

## NEW LEGISLATION

February 24, 2014

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-12	2/24/14	PZ	An ordinance approving regulatory text amendments to Chapter 1115, Title 1, Part 11; Chapter 1131, Title 3, Part 11, Section 1131.03(H)(13) and Table 1131-1 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.
A-13	2/24/14	PZ	An ordinance approving regulatory text amendments to Section 1112.04 of Chapter 1112, Title 1, Part 11, Titled "Design and Historic Review Board" and Section 1132.21 of Chapter 1132, Title 3, Part 11, Title "H, Historic Overlay" of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.
A-14	2/24/14	PA	Authorizing the Director of Public Service to grant an easement to Rubber City Arches Graham, LLC for the continued location and maintenance of its business identification sign, and declaring an emergency.
A-15	2/24/14	PA	An ordinance amending Section 777 of Title Seven, Part One of the Codified Ordinances, relating to secondhand dealers, and declaring an emergency.
A-16	2/24/14	CD	An ordinance authorizing the Mayor to enter into an Enterprise Zone Tax Incentive Agreement with SGS Tool Company & Crooked River Realty and the County of Summit, and declaring an emergency.

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## CALENDAR

February 24, 2014

The following legislation will be up for passage at the Council Meeting on February 24, 2014.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-4 (Sub)	2/10/14	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts, according to law, for the purchase of hardware and software associated with the upgrade of the City's personal computers, and declaring an emergency.
A-5	2/10/14	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for concrete and masonry repairs to the City-owned parking garages located at 2035 Old Town Loop (the "Blue" Parking Deck), 2052 Front Street (the "Red" Parking Deck), and 2318 Second Street (the "Green" Parking Deck), and declaring an emergency.
A-6	2/10/14	PI	A resolution consenting to the inspection of municipal bridges within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
A-7	2/10/14	PA	Authorizing the execution of Participating Member Schedule with American Municipal Power, Inc. ("AMP") to enroll in the AMP-Enerwise demand response and 1 CP Pilot Programs, and declaring an emergency.
A-8	2/10/14	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

A-10            2/10/14       PA

An ordinance authorizing the Director of Public Service to issue an encroachment permit to Albrecht, Inc. for the purpose of constructing and operating a parking lot in a portion of North Haven Boulevard abutting the property at 2137-2141 State Road (Parcel No. 02-14827), and declaring an emergency.

A-11            2/10/14       PA

A resolution authorizing the Park and Recreation Board to apply for and accept a grant from the Ohio Department of Natural Resources, and declaring an emergency.

## PENDING LEGISLATION

February 24, 2014

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-4 (Sub)	2/10/14	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts, according to law, for the purchase of hardware and software associated with the upgrade of the City's personal computers, and declaring an emergency.
A-5	2/10/14	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for concrete and masonry repairs to the City-owned parking garages located at 2035 Old Town Loop (the "Blue" Parking Deck), 2052 Front Street (the "Red" Parking Deck), and 2318 Second Street (the "Green" Parking Deck), and declaring an emergency.
A-6	2/10/14	PI	A resolution consenting to the inspection of municipal bridges within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
A-7	2/10/14	PA	Authorizing the execution of Participating Member Schedule with American Municipal Power, Inc. ("AMP") to enroll in the AMP-Enerwise demand response and 1 CP Pilot Programs, and declaring an emergency.
A-8	2/10/14	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-9	2/10/14	PA	An ordinance amending Part Three, Title Seven, Chapter 351 to enact Section 351.20 and to authorize the Industrial and Community Development

Department to enforce Section 351.20, and declaring an emergency.

A-10            2/10/14       PA

An ordinance authorizing the Director of Public Service to issue an encroachment permit to Albrecht, Inc. for the purpose of constructing and operating a parking lot in a portion of North Haven Boulevard abutting the property at 2137-2141 State Road (Parcel No. 02-14827), and declaring an emergency.

A-11            2/10/14       PA

A resolution authorizing the Park and Recreation Board to apply for and accept a grant from the Ohio Department of Natural Resources, and declaring an emergency.

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2014

7  
8 AN ORDINANCE APPROVING REGULATORY TEXT  
9 AMENDMENTS TO CHAPTER 1115, TITLE I, PART 11;  
10 CHAPTER 1131, TITLE 3, PART 11, SECTION  
11 1131.03(H)(13) AND TABLE 1131-1 OF THE  
12 CODIFIED ORDINANCES OF THE CITY OF  
13 CUYAHOGA FALLS (GENERAL DEVELOPMENT  
14 CODE), AND DECLARING AN EMERGENCY.  
15

16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions  
17 made by the Planning Commission be submitted to Council, and  
18

19 WHEREAS, on February 19, 2014 the Planning Commission recommended  
20 approval of regulatory text amendments to the Cuyahoga Falls General  
21 Development Code as outlined in this legislation and in File P-3-14-RA, and  
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. Chapter 1115, Title 1, Part 11, Titled “Definitions” of the Codified  
27 Ordinances of the City of Cuyahoga Falls, is hereby amended to read as follows  
28 (new text underlined; deleted text in ~~striketrough~~):  
29

30 Advance, Payday or Title Loans: See Section 1131.03 H 13.  
31

32 Section 2. Chapter 1131, Title 3, Part 11, Section 1131.03(H)(13) of the  
33 Codified Ordinances of the City of Cuyahoga Falls, is hereby amended under  
34 “Conditional Uses” to read as follows (new text underlined; deleted text in  
35 ~~striketrough~~):  
36

37 Advance, ~~or~~ Payday or Title Loans. Establishment transacting or brokering  
38 small, short-term, high interest rate secured or unsecured loans, cash advance  
39 loans, check advance loans, post dated-check loans, title loans , third-party loans,  
40 deferred deposit checks or establishments transacting similar type of predatory  
41 lending practices.  
42

43 Section 3. Chapter 1131, Title 3, Part 11, Table 1131-1 Titled “Zoning Codes  
44 and Districts” of the Codified Ordinances of the City of Cuyahoga Falls, is hereby  
45 amended under “Conditional Uses” to include the follow ing (new text underlined;  
46 deleted text in ~~striketrough~~):  
47

48 Advance, ~~or~~ Payday or Title Loans\*\*  
49

50 All other Conditional Use categories contained in Table 1131-1 shall remain  
51 unchanged as a result of this amendment.

52  
53 Section 4. Any other ordinances or resolutions or portions of ordinances and  
54 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
55 resolutions not inconsistent herewith and which have not previously been repealed  
56 are hereby ratified and confirmed.

57  
58 Section 5. It is found and determined that all formal actions of this Council  
59 concerning and relating to the adoption of this ordinance were adopted in an open  
60 meeting of this Council, and that all deliberations of this Council and of any of its  
61 committees that resulted in such formal action, were in meetings open to the  
62 public, in compliance with all legal requirements including, to the extent  
63 applicable, Chapter 107 of the Codified Ordinances.

64  
65 Section 6. This ordinance is hereby declared to be an emergency measure  
66 necessary for the preservation of the public peace, health, safety, convenience and  
67 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
68 that it is immediately necessary to permit timely and appropriate development of  
69 this property, and provided it receives the affirmative vote of two thirds of the  
70 members elected or appointed to Council, it shall take effect and be in force  
71 immediately upon its passage and approval by the Mayor; otherwise it shall take  
72 effect and be in force at the earliest period allowed by law.

