

## NEW LEGISLATION

March 10, 2014

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-18	3/10/14	Fin	An ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Bureau of Workers' Compensation, making an appropriation therefor, and declaring an emergency.
A-19	3/10/14	Fin	An ordinance authorizing the Mayor to enter into a contract without competitive bidding with Guardian Life Insurance Company of America for the City's group life insurance for employees and retirees, and declaring an emergency.
A-20	3/10/14	Fin	An ordinance authorizing the Mayor to enter into a contract without competitive bidding with the City of Munroe Falls, Ohio for the sale of certain personal property no longer needed for municipal purposes, and declaring an emergency.
A-21	3/10/14	Fin	An ordinance authorizing the Directors of Public Safety and Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles for use by the city, and declaring an emergency.
A-22	3/10/14	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Motorola, Inc. for the maintenance of the Public Safety Regional Dispatch System equipment, and declaring an emergency.
A-23	3/10/14	PA	An ordinance authorizing the Mayor to enter into a settlement agreement in the case of <i>In re Estate of Ferrato</i> , and declaring an emergency.

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A-24	3/10/14	PA	An ordinance amending various sections of the Codified Ordinances to conform to state law, approving the 2013 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.
A-25	3/10/14	PA	A resolution authorizing the Mayor to enter into a Memorandum of Agreement with the Summit Soil and Water Conservation District (SWCD), and declaring an emergency.
A-26	3/10/14	PA	A resolution to adopt and participate in a Multi-Jurisdictional Hazard Mitigation Plan with the County of Summit Emergency Management Agency, and declaring an emergency.

## CALENDAR

March 10, 2014

The following legislation will be up for passage at the Council Meeting on March 10, 2014.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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-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.

\*\* Public Hearing – 3/3/14

## PENDING LEGISLATION

March 10, 2014

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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-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.

\* Public Hearing – 4/7/14

\*\* Public Hearing – 3/3/14

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2014

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO APPLY FOR AND ACCEPT A  
9 GRANT FROM THE OHIO BUREAU OF WORKERS'  
10 COMPENSATION, MAKING AN APPROPRIATION  
11 THEREFOR, AND DECLARING AN EMERGENCY.  
12

13 WHEREAS the State of Ohio through the Bureau of Workers' Compensation  
14 Safety Intervention SafetyGRANTS Program administers financial assistance to  
15 employers for the purchase of safety and/or industrial equipment, and  
16

17 WHEREAS the City of Cuyahoga Falls desires financial reimbursement  
18 under the SafetyGRANTS Program,  
19

20 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of  
21 Cuyahoga Falls, County of Summit and State of Ohio, that:  
22

23 Section 1. The Director of Public Service is hereby authorized to apply for  
24 and accept the SafetyGRANTS Program financial assistance from the Ohio  
25 Bureau of Workers' Compensation Safety Intervention SafetyGRANTS Program,  
26 on behalf of the City of Cuyahoga Falls, for the purposes set forth in the grant  
27 application and grant agreement.  
28

29 Section 2. The Director of Public Service is hereby authorized and directed  
30 to enter into agreements that may be necessary to apply for and accept the  
31 financial assistance mentioned herein.  
32

33 Section 3. The Director of Finance agrees that it has and will obligate the  
34 funds required to satisfactorily complete the project under the terms and  
35 conditions of the agreement if the project is accepted for financial assistance.  
36

37 Section 4. The Director of Finance is hereby authorized and directed to  
38 increase appropriations in the Capital Projects Fund, Line Item Capital Outlay,  
39 in the amount of \$17,393.  
40

41 Section 5. Any other ordinances and resolutions or portions of ordinances  
42 and resolutions inconsistent herewith are hereby repealed, but any ordinances  
43 and resolutions or portions of ordinances and resolutions not inconsistent  
44 herewith and which have not previously been repealed are hereby ratified and  
45 confirmed.  
46

47 Section 6. It is found and determined that all formal actions of this Council  
48 concerning and relating to the adoption of this ordinance were adopted in an  
49 open meeting of this Council and that all deliberations of this Council and of  
50 any of its committees that resulted in such formal action were in meetings open

1 to the public, in compliance with all legal requirements including Chapter 107  
2 of the Codified Ordinances.

