 WHEREAS, Section 1113.08 of the Codified Ordinances requires that issuance of a conditional zoning  
18 certificate shall occur only after review and approval by the Planning Commission, and  
19

20 WHEREAS, on July 19, 2011 the Planning Commission approved a conditional zoning certificate for the  
21 construction and operation of a 141.25' wind turbine on land adjacent to 3690 Zorn Drive,  
22

23 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,  
24 and State of Ohio, that:  
25

26 Section 1. This Council approves the conditional zoning certificate for the construction and operation  
27 of a 141.25' wind turbine on land adjacent to 3690 Zorn Drive (Parcel No. 3501095), Cuyahoga Falls, Ohio  
28 (depicted in the site plan attached hereto as Exhibit "A"), in accordance with such district and zoning  
29 regulations as provided in the Codified Ordinances of the City of Cuyahoga Falls, and as approved by the  
30 Planning Commission as per the plans and stipulations contained in Planning Commission File P-13-11-CZ.  
31 This approval is not in derogation of the City's right of revocation provided for in Section 1113.08(E)(5) of  
32 the Codified Ordinances.  
33

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

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

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

50 Passed: \_\_\_\_\_  
51 \_\_\_\_\_  
52 President of Council

53 \_\_\_\_\_  
54 Clerk of Council

55  
56 Approved: \_\_\_\_\_  
57 \_\_\_\_\_  
58 Mayor

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO  
8 ENTER INTO A CONTRACT WITHOUT COMPETITIVE  
9 BIDDING WITH SUMMA HEALTH SYSTEM, INC. FOR  
10 THE EQUAL VALUE EXCHANGE OF CERTAIN  
11 PERSONAL PROPERTY NO LONGER NEEDED FOR  
12 MUNICIPAL PURPOSES, AND TO DISPOSE OF OTHER  
13 OBSOLETE PERSONAL PROPERTY, AND DECLARING  
14 AN EMERGENCY.

15  
16 WHEREAS, the City owns three (3) Raleigh bicycles that are no longer needed  
17 for municipal purposes, and

18  
19 WHEREAS, Summa Health System, Inc. has agreed, in exchange for acquisition  
20 of the bicycles, to provide Cuyahoga Falls peace officers with access to its law  
21 enforcement training courses in such quantity as will equal or exceed the value of  
22 the bicycles, and

23  
24 WHEREAS, the City owns fifteen (15) police tactical vests which have become  
25 obsolete, and

26  
27 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,  
28 Section 3 of the Ohio Constitution, authorizes this Council to make exception to  
29 property disposition procedures set forth in the Revised Code,