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75 Passed: \_\_\_\_\_  
76 \_\_\_\_\_  
77 President of Council

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79 \_\_\_\_\_  
80 Clerk of Council

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83 Approved: \_\_\_\_\_  
84 \_\_\_\_\_  
85 Mayor

86 2/24/14  
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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2014

7  
8 AN ORDINANCE APPROVING REGULATORY TEXT  
9 AMENDMENTS TO SECTION 1112.04 OF CHAPTER  
10 1112, TITLE 1, PART 11, TITLED “DESIGN AND  
11 HISTORIC REVIEW BOARD” AND SECTION 1132.21  
12 OF CHAPTER 1132, TITLE 3, PART 11, TITLE “H,  
13 HISTORIC OVERLAY” OF THE CODIFIED  
14 ORDINANCES OF THE CITY OF CUYAHOGA FALLS  
15 (GENERAL DEVELOPMENT CODE), AND DECLARING  
16 AN EMERGENCY.  
17

18  
19 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all  
20 decisions made by the Planning Commission be submitted to Council; and  
21

22 WHEREAS, on February 19, 2014 the Planning Commission recommended  
23 approval of regulatory text amendments to the Cuyahoga Falls General  
24 Development Code as outlined in this legislation and in File P-4-14-RA; and  
25

26 WHEREAS, Section 1113.06(E)(3)(a) of the Codified Ordinances requires  
27 notice of the public hearing on a text amendment to be published in a newspaper  
28 of general circulation in the City at least 30 days prior to the public hearing; and  
29

30 WHEREAS, notice of the public hearing for the within text amendment will be  
31 less than the 30 days required by Section 1113.06(E)(3)(a) of the Codified  
32 Ordinances for the reason that there is an application for a historic tax credit  
33 pending before the State of Ohio.  
34

35 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
36 Falls, County of Summit, and State of Ohio, that:  
37

38 Section 1. Council hereby waives the 30 day publication notice requirement for  
39 the public hearing pursuant to Section 1113.06(E)(3)(a) of the Codified Ordinances  
40 regarding the text amendments herein.  
41

42 Section 2. Chapter 1112, Title 1, Part 11, Section 1112.04) of the Codified  
43 Ordinances of the City of Cuyahoga Falls, is hereby amended to read in full as  
44 follows:  
45

46 **1112.04 Design and Historic Review Board**

- 47 A. Organization. The Mayor, with the approval of City Council may appoint a  
48 Design and Historic Review Board (“DHR Board”) subject to the following:  
49 1. *Membership.* The DHR Board shall consist of 5 members.

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- a. Of the original appointments, two shall serve for two years; three shall serve for three years.
  - b. Upon expiration of the original appointment, all appointments shall be for three years. Board members may serve their full term, or until a successor is appointed. Board members may be appointed to successive terms.
  - c. Vacancies, by resignations, incapacitation, dismissal, or otherwise shall be filled in the same manner as the initial appointments, and vacancies shall be filled for the duration of the vacated Board member's term.
  - d. The Mayor may remove board members. Vacancies will be filled within 60 days, unless extenuating circumstance requires a longer period.
  - e. The Director of the Planning Division, or his or her designee, shall serve as recording secretary of the Board.
2. *Qualifications.* To serve on the DHR Board, members shall have the following qualifications at all times during the appointment.
- a. Be a resident of the City, or be a business owner, landowner, or professional with substantial practice in the City;
  - b. Have demonstrated special qualifications that enable them to evaluate the purpose and intent of any ordinance provision under which they will deliberate. Such qualifications may include any of the following:
    - (1) Professional experience in a design and development profession, such as planning architecture, real estate development, or engineering;
    - (2) Education or training in history, architecture or related disciplines;
    - (3) Business ownership or other experience where they are frequently exercising design or development judgments;
    - (4) Membership or past experience on a civic board, committee, or association, or other similar civic involvement that will enhance their ability to evaluate the purpose and intent of any ordinance provision under which they will deliberate.
    - (5) At least (2) preservation related professional members to the extent such professionals are available in the community (this shall include the professions of architecture, architecture history, history, archaeology, planning or related disciplines).
    - (6) The DHR Board may will establish bylaws for its operations and adopt rules of procedure for the conduct of its business, provided the bylaws or rules of procedure do not conflict with these regulations.
3. *Authority, Powers and Duties.*
- a. Authority and Power. The DHR Board shall have the sole power to permit, by approval of the application of any property owner, the demolition, construction, preservation, restoration, rehabilitation of any home, commercial establishment or other structure, or

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- new construction within the historic district.
- b. The DHR shall also be an advisory body to the Planning Commission on any project that involves an established Planning Commission activity described in Chapter 1113 Applications, Criteria and Procedures 1112.02 of the Cuyahoga Falls General Development Code.
  - c. DHR Duties and Activities.
    - (1) Conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by OHPO.
    - (2) Make property recommendations to the Planning for nomination to the National Register of Historic Places and review all National Register nominations.
    - (3) Establish and use written guidelines for the conservation of designated local landmarks and historic districts in decisions on requests for permits for alterations, demolition or additions to listed landmarks, buildings and sites within historic districts.
    - (4) Within the written guidelines, the DHR Board, may designate specific exempted activities that do not require, or review specific minor alterations that may be reviewed by the Planning Director.
    - (5) Initiate applications for any amendment of the boundaries of Historic Overlays.
    - (6) Maintain a current register of all areas and properties in Historic Overlays with descriptions and photographs thereof and summaries of the basis for designation.
    - (7) Recommend to the Planning Commission, City Council and other bodies or departments of the City of Cuyahoga Falls other plans, regulations, guidelines, or enhancement of properties or areas of historic or architectural significance in the City.
    - (8) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
    - (9) Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
    - (10) The DHR shall cooperate with county, regional, state, national, and private historic preservation organizations.
    - (11) Work toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns.
    - (12) Seek expertise when a commission considers a National Register nomination and other actions (e.g., an archaeological site), which are normally evaluated by a professional in a specific discipline (e.g., archaeologist), and that discipline is not represented on the commission, before rendering its decision. Commissions

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may seek the assistance of academic or consulting archaeologists. The OHPO suggests that local governments try to find interested individuals with expertise in archaeology to serve on the commission. Alternately, commissions should explore the possibility of sharing this expertise.

- (13) Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the OHPO, pertaining to work and functions of the commission or on specific historic preservation issues. Barring extenuating circumstances, all commission members should attend such a session at least once yearly. The OHPO will provide orientation materials and training for local commissions.
  - (14) The DHR Board upon mutual written agreement between the SHPO and the CLG may undertake additional responsibilities. Example: Review all proposed National Register nominations within its jurisdiction A written agreement will address what duties are to be performed, what staff assistance is needed to perform the work, and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be complimentary.
4. *Other Responsibilities.* The DHR Board shall initiate or maintain a process approved by the OHPO for the survey and inventory of cultural resources within Cuyahoga Falls. The OHPO will consult with Cuyahoga Falls in undertaking survey activities, which will meet the needs of the local community and the OHPO. A detailed inventory of the designated districts, sites, and/or structures under the specific jurisdiction of the local government shall be maintained.
- (1) All inventory material shall be: maintained securely and be accessible to the public, except that access to archaeological site locations may be restricted.
  - (2) Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms, and/or forms compatible with OHPO's computerized inventory and therefore compatible with the comprehensive preservation planning process.
  - (3) The inventory shall be available through duplicates (with contact prints or digital images) to the OHPO.
  - (4) Inventory forms shall be updated periodically to reflect changes, alterations, and demolitions.
5. *Meetings and Procedures.* Once established, the DHR Board shall meet at least quarterly, or more frequently as needed. Meetings shall occur according Section 1113.17 Design and Historical Review Board Activities. All meetings will be held according to City of Cuyahoga Falls open meeting procedures and all DHR Board public meeting will have written minutes that shall be available for public inspection. A written annual report of DHR activities, including cases decisions,

197 special projects, qualifications of members etc., kept on file and  
198 available for public inspection.