3  
4 Section 7. This ordinance is hereby declared to be an emergency measure  
5 necessary for the preservation of the public peace, health, safety, convenience  
6 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and  
7 provided, it receives the affirmative vote of two-thirds of the members elected or  
8 appointed to Council, it shall take effect and be in force immediately upon its  
9 passage and approval by the Mayor; otherwise it shall take effect and be in force  
10 at the earliest period allowed by law.

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13 Passed: \_\_\_\_\_  
14 \_\_\_\_\_  
15 President of Council

16 \_\_\_\_\_  
17 Clerk of Council

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19 Approved: \_\_\_\_\_  
20 \_\_\_\_\_  
21 Mayor

22 3/10/14

23 O:\2014ords\BWC SafetyGRANTS Resolution.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2014

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8  
9 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
10 CONTRACT WITHOUT COMPETITIVE BIDDING WITH GUARDIAN  
11 LIFE INSURANCE COMPANY OF AMERICA FOR THE CITY'S  
12 GROUP LIFE INSURANCE FOR EMPLOYEES AND RETIREES, AND  
13 DECLARING AN EMERGENCY.  
14

15 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art. XVIII, Section 3 of  
16 the Ohio Constitution, authorizes this Council to make exception to property disposition procedures  
17 set forth in the Revised Code,  
18

19 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
20 Summit and State of Ohio, that:  
21

22 Section 1. The Mayor is hereby authorized to enter into a contract without competitive bidding  
23 with Guarding Life Insurance Company of America for the City's group life insurance for employees  
24 and retirees for a period not to exceed three years.  
25

26 Section 2. The Director of Finance is hereby authorized to make payment from the Self-  
27 Insurance Fund 705.  
28

29 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
30 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
31 herewith and which have not previously been repealed are hereby ratified and confirmed.  
32

33 Section 4. It is found and determined that all formal actions of this Council concerning and  
34 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that  
35 all deliberations of this Council and of any of its committees that resulted in such formal action, were  
36 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
37 including Chapter 107 of the Codified Ordinances.  
38

39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
41 Falls, and provided it receives the affirmative vote of two-thirds of the members elected or appointed  
42 to Council, it shall take effect and be in force immediately upon its passage and approval by the  
43 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.  
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46 Passed: \_\_\_\_\_

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President of Council

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

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54 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

55  
56 3/10/14

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2014

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO  
8 ENTER INTO A CONTRACT WITHOUT COMPETITIVE  
9 BIDDING WITH THE CITY OF MUNROE FALLS, OHIO  
10 FOR THE SALE OF CERTAIN PERSONAL PROPERTY  
11 NO LONGER NEEDED FOR MUNICIPAL PURPOSES,  
12 AND DECLARING AN EMERGENCY.

13  
14 WHEREAS, the City owns property that is no longer needed for municipal  
15 purposes, and

16  
17 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art.  
18 XVIII, Section 3 of the Ohio Constitution, authorizes this Council to make  
19 exception to property disposition procedures set forth in the Revised Code,  
20

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

23  
24 Section 1. The Council hereby finds and determines that the following  
25 property is no longer needed for municipal purposes and/or has become obsolete:

- 26
- 27 a) Raleigh M80 Mountain Bike with corresponding police
- 28 equipment, Size Large, Serial Number U45K29814.
- 29
- 30 b) Raleigh M80 Mountain Bike with corresponding police
- 31 equipment, Size Extra Large, Serial Number U47K29385.
- 32
- 33

34 Section 2. Notwithstanding and as an exception to Section 721.15 of the Ohio  
35 Revised Code, the Mayor is hereby authorized to enter into a contract without  
36 competitive bidding with the City of Munroe Falls, Ohio for the sale of the property  
37 listed above which is no longer needed by the City of Cuyahoga Falls.  
38

39 Section 3. Any other ordinances and resolutions or portions of ordinances  
40 and resolutions inconsistent herewith are hereby repealed, but any ordinances and  
41 resolutions or portions of ordinances and resolutions not inconsistent herewith  
42 and which have not previously been repealed are hereby ratified and confirmed.  
43

44 Section 4. It is found and determined that all formal actions of this Council  
45 concerning and relating to the passage of this ordinance were taken in an open  
46 meeting of this Council and that all deliberations of this Council and of any  
47 committees that resulted in those formal actions were in meetings open to the  
48 public, in compliance with all legal requirements including Chapter 107 of the  
49 Codified Ordinances.