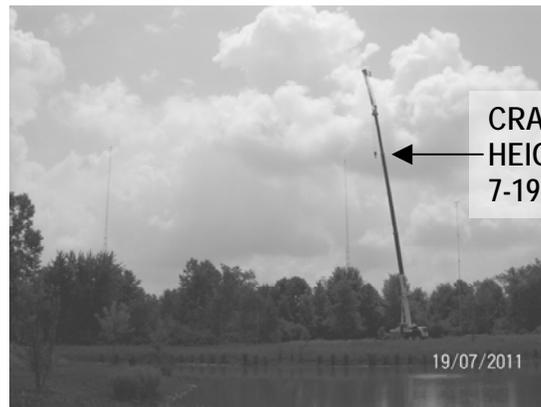
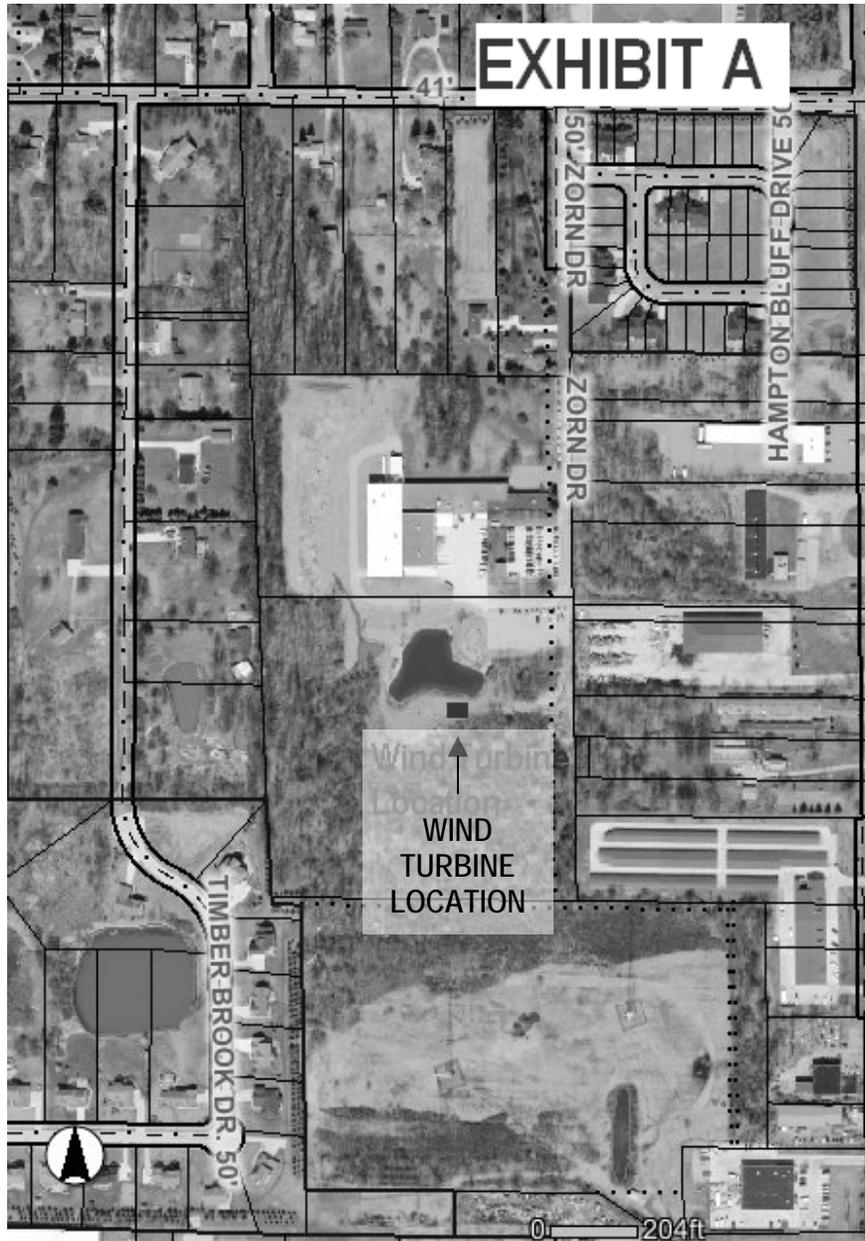
30  
31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
32 Falls, County of Summit and State of Ohio, that:

33  
34 Section 1. The Council hereby finds and determines that three (3) Raleigh  
35 bicycles and fifteen (15) police tactical vests owned by the City are no longer  
36 needed for municipal purposes and/or have become obsolete.

37  
38 Section 2. Notwithstanding and as an exception to Section 721.15 of the Ohio  
39 Revised Code, the Mayor is hereby authorized to enter into a contract without  
40 competitive bidding with Summa Health System, Inc. ("Summa") for the transfer to  
41 Summa of (3) Raleigh bicycles no longer needed by the City, in exchange for which  
42 Summa shall provide Cuyahoga Falls police officers with access to law enforcement  
43 training classes in such quantity as, in the opinion of the Mayor, equals or exceeds  
44 the value of the bicycles transferred.

45  
46 Section 3. The Mayor is hereby authorized to donate fifteen (15) obsolete  
47 police tactical vests to other law enforcement agencies as the Mayor may  
48 determine.





CRANE TEST FOR HEIGHT & LOCATION ON 7-19-11

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AMENDING SECTION 923.03 OF TITLE FIVE,  
8 PART NINE OF THE CODIFIED ORDINANCES, RELATING TO  
9 FREE WATER ACCOUNTS, AND DECLARING AN EMERGENCY.

10  
11 WHEREAS, this Council hereby finds and determines that the provision of free water service  
12 to public and eleemosynary institutions is a public purpose within the scope and meaning of the  
13 Ohio Constitution and the City Charter,

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

17  
18 Section 1. Section 923.03 of Title Five, Part Nine the Codified Ordinances of the City of  
19 Cuyahoga Falls are hereby amended to read in full as follows (new text underlined; deleted text in  
20 ~~strikethrough~~):

21  
22 923.03 FREE WATER FOR PUBLIC LIBRARY AND SCHOOLS.

23  
24 (a) To the extent the following entities establish or maintain water service accounts with the  
25 City, the Director of Public Service shall, upon request, cause furnish water to such accounts to  
26 be furnished free of without charge for human consumption, food service and sanitary purposes,  
27 provided, however, that regular rates shall apply for landscaping, irrigation, recreation or other  
28 purposes; to the Taylor Memorial Library.