199  
200 Section 3. Chapter 1132, Title 3, Part 11, Section 1132.21 of the Codified  
201 Ordinances of the City of Cuyahoga Falls, is hereby amended to read in full as  
202 follows:

203  
204 **1132.21 H, HISTORIC OVERLAY**

205 A. Statement of Purpose

206 Cuyahoga Falls is a community with a rich history spanning over 200 years.  
207 As a result, the city has many properties and structures dating from 19<sup>th</sup>  
208 and 20<sup>th</sup> centuries. Accordingly, certain properties and areas in the City  
209 possess special character deriving from the presence of historic buildings or  
210 sites. When this character is of sufficient cultural, aesthetic, or economic  
211 value, special controls and review procedures governing design of new  
212 construction and alterations to existing properties are warranted to further  
213 the public welfare.

214  
215 The Historic Overlay “H” Districts as provided herein is intended to establish  
216 such preservation controls and procedures without significantly interfering  
217 with development rights of the property owner by other City Regulations.

218  
219 It is therefore the intent of this section to establish procedures to guide  
220 activities in Historic Overlays. It seeks to do so by encouraging property  
221 owners and the city government to work out a mutually acceptable balance  
222 between preservation and alteration, between aesthetic and non-aesthetic  
223 development factors, and between the rights of the property owner and the  
224 public good.

225 B. Definitions

- 226 1. *Alteration.* Any act or process that changes one or more of the exterior  
227 architecture features of a building or structure, including but not  
228 limited to the erection, construction, reconstruction, or removal of the  
229 building or structure.
- 230 2. *Addition.* Any act or process that changes one or more of the exterior  
231 architectural features of a building or structure by adding to, joining  
232 with or increasing the size or capacity of the building or structure.
- 233 3. *Building.* Any structure created for the support, shelter or enclosure of  
234 persons, animals, or property of any kind and which is permanently  
235 affixed to the land.
- 236 4. *Certificate of Appropriateness.* A certificate issued by the DHR Board,  
237 indicating that a proposed change, alteration or demolition of a historic  
238 building or structure or within a historic site or district, is in  
239 accordance with Cuyahoga Falls General Development Code Section  
240 1132.21 H, Historic Overlay and Historic Overlay District design  
241 guidelines.
- 242 5. *Change.* Any alteration, demolition, removal or construction involving  
243 any property subject to the provisions of this ordinance or Cuyahoga  
244 Falls General Development Code requirements.
- 245 6. *Construction.* The act of constructing an addition to an existing

- 246 structure or the erection of a new principal or accessory structure on a  
247 lot or property.
- 248 7. *Demolition.* Any act or process that destroys in part or in whole any  
249 building or structure.
- 250 8. *Historic Overlay District.* Any area designated by Planning Commission  
251 and City Council which may contain within definable geographic  
252 boundaries, buildings, structures or sites of historic, architectural or  
253 archaeological significance. The District will be created according to  
254 Cuyahoga Falls General Development Code Section 1132.21 H,  
255 Historic Overlay.
- 256 9. *Historic Structure.* Any building or structure which has historic,  
257 architectural or archaeological significance and has been so designated  
258 according to the provisions of Cuyahoga Falls General Development  
259 Code Section 1132.21 H, Historic Overlay. The significance of a  
260 property to the history, architecture, archaeology, engineering, or  
261 culture of a community, state, or the nation may be achieved in several  
262 ways:
- 263 a. Association with broad pattern of our history, events, activities,  
264 or patterns
- 265 b. Association with important persons
- 266 c. Distinctive physical characteristics of design, construction, or  
267 form
- 268 d. Potential to yield information important in history or prehistory  
269 (archaeology)
- 270 10. *Landmark.* Any building, structure or archaeological site that has been  
271 designated as a “landmark” by ordinance of the city or village council,  
272 pursuant to procedures proscribed herein, that is worthy of  
273 preservation, restoration or rehabilitation because of its historic,  
274 architectural or archaeological significance.
- 275 11. *Owner.* The owner or owners of record.
- 276 12. *Preservation.* The act or process of applying measures necessary to  
277 sustain the existing form, integrity and materials of an historic  
278 property.
- 279 13. *Reconstruction.* The act or process of depicting, by means of new  
280 construction, the form, features, and detailing of a non-surviving site,  
281 landscape, building, structure or object for the purpose of replicating  
282 its appearance at a specific period of time and in its historic location.
- 283 14. *Rehabilitation.* The act or process of making possible a compatible use  
284 for a property through repair, alterations, and additions while  
285 preserving those portions or features, which convey its historical,  
286 cultural, or architectural values.
- 287 15. *Restoration.* The act or process of accurately depicting the form,  
288 features, and character of a property as it appeared at a particular  
289 period of time by means of the removal of features from other periods  
290 in its history and reconstruction of missing features from the  
291 restoration period. The limited and sensitive upgrading of mechanical,  
292 electrical, and plumbing systems and other code-required work to  
293 make properties functional is appropriate within a restoration project.
- 294 16. *Design and Historic Review (DHR) Board.* The board or commission

295 established under the provisions of the enabling legislation and the  
296 Cuyahoga Falls General Development Code.

297 C. Procedures for Identifying and Designating Historic Overlay Districts and  
298 Individual Historic Landmarks

299 1. *Historic Overlay Criteria.* The following criteria shall be used to assist in  
300 determining the appropriateness of establishing an H, Historic Overlay  
301 district.

302 a. The value of the district, property, structure, or landmark to the  
303 community, particularly as a resource or symbol of the heritage of  
304 the City and region.

305 b. The degree to which the historic resource is at risk from activities  
306 on the property or on adjacent property, and the degree to which  
307 specific standards can ensure protection of the resource or  
308 compatible development.

309 c. The importance of the district, property, structure, or landmark  
310 to the education, tourism, economic development, aesthetic  
311 integrity, or civic pride of the community.

312 d. The ability of the applicant or property owner to maintain the  
313 property in its historic status and subject to the historic overlay,  
314 considering all reasonable means and the assistance available  
315 within the community.

316 e. The capacity to stimulate appropriate investment in and  
317 improvement of historic properties and areas by assuring a  
318 controlled environment that encourages such improvement and  
319 helps preserve its value.

320 f. The importance to preserve the existing character and property  
321 values of historically significant parts of Cuyahoga Falls by  
322 discouraging incompatible changes.

323 g. The need to promote business and economic development by  
324 preserving the character of buildings and areas that have a  
325 special environment that appeals to residents and visitors.

326 h. The ability to promote a balance between aesthetic considerations  
327 and economic requirements and between conservation and  
328 change.

329 2. *Individual Historic Landmark Criteria.* The following criteria shall be  
330 used to assist in determining the appropriateness of establishing  
331 individual historic landmarks:

332 a. The site has special value as historic architecture by:

333 (1) Being the work of a historically notable builder,  
334 architect, or designer, or

335 (2) Embodying architectural elements that make it  
336 innovative, distinctive, excellent, uncommon,  
337 irreplaceable, or otherwise significant, or

338 (3) Serving to create a special character or atmosphere that  
339 is of an economic value to the City or a portion thereof  
340 that justifies its preservation.

341 (4) Other Significance. It has special value resulting from a  
342 singular physical characteristic that is widely recognized  
343 as City or Neighborhood landmark.