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

3/10/14

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2014

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC  
8 SAFETY AND PUBLIC SERVICE TO ENTER INTO A CONTRACT  
9 OR CONTRACTS, ACCORDING TO LAW, FOR THE PURCHASE  
10 OR LEASE OF VARIOUS VEHICLES FOR USE BY THE CITY,  
11 AND DECLARING AN EMERGENCY.

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

15  
16 Section 1. The Directors of Public Safety and Public Service, as appropriate, are hereby  
17 authorized to enter into contracts for the purchase and/or lease of the vehicles listed on Exhibit A  
18 attached hereto.

19  
20 Section 2. The Director of Finance is hereby directed to make payment for same out of  
21 monies lawfully appropriated therefor, from the funds as indicated in Exhibit A.

22  
23 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
24 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
25 herewith and which have not previously been repealed are hereby ratified and confirmed.

26  
27 Section 4. It is found and determined that all formal actions of this Council concerning and  
28 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
29 all deliberations of this Council and of any committees that resulted in those formal actions were  
30 in meetings open to the public, in compliance with all legal requirements including Chapter 107  
31 of the Codified Ordinances.

32  
33 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
34 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
35 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
36 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
37 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
38 period allowed by law.

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

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

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46 Clerk of Council

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49 Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

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51  
52 3/10/14

		Budget	
Street Dept.	½ Ton Pickup Truck	\$	25,000.00
		Capital Project Fund \$	<b>25,000.00</b>
Building & Grounds	4X4 Crew Cab Pickup Truck with Plow	\$	35,000.00
	4X2 One Ton Dump Truck	\$	50,000.00
		Capital Project Fund \$	<b>85,000.00</b>
Engineering	Pickup Truck	\$	17,850.00
		Capital Project Fund \$	<b>17,850.00</b>
Water	Zero Turn Mower	\$	6,500.00
		Water Fund \$	<b>6,500.00</b>
		Capital Project Fund \$	<b>127,850.00</b>
		Water Fund \$	<b>6,500.00</b>
		TOTAL \$	<b>134,350.00</b>

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2014

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7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS WITHOUT  
10 COMPETITIVE BIDDING WITH MOTOROLA, INC. FOR THE  
11 MAINTENANCE OF THE PUBLIC SAFETY REGIONAL DISPATCH  
12 SYSTEM EQUIPMENT, AND DECLARING AN EMERGENCY.  
13

14 WHEREAS, Motorola, Inc. is the sole source purveyor of maintenance and repair services for  
15 Motorola radio equipment,  
16

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

20 Section 1. The Director of Public Safety is hereby authorized to enter into a contract or  
21 contracts without competitive bidding with Motorola, Inc., on the basis of its proposal dated March 4,  
22 2014, for the maintenance and repair of the City’s Motorola-manufactured Public Safety Regional  
23 Dispatch System equipment.  
24

25 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
26 from General Fund, Communications Department, line item Other Operations.  
27

28 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions  
29 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
30 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
31 are hereby ratified and confirmed.  
32

33 Section 4. It is found and determined that all formal actions of this Council concerning and  
34 relating to the passage of this ordinance were taken in an open meeting of this Council and that all  
35 deliberations of this Council and of any committees that resulted in those formal actions were in  
36 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the  
37 Codified Ordinances.  
38

39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
41 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
42 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
43 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
44 allowed by law.  
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46  
47 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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54  
55 Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

56  
57 3/10/14

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2014

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 SETTLEMENT AGREEMENT IN THE CASE OF *IN RE ESTATE OF*  
9 *FERRATO*, AND DECLARING AN EMERGENCY.

10  
11 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State  
12 of Ohio, that:

13  
14 Section 1. The Mayor is hereby authorized to execute a settlement agreement in the case of  
15 *In re Estate of Ferrato*, Summit County Court of Common Pleas, Probate Division, Case No. 2011  
16 ES 985, and Ohio Court of Appeals, Ninth District, Case No. 26742.

