

NEW LEGISLATION

February 11, 2019

Temp. No.	Introduced	Committee	Description
B-7	2/11/19	PZ	An ordinance approving regulatory text amendments for Section 1111.08 Administration and Enforcement and Section 1124.03 Flood Plain and Stormwater in The Cuyahoga Falls General Development Code, and declaring an emergency.
B-8	2/11/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the Redwood Living Community combined preliminary and final subdivision plat and improvement plans on Parcels 35-00013, 35-6325, 35-00015, 35-02051, 35-02052 and 35-02053 on West Bath Road, and declaring an emergency.
B-9	2/11/19	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at various locations in the City, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
B-10	2/11/19	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in Exhibit 'A' attached hereto, in the City of Cuyahoga Falls, and declaring an emergency.
B-11	2/11/19	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

Please Recycle Waste Paper

B-12

2/11/19

PA

An ordinance amending Chapter 929, Storm Drainage Utility, of the Codified Ordinances, and declaring an emergency.

CALENDAR

February 11, 2019

The following legislation will be up for passage at the Council Meeting on February 11, 2019.

Temp. No.	Introduced	Committee	Description
B-2	1/28/19	Fin	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the demolition and replacement of Fire Station 3, and declaring an emergency.
B-3	1/28/19	Fin	An ordinance approving a petition for special assessments for special energy improvement projects and a plan for public improvements; approving the necessity of acquiring, constructing, and improving certain public improvements in the City in cooperation with the Akron-Summit County Energy Special Improvement District; determining to proceed with such project; and determining to levy special assessments in connection with such project, and declaring an emergency.
B-4	1/28/19	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of an 8" waterline in Bailey Road, from Graham Road to Adams Avenue, and declaring an emergency.
B-6	2/4/19	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Kinstle Sterling/Western Star Truck Center for the purchase of a tandem axle dump truck for use in the Street Department, and declaring an emergency.

PENDING LEGISLATION

February 11, 2019

Temp. No.	Introduced	Committee	Description
B-1*	1/14/19	PZ	An ordinance approving a zoning map amendment for the former Sycamore Valley Golf Course located at 1651 Akron Peninsula Road (Parcels 35-02255, 35-00674, 35-00672, and 35-00673 and 02-05625), from E-1 Employment District to R-3 Sub-Urban Density Residential, as more fully described and depicted herein, and declaring an emergency.
B-2	1/28/19	Fin	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the demolition and replacement of Fire Station 3, and declaring an emergency.
B-3	1/28/19	Fin	An ordinance approving a petition for special assessments for special energy improvement projects and a plan for public improvements; approving the necessity of acquiring, constructing, and improving certain public improvements in the City in cooperation with the Akron-Summit County Energy Special Improvement District; determining to proceed with such project; and determining to levy special assessments in connection with such project, and declaring an emergency.
B-4	1/28/19	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of an 8" waterline in Bailey Road, from Graham Road to Adams Avenue, and declaring an emergency.
B-6	2/4/19	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Kinstle Sterling/Western Star Truck Center for the purchase of a tandem axle

dump truck for use in the Street
Department, and declaring an
emergency.

* Public Hearing 2-19-19

2 Presented by the Administration Upon
3 Recommendation of the Planning Commission

4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2019

7
8 AN ORDINANCE APPROVING REGULATORY TEXT AMENDMENTS FOR
9 SECTION 1111.08 ADMINISTRATION AND ENFORCEMENT AND SECTION
10 1124.03 FLOOD PLAIN AND STORMWATER IN THE CUYAHOGA FALLS
11 GENERAL DEVELOPMENT CODE, AND DECLARING AN EMERGENCY.
12

13 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning
14 Commission be submitted to Council; and
15

16 WHEREAS, on February 5, 2019 the Planning Commission recommended approval of regulatory text
17 amendments to the Cuyahoga Falls General Development Code as outlined in this legislation and in File TXT-
18 19-00006; and
19

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

23 Section 1. The City Council approves Cuyahoga Falls General Development Code Regulatory Text
24 Amendments to Section 1111.08 Administration and Enforcement and Section 1124.03 Flood Plain and
25 Stormwater as attached to and incorporated by reference into this Ordinance as Exhibit A.
26