- 344 b. The site has special value associated with it (person, group,  
 345 organization, event, or patterns of events of local, state, or  
 346 national historic significance).  
 347 (1) Its character, interest or value as part of the development,  
 348 heritage or cultural characteristics of the city, state or  
 349 nation. It has special value as historic significance by:  
 350 (2) Its location as a site of a significant historic event.  
 351 (3) Its identification with a person significant in our past.  
 352 (4) Its exemplification of the cultural, economic or social  
 353 heritage of the city, state or nation.  
 354 (5) Its portrayal of a group of people in an era of history,  
 355 characterized by a distinctive architectural style.  
 356 (6) Its embodiment of distinguishing characteristics of a  
 357 building type or architectural style.  
 358 (7) Its embodiment of elements of architectural design, detail,  
 359 materials or craftsmanship, which represent a significant  
 360 architectural innovation.  
 361 (8) Its identification as the work of an architect or master  
 362 builder whose work has influenced the city, state or  
 363 nation.  
 364 (9) Its potential to yield information important in prehistory or  
 365 history (archaeology)
- 366 c. The creation is harmonious with and in accordance with the  
 367 general goals and objectives of the City General Plan, Cuyahoga  
 368 Falls General Development Code and a Citywide Historic  
 369 Preservation Plan or meets goals and objectives of a Historic  
 370 Overlay District Preservation Plan.
- 371 d. The site is suitable for Preservation. The property or buildings are  
 372 structurally sound and suitably physical for restoration.
- 373 e. The use is not hazardous or disturbing to existing or planned  
 374 future neighboring uses, and is not detrimental to the community  
 375 as a whole.
- 376 f. The use is consistent with the intent and planning criteria of the  
 377 zoning district, and will not adversely impact the intent and  
 378 planning criteria of any adjacent zoning districts.
- 379 3. *Approval Process.* The approval process in establishing a Historic  
 380 Overlay (H) District is outlined in Table 1132-17:

Table 1132-17 Historic Overlay District and Individual Historic Landmarks Establishment Procedures		
Procedures	Historic (H) Overlay District Plan with overlay boundaries and inventory forms	Design Guidelines for the Historic (H) Overlay District
Staff	Review, Recommendation	Review, Recommendation
DHR	DHR Meeting with Recommendation	DHR Meeting with Recommendation
Planning Commission	Planning Commission Meeting with	Planning Commission Meeting with

	Recommendations, Approval	Recommendations, Approval
City Council	Public Hearing and Authorization	Public Hearing and Authorization

- 381  
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4. *Other Review.* Any application for the initial adoption of an H Overlay or for individual historic landmark designation, and any future application for a building permit, site plan or other alteration shall require review according to the standards of all Cuyahoga Falls Development Code requirements.
- D. Certificate of Appropriateness Review for Proposed Projects
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1. *Applicability.* No person shall demolish or make any alteration or environmental change to any designated historic property without first obtaining a certificate of appropriateness.
  2. *Eligible Applicants.* The owner of the subject property or the owner's authorized agent may initiate an application for a certificate of appropriateness.
  3. *General Review Criteria.* The certificate of appropriateness request shall be evaluated on the following criteria:
    - a. The site meets approved and published Design Review Guidelines.
    - b. The site meets the Secretary of the Interior Standards for the treatment of Historic Property.
    - c. The site is harmonious with and in accordance with the general goals and objectives of the City General Plan and a Historic Preservation Plan for the City or a Historic Overlay District Preservation Plan.
    - d. The use is not hazardous or disturbing to existing or planned future neighboring uses, and is not detrimental to the community as a whole.
    - e. The use is consistent with the intent and planning criteria of the zoning district, and will not adversely impact the intent and planning criteria of any adjacent zoning districts.
    - f. The lot and building dimension standards in the Historic Overlay shall be the same as the underlying zoning district, unless the different lot and building dimension standards are necessary to maintain the historic integrity of the district. In this case, the ordinance designating the historic overlay may specify different standards.
  4. *Specific Review Procedures.*
    - a. Alterations.
      - (1) The design and historic review board shall make a determination on an application for certificate of appropriateness within 30 days of the filing of the action, or within 60 days if a public hearing is required, unless the applicant approves an extension of time. The board may also table the application for additional information or for lack of information or clarification until the next meeting or for a specific period of time. If the board fails to render its decision within the specified time period, the

426 application for certificate of appropriateness shall be  
427 deemed approved.

428 (2) The board shall make a determination on an application  
429 for certificate of appropriateness within 30 days of the  
430 filing of the action, or within 60 days if a public hearing is  
431 required.

432 (3) In making such a determination, the Board shall refer to  
433 the Secretary of the Interior's Standards' for Rehabilitation  
434 and to design guidelines adopted by the Commission.

435 b. Demolition. If an application for a certificate of  
436 appropriateness seeks approval of demolition, the DHR Board  
437 may delay determination of the application for a period of 90  
438 days upon a finding that the structure is of such importance  
439 that alternatives to demolition may be feasible and should be  
440 actively pursued by both the applicant and the board. In the  
441 event that action on an application is delayed as provided  
442 herein, the Board may take such steps, as it deems necessary  
443 to preserve the structure in accordance with the purposes of  
444 this ordinance. Such steps may include but are not limited to,  
445 consultation with civic groups, public agencies, and interested  
446 citizens, marketing plans, recommendation for acquisition of  
447 the property by public or private bodies or agencies, and  
448 exploration of the possibility of moving the structure or  
449 structures.

450 5. *General Submittal Requirements.* Application for a certificate of  
451 appropriateness shall be submitted to the Planning Division, and  
452 shall include the following:

453 a. Completion of an authorized application form supplied by the  
454 Planning Division, including any supplemental information  
455 required by that form.

456 b. A detailed narrative statement on how and why issuance of  
457 the certificate conforms to the standards of the current zoning  
458 district, the certificate of appropriateness requirements.

459 c. Architectural plans, a site or plot plan or development plan for  
460 the entire property being considered meeting the requirements  
461 on the Planning Division's authorized certificate of  
462 appropriateness application form.

463 d. Other plans or surveys as needed.

464 e. The applicable filing fee.

465 6. *Specific Application Procedures.* The following specific application  
466 procedures apply to certificate of appropriateness applications.

467 a. Official Filing. The Planning Director shall notify the applicant  
468 within 60 days of submittal to the Planning Division of any of  
469 the following in order for the certificate of appropriateness to  
470 be officially filed:

471 b. Application. The application is complete for official filing;

472 (1) Application will be scheduled for next scheduled  
473 Design and Historic Review Board Meeting.

474 (2) Application will be scheduled for Design and

475 Historic Review Board Meeting after applicant  
476 meeting with planning and other city departments  
477 to discuss application.  
478 (3) The application is deficient and modifications are  
479 needed to make it acceptable for official filing and a  
480 list of deficiencies and suggested modifications will  
481 be provided to applicant. Applicant may request  
482 meeting with planning staff and other departments  
483 to discuss deficiencies.  
484 c. The Planning Director or other City Department Director  
485 determines that application requires further studies or  
486 technical reports before it is officially filed.