17  
18 Section 2. The Mayor and/or Director of Law, as indicated, are hereby authorized to execute  
19 and file such pleadings and documents with the court or other agencies, including, without  
20 limitation, a stipulated judgment entry and any other pleadings necessary to effectuate the intent  
21 of the parties as set forth in the proposed settlement agreement.

22  
23 Section 3. The Director of Finance is hereby authorized to make payment in an amount  
24 negotiated by the Mayor and/or Director of Law as settlement of the above case from the  
25 Compensated Absences Fund, line item Other Operations and to increase appropriations  
26 accordingly.

27  
28 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions  
29 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
30 herewith and which have not previously been repealed are hereby ratified and confirmed.

31  
32 Section 5. It is found and determined that all formal actions of this Council concerning and  
33 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
34 all deliberations of this Council and of any committees that resulted in those formal actions were  
35 in meetings open to the public, in compliance with all legal requirements including Chapter 107  
36 of the Codified Ordinances.

37  
38 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the  
39 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
40 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
41 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
42 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
43 period allowed by law.

44  
45  
46 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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52 Approved \_\_\_\_\_

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Mayor

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54 3/10/14

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. -2014

6  
7 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
8 CODIFIED ORDINANCES TO CONFORM TO STATE LAW,  
9 APPROVING THE 2013 REPLACEMENT PAGES TO THE  
10 CODIFIED ORDINANCES OF THE CITY OF CUYAHOGA FALLS,  
11 AND DECLARING AN EMERGENCY.

12  
13 WHEREAS, Article XVIII, Section 3 of the Ohio Constitution provides that municipalities shall  
14 have the authority to enforce local police, sanitary and other similar regulations as are not in  
15 conflict with general laws, and

16  
17 WHEREAS, certain provisions within the Codified Ordinances of the City of Cuyahoga Falls  
18 should be amended to conform to current State laws that have been amended, so as to avoid  
19 conflict in matters that are not subject to the City’s powers of local self-government; and

20  
21 WHEREAS, various ordinances and ordinance amendments of a general and permanent  
22 nature have been passed by this Council which should be included in the published Codified  
23 Ordinances; and

24  
25 WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane  
26 Company to prepare and publish such revisions as are approved by this Council,

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

30  
31 Section 1. The Ordinances of the City of Cuyahoga Falls, Ohio, of a general and permanent  
32 nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters  
33 and sections within the 2013 Replacement Pages to the Codified Ordinances, are hereby approved  
34 and adopted.

35  
36 Section 2. That the following sections and chapters are hereby added, amended or repealed  
37 as respectively indicated in order to comply with current State law.

38  
39 Traffic Code

- 40
- 41 301.04 Bicycle. (Amended)
- 42 313.03 Traffic Signal Indications. (Amended)
- 43 333.03 Maximum Speed Limits. (Amended)
- 44 333.11 Texting While Driving Prohibited. (Amended)
- 45 335.032 Electronic Wireless Communication Device Prohibited. (Amended)
- 46 339.01 Oversize or Overweight Vehicle on State Routes. (Amended)
- 47 339.03 Maximum Width, Height and Length. (Amended)
- 48 339.07 Towing Requirements. (Amended)
- 49 339.08 Loads Dropping or Leaking. (Amended)
- 50 341.01 Commercial Vehicle Definitions. (Amended)
- 51 341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)
- 52 373.02 Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)
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- 54

General Offenses Code

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- 501.01 Definitions. (Amended)
- 501.11 Organizational Criminal Liability. (Amended)
- 513.01 Drug Abuse Definitions. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession. (Amended)
- 517.01 Gambling Definitions. (Amended)
- 517.02 Gambling. (Amended)
- 525.02 Falsification. (Amended)
- 537.03 Assault. (Amended)
- 537.12 Misuse of 9-1-1 System. (Amended)
- 545.01 Theft and Fraud Definitions. (Amended)
- 545.05 Petty Theft. (Amended)
- 545.18 Receiving Stolen Property. (Amended)
- 549.01 Weapons and Explosives Definitions. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)

Section 3. The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, and provided that it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed: \_\_\_\_\_  
President of Council

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

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

3/10/14

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. - 2014

6  
7 A RESOLUTION AUTHORIZING THE MAYOR TO  
8 ENTER INTO A MEMORANDUM OF AGREEMENT  
9 WITH THE SUMMIT SOIL AND WATER  
10 CONSERVATION DISTRICT (SWCD), AND DECLARING  
11 AN EMERGENCY.