27 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent
28 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have
29 not previously been repealed are hereby ratified and confirmed.
30

31 Section 3. It is found and determined that all formal actions of this Council concerning and relating to
32 the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of
33 this Council and of any of its committees that resulted in such formal action, were in meetings open to the
34 public, in compliance with all legal requirements including, to the extent applicable, Chapter 107 of the
35 Codified Ordinances.
36

37 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation
38 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants
39 thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to
40 Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor;
41 otherwise it shall take effect and be in force at the earliest period allowed by law.
42
43

44 Passed: _____
45 _____
46 President of Council

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48 _____
49 Clerk of Council

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52 Approved: _____
53 _____
54 Mayor

55 2/11/19

1111.08 ADMINISTRATION AND ENFORCEMENT

B. **Enforcement.** The Planning Director shall enforce these regulations with the cooperation of the Division of Engineering in accordance with this section and the administrative provisions of the Building Code.

1. Designation of Storm Water Authority, Powers and Duties.

(a) In the event of an emergency or any imminent or actual danger caused by or otherwise affiliated with storm water runoff, and to preserve the health, safety and welfare to any person, property or structure affected or potentially affected by such emergency or danger, the Director of Public Service or the Division of Engineering or designee, may enter, without prior consent by the owner, upon any property and authorize the necessary work to alleviate or otherwise remedy such danger. Costs associated with said work may be assessed to the responsible persons, parties and/or entities, in addition to any necessary enforcement or penalty in accordance with the provisions of this Chapter or any other provisions of law.

Section 1124.03 Flood Plain and Stormwater

B. **Storm Water Management Plan.** All subdivisions or site development shall contain a Storm Water Management Plan submitted with the preliminary plat or site plan, as required by this Code and the City Engineer.

1. The Storm Water Management Plan shall analyze the impact of development of all parcels within the subdivision assuming full build-out of all lots proposed in the development. The impact analysis shall identify how the subdivision will impact all groundwater and natural wetlands in the watershed. The analysis shall incorporate impacts of all other known and planned development activity and make reasonable assumptions about future development on other lots and parcels, and identify any opportunities for joint management of storm water among other potential development parcels.

2. The Storm Water Management Plan shall propose Best Management Practices ("BMP") in the treatment of storm water in order to best meet the Storm Water Management intent in Section 1124.03.A and as per these requirements:

a. Peak Discharge

The peak discharge shall be controlled by reducing the 50-year post-developed peak discharge to the 2-year pre-developed peak discharge over the same area, except for projects containing impacts to the Yellow Creek, Mud Brook and/or Kelsey Creek Watersheds. Projects with impacts to those watersheds shall be controlled by reducing the 100-year post-development peak discharge to the 2-year pre-developed peak discharge over the same area. The requirements of this Section for runoff rates and volumes shall be satisfied at each location where runoff leaves the development area.

(1) Site Analysis: Must be performed showing existing and proposed peak runoff rates for the 2-, 5-, 10-, 25-, 50-, and 100-year storm events. Acceptable methods to calculate peak flows are:

- Rational Method – suitable (and recommended) for small drainage areas (typically less than 30 acres);
- Soil Conservation Service ("SCS") Method;
- USGS regression equations as described and referenced in the current edition of ODOT's L&D Manual – Volume II – Drainage Design;
- Other methods may be used if pre-approved by City Engineering.

a. All values, assumptions, and other data used must be clearly shown and, where appropriate, supported by calculations.