487 7. *Notice.* Notice of the meeting shall be given by mailed notice and  
488 posted notice subject to the following.  
489 a. Mailed Notice. Notice shall be mailed to abutting property owners  
490 at least seven (7) days prior to the Design and Historic Review  
491 Board Meeting. Notice shall indicate the subject, date, time,  
492 location of the public meeting including the general location of  
493 the property, and that copies of all plans are on file for review at  
494 the Planning Division during normal business hours. Failure of  
495 any party to receive required mailed notice shall not invalidate  
496 the proceedings.  
497 b. Posted Notice. A sign, indicating the subject, date, time, and  
498 location of the meeting will be posted on the application site by  
499 the Planning Division.  
500 (1) Sign will be posted for at least seven (7) days prior  
501 to the scheduled Design and Historic Review Board  
502 Meeting.  
503 (2) At least one notice shall be posted for each street  
504 frontage of the property.  
505 (3) Notice shall remain posted continuously until the  
506 start of the meeting.

507 8. *Design and Historic Review Board Action.*  
508 a. DHR Actions. The DHR Board shall review the application for a  
509 Certificate of Appropriateness and take any of the following  
510 actions with the submission of the complete application with the  
511 Planning Division:  
512 (1) Recommend approval of Certificate of Appropriateness;  
513 (2) Recommend denial of the Certificate of  
514 Appropriateness;  
515 (3) Recommend approval of the Certificate of  
516 Appropriateness, subject to specific conditions which  
517 must be satisfied prior to issuing a zoning certificate;  
518 or  
519 b. Continuation. Continue consideration of the Certificate of  
520 Appropriateness to the next scheduled meeting based on a need  
521 for further study or consideration of specific issues. No  
522 Certificate of Appropriateness shall be continued by the DHR  
523 Board more than once, nor hearing to a specific date, time,

524 location, no new published notice is necessary for the continued  
525 hearing, however posted notice shall remain in place through the  
526 conclusion of the continued hearing.

527 9. *Enforcement Provisions and Penalties.*

528 a. If it is found that any of the provisions of these standards are  
529 being violated, the person responsible for such violations shall  
530 cease all work upon notification, and no work shall be performed  
531 except to correct the violations. All work shall be corrected within  
532 a reasonable period and any violations not corrected within the  
533 specified time may be prosecuted.

534 b. Whoever constructs, reconstructs, or alters any exterior  
535 architectural feature or demolishes a substantial part or all of  
536 any building within the historic district without a Certificate of  
537 Appropriateness shall be fined not more than one hundred  
538 dollars (\$100.00). Each day of violation shall be considered a  
539 separate offense. Whoever violates this section shall be required  
540 to restore and reconstruct such features in full detail.

541 c. Whoever constructs reconstructs or alters any exterior  
542 architectural feature now or hereafter in violation of this chapter  
543 shall be deemed guilty of a misdemeanor and shall be fined not  
544 less than \$50.00 nor more than \$5,000.00.

545 10. *Appeals Procedures.*

546 a. Decisions by the DHR Board may be appealed to the Planning  
547 Commission within ten (10) days of the board hearing. No zoning  
548 certificate or other permits required for the activity applied for  
549 shall be issued during the ten-day period or while an appeal is  
550 pending.

551 b. The Planning Commission shall consider an appeal within thirty  
552 (30) days of receipt and shall utilize the written findings of the  
553 board or commission in rendering their decision. A majority vote  
554 of the Planning Commission shall be required to overturn a  
555 decision of the DHR Board.

556 11. *Severability.* If any provision of these regulations or the application  
557 thereof is held invalid, such invalidity shall not affect other  
558 provisions or application of these regulations which can be given  
559 effect without the invalid provision or application, and to this end,  
560 the provisions of these regulations are hereby declared severable.

561 12. *Minimum Maintenance Requirement.* No owner of a building or  
562 structure in the historic overlay district shall by willful action or  
563 willful neglect, fail to provide sufficient and reasonable care,  
564 maintenance and upkeep to ensure such building's perpetuation and  
565 to prevent its destruction by deterioration.

566 The owner of a protected property shall provide sufficient  
567 maintenance to ensure its protection from hazards and to prevent  
568 deterioration.

569 13. *Exemptions. Routine Maintenance.* Routine maintenance and repair  
570 that does not in the judgment of the Planning Director involve a  
571 significant visual change, as defined herein, shall be exempt.

572 a. *Mandated Alterations.* Alterations mandated for reasons of public

573 health, safety, or protection of property by the City or any other  
574 authorized government body and approved by exemption by the  
575 Planning Director shall be exempt.  
576 b. Casualties. Alterations occasioned, whether at one time or  
577 gradually over an extended period, by natural causes, acts of  
578 God, accidents, vandalism, and other casualties shall be exempt.  
579 c. Emergency Alterations. Emergency alterations shall be allowed  
580 based on the judgment of the Planning Director if an immediate  
581 peril to public health or safety or if serious damage to a property  
582 needs immediate attention. Such alterations shall be confined to  
583 the minimum necessary to prevent such peril or damage.  
584

585 Section 4. Existing Section 1112.04 of Chapter 1112, Title 1, Part 11, and  
586 Section 1132.21 of Chapter 1132, Title 3, Part 11 of the Codified Ordinances of the  
587 City of Ordinances of the City of Cuyahoga Falls are hereby repealed.  
588

589 Section 5. That any other ordinances or resolutions or portions of ordinances  
590 and resolutions inconsistent herewith are hereby repealed, but any ordinances and  
591 resolutions not inconsistent herewith and which have not previously been repealed  
592 are hereby ratified and confirmed.  
593

594 Section 6. That it is found and determined that all formal actions of this  
595 Council concerning and relating to the adoption of this ordinance were adopted in  
596 an open meeting of this Council, and that all deliberations of this Council and of  
597 any of its committees that resulted in such formal action, were in meetings open to  
598 the public, in compliance with all legal requirements including, to the extent  
599 applicable, Chapter 107 of the Codified Ordinances.  
600

601 Section 7. That this ordinance is hereby declared to be an emergency measure  
602 necessary for the preservation of the public peace, health, safety, convenience and  
603 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
604 that it is immediately necessary to permit timely and appropriate development of  
605 this property, and provided it receives the affirmative vote of two thirds of the  
606 members elected or appointed to Council, it shall take effect and be in force  
607 immediately upon its passage and approval by the Mayor; otherwise it shall take  
608 effect and be in force at the earliest period allowed by law.  
609

610 Passed: \_\_\_\_\_  
611 \_\_\_\_\_  
612 President of Council

613  
614 \_\_\_\_\_  
615 Clerk of Council  
616

617  
618 Approved: \_\_\_\_\_  
619 \_\_\_\_\_  
620 Mayor

620 2/19/2014

621 O:\2014ords\P-4-14-RA DHR and Historic Overlay amendments.doc

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2014

6  
7 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
8 GRANT AN EASEMENT TO RUBBER CITY ARCHES  
9 GRAHAM, LLC FOR THE CONTINUED LOCATION AND  
10 MAINTENANCE OF ITS BUSINESS IDENTIFICATION  
11 SIGN, 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. The Director of Public Service be and is hereby authorized and directed  
17 to enter into an agreement with Rubber City Arches Graham, LLC for the purpose of  
18 granting to said company an easement for the continued location and maintenance of  
19 its business identification sign.

20  
21 Section 2. Any other ordinances and resolutions or portions of ordinances and  
22 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
23 resolutions or portions of ordinances and resolutions not inconsistent herewith and  
24 which have not previously been repealed are hereby ratified and confirmed.

25  
26 Section 3. It is found and determined that all formal actions of this Council  
27 concerning and relating to the adoption of this ordinance were adopted in an open  
28 meeting of this Council and that all deliberations of this Council and of any of its  
29 committees that resulted in such formal action were in meetings open to the public, in  
30 compliance with all legal requirements including Chapter 107 of the Codified  
31 Ordinances.