29 ~~The use of water constitutes a use for public purposes, free use of which is authorized by~~  
30 ~~Ohio R. C. 743.27.~~

- 31 (i) The William A and Margaretta Taylor Memorial Association dba Cuyahoga Falls  
32 Library, 2015 Third Street,
- 33 (ii) All public schools within the territorial limits of the City, and
- 34 (iii) All private, non-profit schools within the territorial limits of the City.

35  
36 (b) ~~No charge shall be imposed for City water furnished to public schools within the~~  
37 ~~territorial limits of the City which are supported in whole or in part by taxation and which are~~  
38 ~~served by City water mains. Notwithstanding the provisions of subsection (a) above, free water~~  
39 ~~will not be provided if it is used for commercial purposes, or if any building served by the account~~  
40 ~~is not used primarily for school or library purposes.~~

41  
42 (c) ~~No charge shall be imposed for City water furnished to parochial, sectarian or private~~  
43 ~~nonprofit schools within the territorial limits of the City which regularly operate schools during a~~  
44 ~~school term similar in length to the public school term for students similar in age to those in the~~  
45 ~~public school system and which are served by City water mains. No entity eligible to receive free~~  
46 ~~water service is required to accept it. All expenses associated with plumbing and metering any~~  
47 ~~premises to receive free water in compliance with this section shall be borne by the account~~  
48 ~~holder.~~

49  
50 (d) Nothing in this section shall be construed to require the City to extend water mains or  
51 service to schools not served thereby.

52  
53 (e) ~~The use of water for schools in the City constitutes a use for public purposes, free use of~~  
54 ~~which is authorized by Ohio R. C. 743.27.~~

55  
56 Section 2. The Council hereby finds and determines that the provision of free water service  
57 in accordance with Section 923.03 of the Codified Ordinances, as hereby amended, is a public  
58 purpose within the scope and meaning of the Ohio Constitution and the City Charter.

59  
60 Section 3. Any water account holder receiving free water service on the effective date of this  
61 ordinance which, as a result of this ordinance, is no longer eligible to receive free water, shall

62 achieve compliance with Section 923.03, as hereby amended, within 180 days after the effective  
63 date of this ordinance.

64  
65 Section 4. Existing Section 923.03 of the Codified Ordinances, as re-enacted by Ord. No. 45-  
66 1998, passed March 9, 1998, is hereby repealed.

67  
68 Section 5. Any ordinances or resolutions or portions of ordinances and resolutions  
69 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
70 herewith and which have not previously been repealed are hereby ratified and confirmed.

71  
72 Section 6. It is found and determined that all formal actions of this Council concerning and  
73 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
74 all deliberations of this Council and of any committees that resulted in those formal actions were  
75 in meetings open to the public, in compliance with all requirements including Chapter 107 of the  
76 Codified Ordinances.

77  
78 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the  
79 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
80 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
81 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
82 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
83 period allowed by law.

84  
85  
86 Passed: \_\_\_\_\_  
87 \_\_\_\_\_  
88 President of Council

89  
90 \_\_\_\_\_  
91 Clerk of Council

92  
93  
94 Approved \_\_\_\_\_  
95 \_\_\_\_\_  
96 Mayor

97 7/25/11  
98 O:\2011ords\amend-923.03 Free Water.doc

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. - 2011

6  
7 A RESOLUTION CONSENTING TO THE REPAIR OF THE  
8 BARRIER WALL ON STATE ROUTE 8 AT BROAD  
9 BOULEVARD WITHIN THE CITY OF CUYAHOGA FALLS, BY  
10 THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, the State of Ohio has identified the need for and proposes the repair of  
13 the barrier wall on State Route 8 at Broad Blvd. in the City of Cuyahoga Falls, and

14  
15 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is  
16 required prior to the improvement of a state highway within the City’s corporate limits,

17  
18 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
19 County of Summit and State of Ohio, that:

20  
21 Section 1. This Council hereby consents to the repair of the barrier wall on State  
22 Route 8 at Broad Blvd., pursuant to the plans and specifications developed and included as  
23 part of the project identified as PID No. 77880, SUM-SR8-(0.00)(2.13)(5.43) by the State of  
24 Ohio, Dept. of Transportation, which project shall include the repair of the barrier wall on  
25 State Route 8 at Broad Blvd.