Detention/retention structures located "in-line" (receive runoff from off-site areas), shall be designed as regional detention/retention facilities. Post-construction hydrographs shall be developed for the entire watershed assuming full development of upstream areas according to

current zoning requirements. The post-construction hydrographs shall be routed through the basin and shall not exceed the allowable release rates according to the applicable design criteria. The design criteria for a regional basin shall be as described herein under Critical Storm method by considering the percent increase in runoff from the entire watershed assuming full development of upstream areas, unless otherwise approved by the City.

b. Downstream Analysis

If the development or redevelopment contains impacts to the Yellow Creek, Mud Brook and Kelsey Creek watersheds, a Downstream Analysis shall be performed. The purpose of the analysis is to protect downstream properties from flood increases due to upstream development. Due to peak flow timing and runoff volume effects, some structural controls fail to reduce downstream peak flows to pre-developed levels. Therefore, a downstream analysis is required to ensure no adverse impacts to downstream properties. The downstream analysis shall consist of a hydrologic model of the larger watershed which includes the area draining to the site and shall include key detention structures existing in the watershed. The watershed shall be divided into an appropriate number of sub-areas with homogeneous hydrologic characteristics, and peak flows shall be determined in the downstream channel or system by combining the hydrographs generated for the applicable sub-areas. The analysis must begin at a point downstream of the site where the watershed is at least 10 times larger than the site area. The analysis must show that the post-developed 100-year peak flow does not exceed the pre-developed 100-year peak flow in the downstream channel or system at all critical points in the downstream system including stream confluences, major storm sewer outfalls, and any other locations which experience a significant change in flow as directed by the City. A drainage map of the watershed with the critical locations identified shall be submitted to the City for review prior to proceeding with the downstream analysis. An estimate of the most restrictive storm event capacity (2-yr, 5-yr, 10-yr, 25-yr, 50-yr, or 100-yr) of the downstream systems shall be provided.

The downstream analysis will be performed by the City of Cuyahoga Falls in areas where the City has previously developed a watershed model. The design engineer may be requested to submit additional information or calculations for the site being developed to update the City's watershed model. The City understands the Northeast Ohio Regional Sewer District has models for these watersheds within their Cuyahoga River South Stormwater Master Plan. For models, the design engineer shall contact the City to determine the availability of the models from NEORSD or other known sources.

(1) Long Term Maintenance Plan

A Long-term Maintenance Plan ("LTMP") shall be provided for all post-construction storm water elements. LTMPs shall comply with the following requirements:

- a. LTMPs shall be provided by the regulated party to the Summit County Soil and Water Conservation District ("Summit SWCD") as part of the Storm Water Pollution Prevention Plan ("SWP3") review.
- b. LTMPs shall be provided to the party responsible for post-construction operation of the site (including homeowner associations) upon completion of construction activities or as otherwise directed by Summit SWCD.
- c. Separate LTMPs shall be submitted for BMPs located on separate properties.
- d. LTMP contents: To ensure that storm water management systems function as they were designed and constructed, the LTMP shall be a stand-alone document, which contains, at a minimum:
 - i. Cover sheet showing site name, date, and description of site's immediate receiving drainage system (e.g. Water of the State, private system, City of Cuyahoga Falls MS4, Summit County MS4, Township MS4, etc.).

- ii. Responsible party: A designated person, party, or entity responsible for inspection and maintenance of the BMP(s), including contact information (i.e. address, telephone number, email, etc.).
 - iii. Assurance of operation and maintenance: A description of how BMP(s) will be operated and maintained in the absence or dissolution of the designated responsible party, including how such responsibilities will be transferred upon the sale of the subject property.
 - iv. BMP information: Descriptions of all post-construction storm water BMPs and all supporting design and installation data.
 - v. Maintenance responsibilities: The routine and non-routine maintenance tasks to be undertaken.
 - vi. A schedule for inspection and maintenance.
 - vii. Easements and agreements: Any necessary legally binding maintenance easements and agreements.
 - viii. Map: A map showing all BMP locations and any access and maintenance easements.
 - ix. Statement prohibiting BMP alterations: A statement prohibiting the alteration of BMPs unless otherwise approved by the City and/or Summit SWCD.
 - x. Pollutant disposal statement: A statement that any pollutants collected within post-construction BMPs shall be disposed of in accordance with local, state, and federal regulations.
 - xi. Statement of City of Cuyahoga Falls authority: A statement acknowledging the City of Cuyahoga Falls' inspection and enforcement rights for violations of Section 1111.08 of the City's Codified Ordinances-General Development Code.
 - xii. Statement of acceptance of responsibility: A statement acknowledging that the contents are requirements of the LTMP are understood and accepted by the responsible party.
 - xiii. A printed name, signature, and date of signature of the responsible party.
 - xiv. Any other information as required by Summit SWCD.
3. Regulated parties/responsible parties shall at all times properly operate and maintain ("O&M") all storm water practices, facilities, and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of these regulations. A description of maintenance procedures needed to ensure the continued performance of control practices shall be provided.