12  
13 WHEREAS, the City of Cuyahoga Falls is responsible for carrying out the  
14 mandated responsibilities inherent in the NPDES (National Pollutant Discharge  
15 Elimination System) Phase II Storm Water Permit; and

16  
17 WHEREAS, the City recognizes the need for effective collaboration with other  
18 communities to successfully implement water quality education programs for its  
19 citizens; and

20  
21 WHEREAS, the Summit SWCD has the technical and educational expertise  
22 and staff to assist communities with such cooperation; and

23  
24 WHEREAS, it is in the best economical and practical interests of the  
25 community to work with the Summit SWCD to assist the community and provide  
26 reasonable appropriations to Summit SWCD to this end; and

27  
28 WHEREAS, in an effort designed to encourage cooperation towards the  
29 attainment of environmental stewardship including but not limited to the goals in  
30 the community's National Pollutant Discharge Elimination System (NPDES) Phase  
31 II Municipal Storm Water Permit, and to appropriate funds towards the general  
32 operations of the SWCD which support this effort the parties are desirous of  
33 entering the attached Agreement.

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

37  
38 Section 1. The Mayor hereby is authorized to enter into and execute on behalf of  
39 the City the Memorandum of Agreement Between the Summit Soil & Water  
40 Conservation District substantially in the form attached hereto and incorporated  
41 herein as Exhibit "A".

42  
43 Section 2. It is found and determined that all formal actions of this Council  
44 concerning and relating to the adoption of this Resolution were taken in open  
45 meeting or to the public and in full compliance with all legal requirements,  
46 including without limitations, those set forth in Section 121.22 of the Ohio Revised  
47 Code.  
48

49        Section 3. This resolution is hereby declared to be an emergency measure  
50 necessary for the preservation of the public peace, health, safety, convenience and  
51 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
52 that it is immediately necessary to permit timely and appropriate development of  
53 this property, and provided it receives the affirmative vote of two thirds of the  
54 members elected or appointed to Council, it shall take effect and be in force  
55 immediately upon its passage and approval by the Mayor; otherwise it shall take  
56 effect and be in force at the earliest period allowed by law.

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

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President of Council

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Clerk of Council

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70 Approved: \_\_\_\_\_

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Mayor

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**Memorandum of Agreement**  
**Between**  
**The Summit Soil & Water Conservation District**  
**And**  
**The City/Village/Township of \_\_\_\_\_, Summit County, Ohio**

Upon this \_\_\_\_ day of \_\_\_\_\_ this Memorandum of Agreement was entered into by and between the Summit Soil and Water Conservation District, hereinafter referred to as the District, and the City/Village/Township of \_\_\_\_\_.

Recognizing the need for effective collaboration in carrying out their mandated responsibilities, especially related to the NPDES Phase II Storm Water Permit, the City/Village/Township of \_\_\_\_\_ and the District enter into this Memorandum of Agreement as the document which provides the duties and responsibilities of each entity and the process for exchange. Cooperation between the two units of government facilitates solutions to problems encountered by the City/Village/Township as it plans for the development and redevelopment of land and the conservation of natural resources, as well as water quality improvements. The Ohio Revised Code, Chapter 1515, describes the District's authority for engaging in this Mutual Agreement.

The District will provide technical and educational assistance as outlined herein to the City/Village/Township of \_\_\_\_\_ as outlined below.

Project Tasks:

For ease of understanding, this agreement is arranged according to the order of the Six Minimum Control Measures for the National Pollutant Discharge Elimination System (NPDES) Phase II for Storm Water as defined within the Ohio Revised Code 3745-39-04 (B)(1) through (6).

**District's Role Related to Public Involvement and Public Education Activities**  
**Minimum Control Measures 1 & 2**

The District will work with the City/Village/Township to provide the public education and public involvement services listed in the Summit County Storm Water Management Plan (SWMP) and subsequent updates and/or others as mutually agreed upon. The goal of the public involvement and public education program is to reach diverse stakeholders, including community residents, staff, school children, teachers, and others through the following services:

1. District staff will coordinate activities related to water quality, watersheds, storm water management, and non-point source pollution prevention and facilitate their implementation with feedback from the Community's Storm

Water Program Manager, Public Involvement Public Education (PIPE) representative or designee.