26  
27 Section 2. This Council’s consent is granted with the following understandings:

- 28
- 29 A. The City will agree to pay One Hundred Percent (100%) of the cost of
- 30 those features requested by the City which are determined by the State
- 31 and Federal Highway Administration to be unnecessary for the Project.
- 32 B. Upon completion of the Project, and unless otherwise agreed, the City
- 33 shall 1) provide adequate maintenance for the described Project in
- 34 accordance with all applicable state and federal law, including, but not
- 35 limited to, 23 USC §116; 2) provide ample financial provisions, as
- 36 necessary, for the maintenance of the described Project; 3) maintain the
- 37 right-of-way, keeping it free of obstructions; and 4) hold said right-of-
- 38 way inviolate for public highway purposes.
- 39 C. The City will be responsible for all utility accommodation, relocation,
- 40 and reimbursement and will agree that all such accommodations,
- 41 relocations, and reimbursements shall comply with the current
- 42 provisions of 23 CFR Chapter 645 and the ODOT Utilities Manual.

43  
44 Section 3. The Clerk of Council is hereby directed to transmit to the Director of  
45 Transportation a certified copy of this Ordinance.

46  
47 Section 4. It is found and determined that all formal actions of this Council concerning  
48 and relating to the adoption of this resolution were adopted in an open meeting of this  
49 Council and that all deliberations of this Council and of any of its committees that resulted  
50 in such formal action were in meetings open to the public, in compliance with all legal  
51 requirements including Chapter 107 of the Codified Ordinances.

52  
53 Section 5. This resolution is hereby declared to be an emergency measure necessary for  
54 the preservation of the public peace, health, safety, convenience and welfare of the City of

55 Cuyahoga Falls and the inhabitants thereof, and provided it received the affirmative vote of  
56 two-thirds of the members elected or appointed to Council, it shall take effect and be in  
57 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
58 and be in force at the earliest period allowed by law.

59

60

61 Passed: \_\_\_\_\_

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

62

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

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69 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

70

71

72 7/25/11

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2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. - 2011

7  
8  
9 A RESOLUTION AUTHORIZING THE SUPERINTENDENT OF  
10 THE ELECTRIC DEPARTMENT TO REPRESENT THE CITY  
11 OF CUYAHOGA FALLS AS A MEMBER OF THE BOARD OF  
12 TRUSTEES OF AMERICAN MUNICIPAL POWER, INC. AND  
13 DECLARING AN EMERGENCY.  
14

15 WHEREAS, the City of Cuyahoga Falls is a member of American Municipal Power , Inc.  
16 (AMP), a non-profit corporation in the State of Ohio whose members are Ohio municipal  
17 corporations that own and operate electric utility systems, and  
18

19 WHEREAS, AMP exists for a public purpose, namely to assist the municipally-owned  
20 electric systems of the State of Ohio in obtaining safe, reliable and reasonably priced  
21 electric power for their citizens and customers, and  
22

23 WHEREAS, the affairs of the AMP are managed by a Board of Trustees (“Board”) with  
24 fifteen voting members elected by, and from among, the membership, who meet from time  
25 to time in Columbus, Ohio at the headquarters of AMP, and  
26

27 WHEREAS, the City has been elected to a term as member of the AMP Board of  
28 Trustees, and  
29

30 WHEREAS, the City is required to formally designate a person to represent it on the  
31 Board and exercise the duties of Trustee,  
32

33 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
34 County of Summit and State of Ohio, that:  
35

36 Section 1. Michael Dougherty, as an incident of his official capacity as Superintendent  
37 of the Electric Department, is hereby designated the representative of the City on the Board  
38 to act on behalf of the City in the discharge of its duties as Trustee and that Jeffrey  
39 McHugh, as an incident of his official capacity as Assistant Superintendent of the Electric  
40 Department, is designated as alternate to such representative to serve in his stead during  
41 such periods as he may be unable to represent the City on the Board.  
42

43 Section 2. The representative of the City designated above is authorized and  
44 empowered, acting for, in the name of and on behalf of the City, and as the City’s agent, to  
45 exercise all the functions, powers, rights and privileges, and to fulfill the obligations and  
46 without limitation to attend and take part in meeting of the Board and of Committees of the  
47 Board, and to vote on and otherwise act with respect to all matters that may properly come  
48 before the Board or any Committee of the Board, and to do or cause to be done all acts, and  
49 to take all steps as may in each case be, in the opinion of such representative, necessary or  
50 desirable in order to represent the City and exercise its functions, powers, rights and  
51 privileges, and fulfill its obligations, as a Trustee of AMP and to carry out the full intent and  
52 purpose of this Resolution and the purposes and powers of AMP.  
53