All permanent storm water quantity management infrastructure and related appurtenances installed per these regulations must be maintained by the respective owner or responsible party.

All permanent storm water quality BMPs and related appurtenances installed per these regulations must be maintained in accordance with a Long-Term Maintenance Plan which has been approved by the City and Summit SWCD.

4. All subsequent final plats and site development plans shall include a storm water treatment statement identifying compliance with the Storm Water Management Plan submitted with the preliminary plat, or if not consistent with the Storm Water Management Plan, the plat or site

development plan shall include an impact analysis comparable in scope and detail to that required for Storm Water Management Plan, with a finding that any modifications will equally or better serve the storm water treatment goals.

5. All areas dedicated to storm water treatment or drainage ways for site shall be identified by storm water easements. All easements required pursuant to these regulations should expressly state that the City has entrance, inspection, maintenance, and enforcement rights as described in Section 1111.08 of this General Development Code. Storm water treatment systems should be integrated into the site design wherever possible. Treatment area may be used to satisfy required open space standards in the zoning regulations provided the area is designed so that it both meets the open space design standards and performs the desired storm water best management practice.
6. Disclaimer of Liability
 - (a) Compliance with the provisions of this Chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this Chapter are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
 - (b) Failure of the City of Cuyahoga Falls to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the project owner from the responsibility for the condition or damage resulting therefrom and shall not result in the City of Cuyahoga Falls, its officers, employees or agents as being responsible for any condition or damage resulting therefrom.
 - (c) By approving a plan under this Chapter, the City of Cuyahoga Falls does not accept responsibility for the design, installation and operation and maintenance of private stormwater management systems.
 1. Inspection
 - (a) Upon presentation of proper credentials and having obtained consent from the property owner or tenant in possession, representatives of the City or other authorized designee or government agency may enter at reasonable times or such other times as may be necessary, any site for the purpose of making storm water inspections and performing the duties required by this Chapter.
 - (b) If acting to determine compliance with applicable provisions of the Storm Water Management Plan, persons described in subsection (a) hereof may enter any site currently under construction or under permit by the City without first obtaining consent of the property owner or tenant in possession.
 - (c) If acting due to actual or apparent emergency conditions, and in conjunction with the authority set forth in Section 1111.08.B. 1. a, persons described in subsection (a) hereof may also enter without first obtaining consent of the property owner or tenant in possession.
 - (d) The City shall have the right to set up at facilities subject to this Chapter such devices as are necessary, as determined by the City, to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (e) The City shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City or its authorized representative to ensure their accuracy.
 - (f) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City. The costs of clearing such access shall be borne by the facility owner/operator.
 - (g) Unreasonable delay in allowing the City or designee access to a facility subject to this Chapter for the purposes of illicit discharge inspection is a violation of this Chapter.

2 Presented by the Administration Upon
3 Recommendation of the Planning Commission

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2019

8
9 AN ORDINANCE ACCEPTING THE PLANNING
10 COMMISSION APPROVAL, FINDINGS AND
11 CONDITIONS OF THE REDWOOD LIVING
12 COMMUNITY COMBINED PRELIMINARY AND
13 FINAL SUBDIVISION PLAT AND IMPROVEMENT
14 PLANS ON PARCELS 35-00013, 35-6325, 35-
15 00015, 35-02051, 35-02052 and 35-02053 ON
16 WEST BATH ROAD, AND DECLARING AN
17 EMERGENCY.
18

19
20 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made
21 by the Planning Commission be submitted to Council; and
22

23 WHEREAS, on February 5, 2019, the Planning Commission recommended approval of
24 the combined preliminary/final plat and improvement plans to develop an 87-unit
25 apartment community on Parcels 35-00013, 35-6325, 35-00015, 35-02051, 35-02052 and
26 35-02053 on West Bath Road; and
27