32  
33 Section 4. This ordinance is hereby declared to be an emergency measure  
34 necessary for the preservation of the public peace, health, safety, convenience and  
35 welfare of the City of Cuyahoga Falls, and provided it receives the affirmative vote of  
36 two-thirds of the members elected or appointed to Council, it shall take effect and be in  
37 force immediately upon its passage and approval by the Mayor; otherwise it shall take  
38 effect and be in force at the earliest period allowed by law.

39  
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41 Passed: \_\_\_\_\_

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

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44 \_\_\_\_\_  
45 Clerk of Council

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47 Approved: \_\_\_\_\_

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Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2014

7  
8 AN ORDINANCE AMENDING SECTION 777 OF TITLE  
9 SEVEN, PART ONE OF THE CODIFIED ORDINANCES,  
10 RELATING TO SECONDHAND DEALERS, AND  
11 DECLARING AN EMERGENCY.  
12  
13

14 WHEREAS, after the commission of certain theft offenses, violators take  
15 the stolen merchandise to local secondhand dealers to sell for cash; and  
16

17 WHEREAS, it is important that during police investigations the  
18 secondhand dealers comply with the Ohio Revised Code Section 4737.01, as  
19 well as the local regulations, by maintaining records necessary to identify the  
20 seller of stolen items; and  
21

22 WHEREAS, Council finds that secondhand businesses provide a means  
23 of disposing of stolen goods. Investigation by police agencies reveals that new,  
24 used, and stolen property are acquired and sold by secondhand businesses.  
25 Because secondhand businesses can be ready vehicles for the disposal of stolen  
26 goods, such businesses should be subject to controls which will decrease the  
27 potential traffic in such items; and  
28

29 WHEREAS, local regulations must be amended to reflect the present-day  
30 needs for proper administration.  
31

32 NOW, THEREFORE, BE IT ORDAINED by the council of the City of  
33 Cuyahoga Falls, County of Summit, and State of Ohio, that:  
34

35 Section 1. Chapter 777 of the Cuyahoga Falls Code of Ordinances is  
36 hereby amended to provide as follows:  
37

38 **“777.01 DEFINITIONS; SCOPE OF PROVISIONS.**

39 As used in this Chapter:

- 40 (a) “Secondhand”- means that which has been used or which has been
- 41 previously traded or sold by a retailer.
- 42 (b) "Selling"- includes sale on consignment, delivery, barter, exchange,
- 43 gift, or offer thereof.
- 44 (c) "Secondhand dealer" means any person, firm, or corporation dealing
- 45 in the purchase and sale of any of the following articles:
  - 46 (i) Secondhand furs;
  - 47 (ii) Secondhand office machinery and equipment, including,
  - 48 without limitation, computer equipment, typewriters, adding
  - 49 machines, calculators, copy machines, printers, fax

- 50 machines, telephones, check signing equipment, and address  
51 machines;
- 52 (iii) Secondhand tools of artisans, mechanics, or laborers;  
53 (iv) Secondhand musical instruments;  
54 (v) Secondhand precious stones or manufactured articles  
55 composed wholly or in substantial part of gold, silver,  
56 platinum, or other precious metal;  
57 (vi) Secondhand lawn, garden and construction equipment;  
58 (vii) Secondhand computers, electronic, audio, visual and/or  
59 entertainment equipment or devices including, without  
60 limitation, laptops, docking stations, televisions, video  
61 monitors, DVD players, record players, tape players,  
62 recording devices, other stereo equipment, five or more  
63 DVD's, compact discs or records from any one source within  
64 a seven day time period, cameras, camcorders, webcams,  
65 video game systems, consoles or accessories, video game  
66 discs and cartridges; cell phones and cell phone accessories,  
67 satellite phones, smartphones, digital music players, tablets  
68 or similar devices, MP3 players, radio receivers or  
69 transmitters, pagers, chargers, GPS units or systems, radar  
70 detectors, electronic organizers, Bluetooth devices, and DVD  
71 or CD burners, and other similar electronic devices;  
72 (viii) Secondhand plumbing fixtures, builders' hardware or lighting  
73 fixtures;  
74 (ix) Pawnbrokers' tickets or other evidence of pledged articles; or  
75 (x) Used or secondhand motor vehicle or vehicle parts or  
76 accessories not received by the buyer for credit upon the  
77 purchase of similar new merchandise.
- 78 (d) A person, firm, or corporation meeting one or more of the following  
79 shall not be considered a "secondhand dealer" under the terms of this  
80 Chapter:
- 81 (i) A not-for-profit entity recognized as tax exempt by the  
82 Internal Revenue Service and registered with the Ohio  
83 Secretary of State as a not-for-profit entity; or  
84 (ii) A person conducting a garage or yard sale; or  
85 (iii) A retail business whose inventory consists primarily (ninety-  
86 five percent or more) of items which are at least thirty years  
87 old and which are considered "antiques" or "collectibles"; and  
88 (iv) A retail business which would be classified as a "secondhand  
89 dealer" only by virtue of selling secondhand computers,  
90 electronic, audio, visual and/or entertainment equipment or  
91 devices as specified in subsection (c)(7), above, when the  
92 proprietor is able to establish that all of the computers,  
93 electronic, audio, visual and/or entertainment equipment  
94 sold are at least twelve years old.

95  
96 **777.02 SECONDHAND DEALER'S LICENSE REQUIRED AND FEE.**

97 No person, partnership, corporation, or other entity shall operate as a  
98 secondhand dealer without first obtaining a license from the Mayor or his  
99 designee. The annual nonrefundable license fee for each secondhand dealer is

100 One Hundred Dollars (\$100.00) annually. Additionally, the applicant shall pay  
101 all costs of criminal background checks for the applicant and each employee.  
102 All licenses shall expire on December 31 of the year of issuance. The  
103 nonrefundable fee for a first license issued after June 1 of any calendar year  
104 shall be Sixty-Five Dollars (\$65.00) in addition to the costs of background  
105 checks.

106  
107 **777.03 INSPECTIONS AND TESTS OF WEIGHTS AND MEASURES.**

108 Every license applicant must obtain an inspection and test from the  
109 appropriate county fiscal officer or auditor of any and all scales, balances, or  
110 other instruments and devices for weighing and measuring, and any appliances  
111 and accessories associated with any or all such instruments and devices used  
112 at the location indicated on the application. The applicant shall provide proof of  
113 the inspection and test satisfactory to the Chief of Police, if applicable.

114  
115 **777.04 RECORDS, TAGGING, AND RECORDS INSPECTIONS.**

- 116 (a) Every dealer in secondhand articles shall keep a book or catalog in  
117 which shall be legibly written in English at the time of every purchase  
118 or sale, a description of every article so purchased or sold that  
119 includes the number or numbers and any monograms, inscriptions,  
120 or other marks of identification that may appear on the article, a  
121 description of the articles or pieces comprising old gold, silver,  
122 platinum, or other metals, and any monogram, inscription, or marks  
123 of identification thereon and/or a photograph thereof; the name,  
124 residence, and general description of the person from whom such  
125 purchase was made or to whom sold or a photocopy of photo  
126 identification such as a drivers license or state issued ID; and the day  
127 and hour of the purchase or sale. The holder of a Federal license to  
128 smelt precious metals shall not be held by reason thereof to be  
129 exempt from the provisions of this Chapter.
- 130 (b) Every licensee under the provisions of this Chapter, at the time of  
131 acquiring through purchase or exchange of any secondhand article,  
132 shall attach a tag with a designating number thereon, legibly printed  
133 in ink, in the English language, to each article, and shall make an  
134 entry of such number in the book or catalog.
- 135 (c) Such book or catalog shall at all reasonable times be open to the  
136 inspection of any law enforcement officer during regular business  
137 hours. Such book or catalog shall be maintained in a manner as  
138 directed or authorized by the Chief of Police. In addition to such book  
139 or catalog, every person licensed at the time of such purchase shall  
140 fill out on a blank form, a 3 x 5 index card, unless otherwise directed  
141 by the Chief of Police, information including the driver's license  
142 number and state of issuance, or the identifying number on a state  
143 ID, or other picture identification, and on the back of the card or  
144 other designated form, the seller, in his own handwriting, shall write  
145 his name, age, and address. No entry in such book or on such card  
146 shall be erased, obliterated, altered, or defaced.