2. District staff will attend Community meetings or speak with Community officials, as requested.
3. District will work with the PIPE communities and the regional NEO- PIPE group to establish pollution prevention themes for the 5-year permit term.
4. The District will provide the Community with information about environmental events; and/or assist the Community in planning and promoting community storm water events and public participation opportunities, including identifying partnerships with various community stakeholders. An event may include stream clean ups, storm drain stenciling, water festivals, storm-water themed contests or other activities to engage the public.
5. On the Community's behalf, the SWCD will participate in the Northeast Ohio Public Involvement and Public Education Work group (NEO PIPE). Products produced by the NEO PIPE Work Group will be provided to the Community for outreach efforts.
6. The District will create theme-related posters (2 per year minimum) annually for the Community.
7. The District will provide 1 storm water or watershed-related factsheet or brochure per theme for the Community's display and/or other uses.
8. The District will provide media articles annually for the Community newsletter/web page, as requested (4 per year minimum.) The SWCD will work with the appropriate staff person to place the information in Community publications.
9. The District will host annually, a minimum of one educational program, training, or workshop to provide tools with current curriculum benchmarks, related to soils, water quality, storm water and/or watersheds for teachers in grades K-12;
10. The District will seek opportunities to maximize impact and minimize additional program costs related to printing large quantities of selected materials that become available to the public.
11. The District will provide a detailed annual report of all activities undertaken, including copies of all fliers, notices, and types of stakeholders reached, attendance records and any data collected for inclusion in the Community's storm water management plan annual report.

**District's Role Related to Storm Water Pollution Prevention Activities**  
**Minimum Control Measures 4 & 5**

The District and the Community have mutually agreed to the Scope of Services listed. As related to storm water pollution prevention on construction sites, projects disturbing one or more acres of total land, including the entire area disturbed in the larger common plan of development or sale ( $\geq 1$  acre) as required under the NPDES general construction storm water permit will be reviewed by the District as requested by the Community. Construction activities disturbing less than one acre and not part of a larger common plan of development or sale of total land ( $< 1$  acre), and not covered under the NPDES general construction storm water permit, may be reviewed by the District as requested by the Community.

1. The District will provide technical services, related to storm water pollution prevention and storm water quality management, as requested, including:
  - a. Review and approve Storm Water Pollution Prevention Plans for all public and private construction activity that disturb one acre or greater or are part of a larger common plan of development or for sale that results in a total land disturbance of one acre or greater, for compliance with the Community's operation standards and/or the Community's ordinances to control erosion, sediment, non-sediment pollutants, post-construction best management practices, and riparian and wetland setbacks, and the most recent version NPDES general construction storm water permit requirements;
  - b. Conduct monthly compliance inspections of *active* construction sites, and quarterly inspections of *idle* sites. The inspection frequency may occur more often than once per month due to compliance issues and/or complaints received from the public. The District will inspect all phases of construction until they have reached final stabilization and all temporary control measures have been removed;
  - c. Provide qualified staff for all inspections and plan reviews. The District will perform inspections at the minimum frequencies required, document findings and assist with compliance;
  - d. Assist the Community in maintaining an inventory of all active public and private construction sites and update as new projects are permitted and projects are completed;
  - e. Provide an annual report to the City/Village/Township of all activities undertaken, including number of plans reviewed, SWPPPs approved, inspections provided, and numbers of NOVs, and complaints and the status/resolution of violations and complaints;
  - f. Assist the Community with MS4 audits and have staff present during MS4 audits if requested.
  
2. The District will also provide technical advice on planning issues, including:

- a. Assistance, as requested, in the development of ordinances to protect the natural resources and insure the health and safety of residents of the City/Village/Township/Township of \_\_\_\_\_.
  - b. Protection of sensitive natural areas including wetlands, steep slopes and stream setback areas;
  - c. General evaluation of sensitive areas such as streams and their associated setbacks, floodplains, soils, slopes, wetlands, watersheds, woodlands or other unique areas that are planned for development;
  - d. Review of SWPPPs for stream and wetland restoration, slope and critical area erosion control.
  - e. Review of "Concept" and Preliminary Plans for development/redevelopment plans of residential, recreation, general grading, commercial, and industrial projects with regards to soil limitations, wetlands, riparian and other natural resource information pertinent to the site as requested.
3. The District will keep the City/Village/Township/Township of \_\_\_\_\_ informed of rules and regulations affecting land use issues and natural resources within the Community.