28 WHEREAS, the combined preliminary/final plat and improvement plans will meet all
29 conditions associated with Planning Commission Project File FMP-18-00060 and site plan
30 conditions associated with Project File MSP-18-00035; and
31

32 WHEREAS, such approval is given subject to conditions subsequent to be satisfied;
33 and
34

35 WHEREAS, such approval is necessary to determine that the site plan is satisfactory,
36 serves the public interest, and is acceptable for recording.
37

38 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
39 County of Summit, and State of Ohio, that:
40

41 Section 1. The City Council approves the combined preliminary/final plat and
42 improvement plans to develop an 87-unit apartment community on Parcels 35-00013, 35-
43 6325, 35-00015, 35-02051, 35-02052 and 35-02053 on West Bath Road and subject to all
44 conditions associated with Planning Commission approval of Project File FMP-18-00060.
45

46 Section 2. Any other ordinances or resolutions or portions of ordinances and
47 resolutions inconsistent herewith be and the same are hereby repealed, but any
48 ordinances and resolutions not inconsistent herewith and which have not previously been
49 repealed are hereby ratified and confirmed.
50

51 Section 3. It is found and determined that all formal actions of this Council
52 concerning and relating to the adoption of this ordinance were adopted in an open meeting
53 of this Council, and that all deliberations of this Council and of any of its committees that
54 resulted in such formal action, were in meetings open to the public, in compliance with all
55 legal requirements, to the extent applicable, including Chapter 107 of the Codified

56 Ordinances.

57

58 Section 4. This ordinance is hereby declared to be an emergency measure necessary
59 for the preservation of the public peace, health, safety, convenience and welfare of the City
60 of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately
61 necessary to permit timely and appropriate development of this property, and provided it
62 receives the affirmative vote of two thirds of the members elected or appointed to Council,
63 it shall take effect and be in force immediately upon its passage and approval by the
64 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