148 **777.05 POLICE CHIEF MAY REQUIRE WEEKLY REPORTS.**

149 The Chief of Police may require that every licensed secondhand dealer  
150 shall make out a weekly report on a form to be furnished by the police  
151 department. For that purpose, a legible and correct copy of the record required  
152 to be kept shall contain all the particulars of all purchases of such articles  
153 made during the preceding business week. The licensee shall deliver such  
154 report to the Chief of Police or his authorized designee, together with the blank  
155 forms furnished, properly filled out and signed by the seller. The Chief may  
156 designate that the reports be mailed or delivered electronically.

157  
158 **777.06 MINIMUM HOLDING PERIOD.**

- 159 (a) No person licensed as a secondhand dealer shall sell or offer to sell or  
160 remove, disassemble, clean, repair, paint, take apart, or change the  
161 appearance or form of any secondhand good, article, or thing which  
162 has been purchased by the licensee for a period of at least fourteen  
163 days from the day of acquisition.
- 164 (b) Any of the goods, articles, or things which are set forth in this  
165 Chapter, in the possession of any licensee, shall be made available at  
166 any time for the inspection by any member of the Cuyahoga Falls  
167 Police Department.

168  
169 **777.07 HOLD ORDER BY CHIEF OF POLICE.**

170 The Chief of Police may place a hold order for a period of 30 days upon  
171 any property acquired by the secondhand dealer in the course of his business  
172 and upon release of such property the Chief of Police may require the  
173 secondhand dealer to keep a true record of such property and include therewith  
174 the true name and address of the person to whom such property was sold, or a  
175 record of any other method of disposition. The secondhand dealer shall keep for  
176 two years any record required under this section.

177  
178 **777.08 PURCHASES FROM MINORS; HOURS OF OPERATION.**

179 No person shall receive, by sale, barter, exchange, or otherwise, any  
180 article mentioned in this Chapter from a minor under the age of eighteen years.  
181 There shall not be any purchase from any person or persons between the hours  
182 of 10:00 p.m. and 8:00 a.m. on every day of the week.

183  
184 **777.09 ADVERTISEMENT.**

185 No business licensed under the provisions of this Chapter shall be  
186 advertised through the use of any medium, without including within the  
187 advertisement the license number from the license received from the Mayor or  
188 his designee.

189  
190 **777.10 RESPONSIBILITY OF THE LICENSEE.**

191 Every act or omission on an agent or employee which constitutes a  
192 violation of any provision of this Chapter shall be deemed the act or omission of  
193 the licensee if such act or omission occurs with the authorization, knowledge,  
194 or approval of the licensee, or as a result of the licensee's negligent failure to  
195 supervise the agent's or employee's conduct. The licensee shall also be  
196 punished for such act or omission in the same manner as if the licensee  
197 committed the act or caused the omission.

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**777.11 LICENSE REVOCATION; APPEALS.**

- (a) The Mayor may at any time revoke or suspend any license granted under the authority of this Chapter for failure to comply with the terms of this Chapter or any law or ordinance applicable to the business so licensed.
- (b) The Mayor shall revoke any license granted under the authority of this Chapter if the licensee has been convicted of receiving stolen property.
- (c) In case of the refusal to issue or renew a license by the Mayor or the revocation or suspension of a license by the Mayor, the applicant or licensee may appeal to a Review Board consisting of the Chairperson of the Public Affairs Committee of Council, the Director of Finance, and the Director of Law. Notice of appeal shall be in writing, with the reasons for the appeal specified therein, and shall be filed with the Mayor or his designee within ten (10) days from the date of the Mayor's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, reverse, or modify the action of the Mayor or his designee.
- (d) In the absence of conditions posing an imminent threat to health, safety, or property, as determined by the Director of Law, or unless a license has been revoked by the Mayor because the licensee has been convicted of receiving stolen property as provided in paragraph (b) herein, a licensee who is lawfully operating but whose license is subject to revocation or suspension, or which the Mayor or his designee has refused to renew, may continue operating during the pendency of an appeal under this section.

**777.99 PENALTIES.**

Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth degree and in addition to any other penalty provided by law shall be fined not less than Two Hundred Fifty Dollars (\$250). Each day during which noncompliance or a violation continues shall constitute a separate offense.”

Section 2. Existing Chapter 777 is hereby repealed.

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

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to

247 the public, in compliance with all requirements including Chapter 107 of the  
248 Codified Ordinances.

249  
250 Section 5. This ordinance is hereby declared to be an emergency measure  
251 necessary for the preservation of the public peace, health, safety, convenience  
252 and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and  
253 provided it receives the affirmative vote of two-thirds of the members elected or  
254 appointed to Council, it shall take effect and be in force immediately upon its  
255 passage and approval by the Mayor; otherwise it shall take effect and be in force  
256 at the earliest period allowed by law.

257  
258  
259 Passed: \_\_\_\_\_  
260 \_\_\_\_\_  
261 President of Council

262  
263 \_\_\_\_\_  
264 Clerk of Council

265  
266  
267 Approved \_\_\_\_\_  
268 \_\_\_\_\_  
269 Mayor

270  
271 2/24/14  
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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2014

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO  
8 ENTER INTO AN ENTERPRISE ZONE TAX INCENTIVE  
9 AGREEMENT WITH SGS TOOL COMPANY &  
10 CROOKED RIVER REALTY AND THE COUNTY OF  
11 SUMMIT, AND DECLARING AN EMERGENCY.  
12

13 WHEREAS, the City passed Ordinance Nos. 129-1995 and 26-1996 to authorize  
14 the City’s participation in the County’s Enterprise Zone Program; and  
15

16 WHEREAS, the City of Cuyahoga Falls has been certified by the State of Ohio  
17 Director of Development Services Agency as an Enterprise Zone enabling it to  
18 exempt certain taxes imposed on industry provided said industry creates or retains  
19 jobs and makes a significant investment within the certified zone; and  
20

21 WHEREAS, the creation of an Enterprise Zone in the City of Cuyahoga Falls  
22 was intended primarily to induce economic growth by assisting Cuyahoga Falls’  
23 businesses to expand and businesses to locate in Cuyahoga Falls through the use  
24 of tax incentives.  
25

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

29 Section 1. The Mayor is hereby authorized to enter into an Enterprise Zone  
30 Tax Incentive Agreement with SGS Tool Company & Crooked River Realty and  
31 Summit County consistent with the terms in the proposed Enterprise Zone  
32 Application attached hereto as Exhibit A, to provide real property tax abatement at  
33 the percentage and length of abatement as stipulated in said application, to benefit  
34 the City and being consistent with the objectives of this ordinance.  
35

36 Section 2. Council further authorizes the Mayor, Director of Finance, Director  
37 of Community Development, Director of Law and any other City officials,  
38 individually and/or collectively as may be appropriate, to prepare and execute such  
39 other documents and do other things as are necessary for and incidental to  
40 carrying out the requirements of this legislation consistent with the terms of the  
41 attached application.  
42

43 Section 3. Any other ordinances or resolutions or portions of ordinances and  
44 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
45 resolutions not inconsistent herewith and which have not previously been repealed  
46 are hereby ratified and confirmed.  
47

48 Section 4. It is found and determined that all formal actions of this Council  
49 concerning and relating to the adoption of this ordinance were adopted in an open

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

54  
55 Section 5. This ordinance is hereby declared to be an emergency measure  
56 necessary for the preservation of the public peace, health, safety, convenience and  
57 welfare of the City of Cuyahoga falls and the inhabitants thereof, and provided it  
58 receives the affirmative vote of two-thirds of the members elected or appointed to  
59 Council, it shall take effect and be in force immediately upon its passage and  
60 approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
61 period allowed by law.