**Community's Role Related to Public Involvement and Public Education Activities**  
**Minimum Control Measures 1 and 2**

The City/Village/Township of \_\_\_\_\_ will cooperate with the District in the development and implementation of programs to protect and enhance the natural resources within the City/Village/Township of \_\_\_\_\_ as well as attain the goals of the Community's/Village's NPDES Storm Water Permit.

1. The Community will recognize the environmental and economic functions of open spaces, such as wetlands, riparian setbacks, ravines, woodlands and fields as worthy of the Community's protection.
2. The Community will utilize the education materials provided by the District to educate and inform its residents on theme-related storm water pollution topics.
3. The Community will provide volunteer opportunities and other storm water related participation activities for its residents with a clear pollution prevention theme-oriented message.
4. The Community will actively participate in the Public Education Public Involvement (PIPE) work group by attending meetings and taking advantage of educational opportunities, training endeavors and jointly sponsored programs and activities.
5. The Community will promote the annual storm water theme in its programs, educational materials, on its web page and through local programs.

6. The Community will send the appropriate personnel to storm water training events sponsored by Summit SWCD, OEPA or the Northeast Ohio Storm Water Training Council as required to properly implement their storm water permit.
7. The Community will use the information and data provided by the Summit SWCD to fill out their annual MS4 permit reporting form for OEPA.

**Community's Role Related to Storm Water Pollution Prevention Activities**  
**Minimum Control Measures 4 & 5**

1. The Community will utilize the District's technical services on an as-needed basis, including plan reviews, landowner assistance, complaint resolution, and inspections of planned and active construction sites or sensitive natural areas of concern to the Community.
2. The Community will direct builders, developers and consultants to the District for assistance on planning and conservation early in the planning process, before permits are applied for and issued.
3. The Community will enforce construction site SWPPP compliance issues within the timeline specified in the Community's Erosion and Sediment Control Ordinance and take the necessary actions to bring the site into compliance. Such actions may include on-site meetings with the developer and contractor, stop work orders and/or the issuance of fines. The Community recognizes that the District has no authority to enforce compliance issues.
4. The Community will ensure one copy of the Storm Water Pollution Prevention Plan (SWPPP) and subsequent revisions for all public and private construction activity that disturb one acre or greater or are part of a larger common plan of development or for sale that results in a total land disturbance of one acre or greater, to the District for review and approval. An electronic copy of the final approved version of the SWPPP will be provided by the developer to both the Community and the District.
5. The traditional storm water management reviews will be performed by the City/Village/County Engineer.
6. The Community's Engineer will be responsible for decisions regarding water quality practice choices and alternative best management practices on small construction sites where 5 acres or less are disturbed. Any changes in the improvement/storm water management drawings for a project will require a subsequent review of the SWPPP by the District.
7. The Community will withhold improvement drawing approvals or permits and final plat approvals, and prohibit the commencement of clearing and construction for all proposed commercial, residential or industrial projects until the Storm Water Pollution Prevention Plan has been approved by the District, all fees have been paid that are owed to the District and a pre-construction meeting

has been held with the Summit SWCD, Community, Developer, Contractor and other interested parties.

8. The Community will withhold all approvals for future phases of a project with existing site compliance issues. The Community may also withhold permits and/or approvals for other projects proposed by a developer with existing SWPPP compliance issues.
9. The Community will require as-builts of all storm water and water quality practices on completed construction projects to ensure compliance with the approved SWPPP and acceptance by the Community.
10. The Community will ensure the execution of the Long Term Maintenance Agreement for the perpetual maintenance of the post construction practices.
11. The Community will adopt and apply natural resource recommendations made by the District which are reasonable and acceptable to the City/Village/Township of \_\_\_\_\_.