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67 Passed: _____

President of Council

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Clerk of Council

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75 Approved: _____

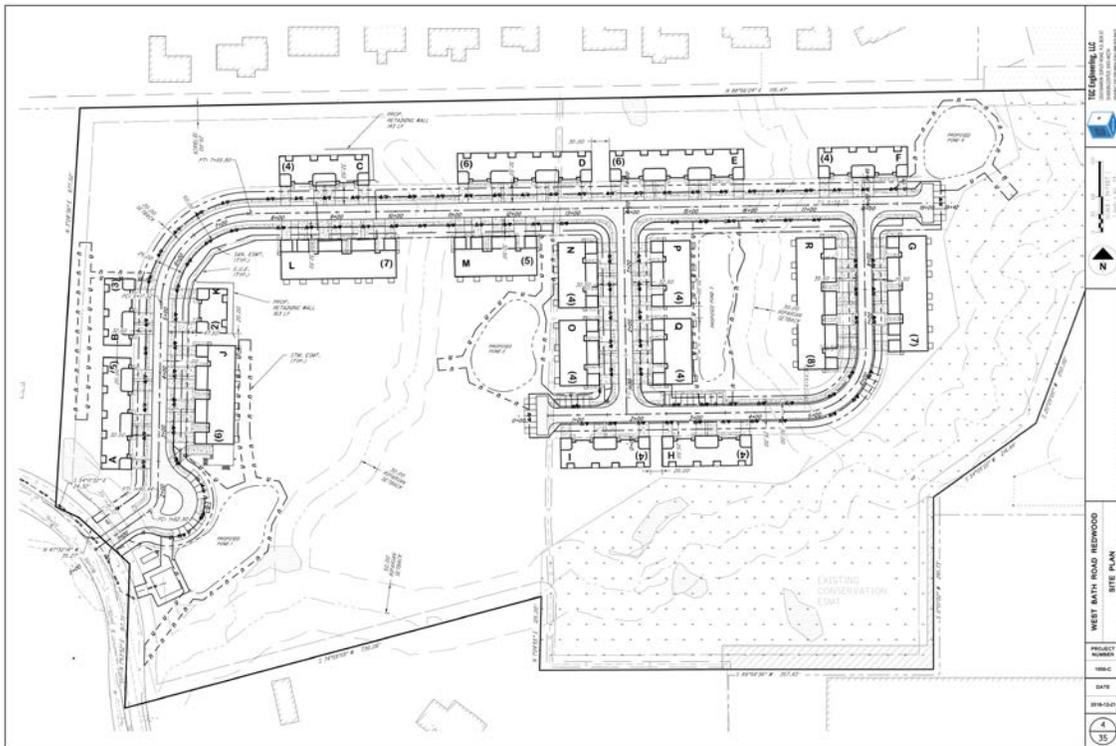
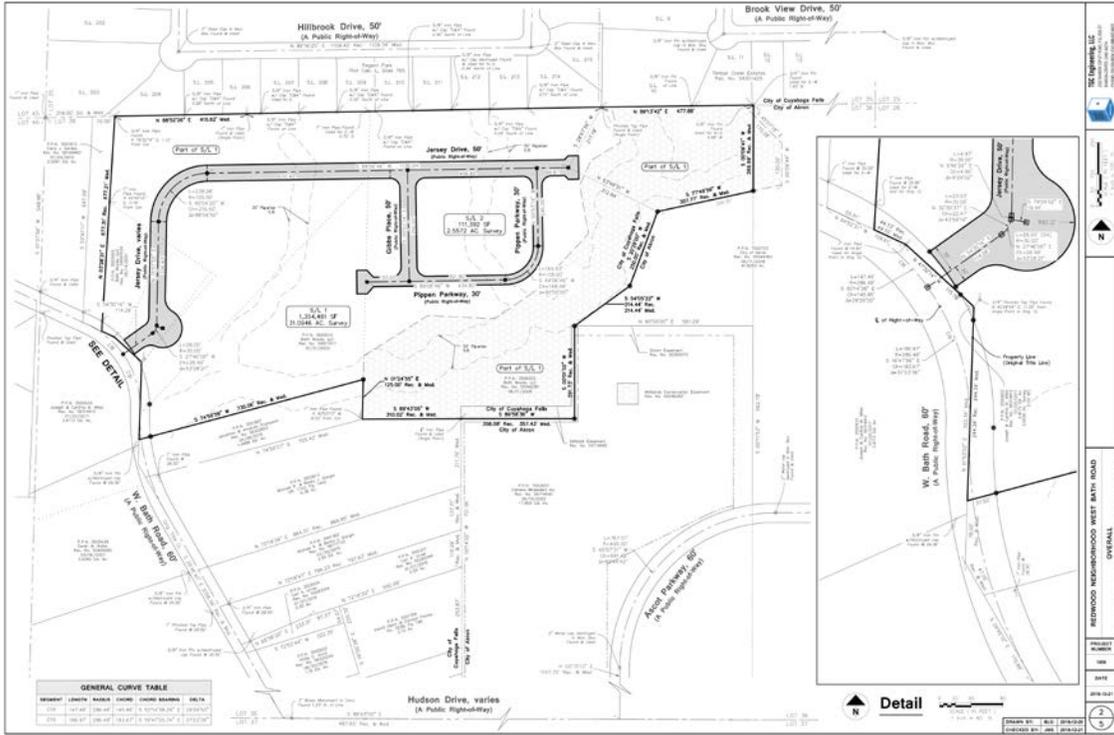
Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2019

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, FOR THE DEMOLITION OF
11 BUILDINGS AND REMOVAL OF DEMOLITION DEBRIS AT
12 VARIOUS LOCATIONS IN THE CITY, AND CERTIFYING THE
13 COST THEREOF TO THE COUNTY FISCAL OFFICER FOR
14 COLLECTION IN THE MANNER PROVIDED BY LAW, AND
15 DECLARING AN EMERGENCY.