62

63

64 Passed: \_\_\_\_\_

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

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

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72 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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74

75 2/24/2014

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77

Exhibit A

DRAFT

**OHIO DEVELOPMENT SERVICES AGENCY  
OHIO ENTERPRISE ZONE PROGRAM**

**PROPOSED AGREEMENT** for Enterprise Zone Tax Incentives between the City of Cuyahoga Falls located in the County of Summit and SGS Tool Company & Crooked River Realty.

- 1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

SGS Tool Company & Crooked River Realty LLC/Haag Investments I Ltd.  
enterprise name

David E. Kunce  
contact person

330.686.2116  
telephone number

2291 Riverfront Pkwy, Suite 1000, Cuyahoga Falls,  
Ohio 44221  
address

- 1b. Project site:

David E. Kunce  
contact person

330.686.2116  
telephone number

Parcel #35-02034 (Between Marc Dr. & Cochran Rd, west of 220 Marc Dr.)  
address

- 2a. Nature of business (manufacturing, distribution, wholesale or other).  
SGS Tool Company is a world wide manufacturer of rotary carbide cutting tools.

- 2b. List primary 6 digit NAICS # 333515.  
Business may list other relevant SIC numbers.

- 2c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

We plan to consolidate all of our manufacturing operations onto one campus in Cuyahoga Falls. We currently own several buildings on Marc Drive as well as additional vacant land. See Section 4(d) for current building locations.

- 2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).  
SGS Tool Company is a wholly-owned subsidiary of Manufacturer's Group International Inc., an S Corporation.
3. Name of principal owner(s) or officers of the business (attach list if necessary).  
Thomas I Haag, shareholder, President & CEO of SGS Tool Company  
James P. Haag, shareholder
4. Is business seasonal in nature? Yes\_\_\_ No X
- 5a. State the enterprise's current employment level at the proposed project site:  
There are no current employees at the project site.
- 5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.  
 Yes X No \_\_\_
- 5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:  
75 employees will be relocated from the Bailey Road facility in Cuyahoga Falls to the new facility on Marc Drive, also in Cuyahoga Falls. This project allows SGS to retain its current 75 full time associates. SGS currently has over \$7,800,000 in Machinery & Equipment at the Bailey Road (End Mill) facility, which will be relocated to the new facility on Marc Drive.
- 5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):  
184 full time positions
- 5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:  
75 full time employees will be relocated from the Bailey Road facility to the new building on Marc Dr.
- 5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?  
As stated in 5c, \$7,800,000 in M&E will be relocated as well as all employees.

- 6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes \_\_\_ No X
- 6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:
7. Does the Enterprise owe :
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?  
Yes\_\_\_ No X
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes\_\_\_ No X
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.  
Yes\_\_\_ No X
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).  
N/A
8. Project Description (attach additional pages if necessary):  
SGS Tool Company & Crooked River Realty, LLC/Haag Investments I Ltd plan to invest approximately \$8,050,000 in Real Estate and Land Improvements for a new, State-of-the Art Manufacturing facility. This will allow SGS to retain its current 75 associates affiliated with the End Mill Division within the City of Cuyahoga Falls. These are full-time positions. SGS currently has over \$7,800,000 in Machinery & Equipment (at Net Book Value), which will move to the new End Mill Facility on Marc Drive from its current location on Bailey Road. 2014 Capital Expenditures for the End Mill Facility are projected to be approximately \$2,000,000. Additional Capital Expenditures and additional headcount is contingent upon productivity improvement derived from new Machinery & Equipment, all manufacturing operations placed on one campus on Marc Drive, and whether or not SGS Tool Company can increase its market share in the End Mill product line. We cannot project any additional hires at this time.
9. Project will begin April 2014, and be completed December 2015, provided a tax exemption is provided.

- 10a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): This project is an effort to retain all 75 full time positions with its End Mill operations in Cuyahoga Falls.
- 10b. State the time frame of this projected hiring: N/A years
- 10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): N/A
- 11a. Estimate the amount of annual payroll such new employees will add \$ N/A (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- 11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 3,750,000 (current payroll at the Bailey Rd location).
12. Market value of the existing facility as determined for local property taxation.

Current appraised value of vacant land is \$ 60,390.00 according to 1<sup>st</sup> half 2013 County of Summit Real Estate Statement of Account.

- 13a. Business's total current investment in the facility as of the proposal's submission.  
\$ -0-  
See Section 14 for complete breakdown of proposed investment.

- 13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):  
\$ -0-  
The State of Ohio eliminated the required filing of personal property tax returns upon the implementation of the Ohio Commercial Activities Tax effective July 1, 2005. Accordingly, inventory and other personal property are no longer "listed and taxed". The projected average value of inventory at this location is reported in Section 14 below.

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	<u>Minimum</u>	<u>Maximum</u>
A.Acquisition of Buildings:	\$	\$ 150,000
B.Additions/New Construction:	\$ 6,000,000	\$ 7,900,000
C.Improvements to existing buildings:	\$	\$
D.Machinery & Equipment:	\$	\$ 2,000,000
E.Furniture & Fixtures:	\$	\$
F.Inventory:	\$	\$ 100,000
<b>Total New Project Investment:</b>	<b>\$ 6,000,000</b>	<b>\$10,150,000</b>

15. a. Business requests the following tax exemption incentives: 75 % for 10 years covering real property.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

SGS Tool Company prides itself on being at the forefront of the cutting tool industry, with a special focus on leadership in innovation, quality, technology, and service. Our commitment to continuous improvement is evidenced by the fact that we are ISO 9001:2008 certified. This commitment, however, requires that we continuously invest large amounts in capital equipment, R&D, new technology, and employee development. At the same time, we face tremendous price pressure from competitors and customers. As a leading manufacturer of rotary carbide cutting tools, our customers demand that we take on more R&D and design responsibilities, while continually forcing us to reduce our prices. If we are to continue to survive in this highly competitive environment, we must continue to look for ways to reduce our operating costs. The Enterprise Zone incentives that we are seeking are a key component of our strategy for maintaining a lean cost structure, and are necessary for our continued success in the market. We firmly believe that we would obtain very lucrative economic incentives if this project were to be undertaken at a location outside of Summit County or the State of Ohio resulting in a loss of approximately 184 jobs in Summit County, of which approximately 134 jobs reside in Cuyahoga Falls. Finally, such incentives will allow us to sustain our long-term commitment to Cuyahoga Falls, Summit County, and the State of Ohio.

Submission of this application expressly authorizes the City of Cuyahoga Falls and/of Summit County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

SGS Tool Company & Crooked River Realty, January 30, 2014  
LLC/Haag Investments I Ltd.

Date

David E. Kuncle  
Signature

DAVID E. KUNCLE SECRETARY/TREASURER  
Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Enterprise Zone Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.