### **Mutually Agreed Upon Procedures**

- That the SWCD is a conservation technical and educational service agency and therefore is not granted regulatory authority in the Ohio Revised Code.
- The standards and specifications of the District including the current Rainwater and Land Development Manual and subsequent updates, and the latest version of the Ohio EPA General Construction Permit of Ohio and the Ohio EPA MS4 Permit will be used in the planning and application of conservation measures.
- The working relationship will be defined to include lines of communications with appropriate departments. The District and the Community will meet at least once a year to coordinate a work plan and exchange information.
- The District will provide written information for the annual reports (Minimum Control Measures 1, 2 and 4) to the Community, relevant to its role, as outlined in this MOU. The Community will submit the Annual Report to the Ohio EPA, which will include, but is not limited to the reports provided by the District, as required by its Storm Water Permit.
- That all parties will review quality of service and address concerns as they arise.
- That credit will be given jointly to the SWCD and the Community in natural resource/ NPDES Phase II related publications.
- All services of the District are offered on a non-discriminatory basis without regard to race, gender, age, marital status, handicap or political persuasion.

- The Community recognizes the District's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.

This agreement may be amended or terminated at any time by mutual consent of both governments, or terminated by either party giving sixty (60) days notice in writing to the other.

In witness thereof, the Memorandum executed and agreed to on the day, month and year written:

**SUMMIT SOIL & WATER CONSERVATION DISTRICT**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**CITY/VILLAGE/TOWNSHIP OF \_\_\_\_\_, OHIO**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. - 2014

6  
7 A RESOLUTION TO ADOPT AND PARTICIPATE IN A  
8 MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN  
9 WITH THE COUNTY OF SUMMIT EMERGENCY  
10 MANAGEMENT AGENCY, AND DECLARING AN  
11 EMERGENCY.  
12

13 WHEREAS, there currently exists between the City of Cuyahoga Falls, Ohio and  
14 the County of Summit, Ohio, an agreement that the County through its Emergency  
15 Management Agency shall provide emergency management for the City in  
16 conjunction with a county-wide coordinated program; and  
17

18 WHEREAS, through this county-wide coordinated program, County of Summit  
19 Emergency Management Agency has developed a Multi-Jurisdictional Hazard  
20 Mitigation Plan that includes all hazards to which the County and its  
21 municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster  
22 Relief and Emergency Assistance Act, and;  
23

24 WHEREAS, goals, objectives and strategies to mitigate against the hazards that  
25 have been identified in the County, including the City of Cuyahoga Falls, have been  
26 developed; and  
27

28 WHEREAS, mitigation measures for the City and surrounding areas have been  
29 analyzed and prioritized; and  
30

31 WHEREAS, Summit County stakeholders have reviewed the Multi-  
32 Jurisdictional Hazard Mitigation Plan,  
33

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

37 Section 1. This Council hereby adopts, and plans to implement the actions  
38 prescribed in, the County of Summit Multi-Jurisdictional Hazard Mitigation Plan,  
39 which is on file in the Office of the Director, County of Summit Emergency  
40 Management Agency.  
41

42 Section 2. Any other ordinances and resolutions or portions of ordinances  
43 and resolutions inconsistent herewith are hereby repealed, but any ordinances and  
44 resolutions or portions of ordinances and resolutions not inconsistent herewith  
45 and which have not previously been repealed are hereby ratified and confirmed.  
46

47 Section 3. It is found and determined that all formal actions of this Council  
48 concerning and relating to the passage of this ordinance were taken in an open  
49 meeting of this Council and that all deliberations of this Council and of any

50 committees that resulted in those formal actions were in meetings open to the  
51 public, in compliance with all legal requirements including Chapter 107 of the  
52 Codified Ordinances.

53  
54 Section 4. This ordinance is hereby declared to be an emergency measure  
55 necessary for the preservation of the public peace, health, safety, convenience and  
56 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
57 receives the affirmative vote of two-thirds of the members elected or appointed to  
58 Council, it shall take effect and be in force immediately upon its passage and  
59 approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
60 period allowed by law.

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63 Passed: \_\_\_\_\_  
64 \_\_\_\_\_  
65 President of Council

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67 \_\_\_\_\_  
68 Clerk of Council

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70  
71 Approved: \_\_\_\_\_  
72 \_\_\_\_\_  
73 Mayor

74  
75 3/10/14  
76 O:\2014ords\Resolution Multi-Jursidictional Hazard Mitigation Plan.doc