16
17 WHEREAS, the Building Official has declared the buildings identified in Section 1 below
18 to be dangerous buildings within the meaning of Chapter 1335 of the Cuyahoga Falls
19 Codified Ordinances; and

20
21 WHEREAS, the Building Official has provided a notice to all owners and interested
22 parties concerned with the buildings identified in Section 1 below, instructing such owners
23 and interested parties as to the repairs required to make the buildings safe, ordering the
24 owners to repair or demolish the buildings accordingly, and informing the owners and
25 interested parties of their right of appeal under Section 1343.07 of Summit County Codified
26 Ordinances, and

27
28 WHEREAS, no appeals of the Building Official’s orders have been received,

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

32
33 Section 1. This Council hereby finds and determines that the following described
34 structures are insecure, unsafe, and structurally defective within the meaning of Ohio
35 Revised Code §715.26, and dangerous buildings within the meaning of Section 1343.01 of
36 Summit County Codified Ordinances:

- 37
38 (1) 2327 12th Street (all structures)
39 (2) 3845 State Road (all structures)
40

41 Section 2. The Director of Public Service is authorized to enter into a contract or
42 contracts, according to law, for the demolition of the dangerous buildings listed in Section 1
43 above, and the removal of debris therefrom.

44
45 Section 3. The Finance Director is authorized to make payment for same from the
46 CDBG Fund, Line Item Contractual Other.

47
48 Section 4. In accordance with Ohio Revised Code §715.26, the Finance Director is
49 hereby directed to certify the costs of demolition and debris removal to the Clerk of Council
50 who shall then certify the same to the Summit County Fiscal Officer for placement thereof
51 on the tax duplicate together with interest and penalties provided by law.

52
53 Section 5. Any other ordinance and resolutions or portions of ordinances and
54 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
55 or portions of ordinances and resolutions not inconsistent herewith and which have not
56 previously been repealed are hereby ratified and confirmed.
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Section 6. 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 of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, to the extent applicable, Chapter 107 of the Codified Ordinances.

Section 7. 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

2/11/19

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2019

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, FOR THE ANNUAL RESURFACING AND/OR
11 REPAIR OF VARIOUS STREETS AS DESCRIBED IN EXHIBIT 'A'
12 ATTACHED HERETO, IN THE CITY OF CUYAHOGA FALLS, AND
13 DECLARING AN EMERGENCY.
14

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

17
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
19 contracts, according to law, for the resurfacing and/or repair of various streets in the City of
20 Cuyahoga Falls as described in Exhibit 'A' attached hereto and incorporated into this ordinance.
21

22 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
23 from the Capital Projects Fund, line item Capital Outlay.
24

25 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
26 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
27 herewith and which have not previously been repealed are hereby ratified and confirmed.
28

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

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

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43 Passed: _____
44 _____
45 President of Council

46 _____
47 Clerk of Council

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49 Approved: _____
50 _____
51 Mayor

52 2/11/19

EXHIBIT "A"
2019 Street List

Resurfacing

STREET	FROM	TO
11 th Street	Silver Lake Ave	Portage Trail
15 th Street	Falls Ave	Crest Ave
16 th Street	Grant Ave	Sackett Ave
24 th Street	North end	Shaw Ave
25 th Street	Phelps Ave	Shaw Ave
Archwood Place	Washington Ave	Roosevelt Ave
Beechwood Circle	Anderson Rd	End
Birchwood Avenue	Elmwood St	Ironwood St
Collinwood Circle	Anderson Rd	End
Crest Avenue	14 th St	15 th St
Fairview Place	Washington Ave	South end
Falls Avenue	State Rd	23 rd St
High Street	Munroe Falls Ave	Center Ave
Hollywood Avenue	Bailey Rd	Charles St
Hollywood Circle	Charles St	End
Kathron Avenue	Charles St	Hudson Dr
Kathron Avenue	Bailey Rd	Hudson Dr
Maplewood Street	Birchwood Ave	End
Munroe Falls Avenue	Portage Trail	Suncrest Dr
Northampton Road	Bridge	Hardy Rd
Orrville Avenue	Charles St	Bailey Rd
Phelps Avenue	27 th St	14 th St
Prange Drive	Graham Rd	Silver Lake Ave
Shaw Avenue	State Rd	27 th St
State Road	Graham Rd	Portage Crossing
Taylor Avenue	Newberry St	Tallmadge Rd
Vincent Street	2 nd St	Corp line
Woodridge Middle Sch	Parking Lot	

Grinding Only

STREET	FROM	TO
9 th Street	Grant Ave	Chestnut Blvd
James Avenue	Munroe Falls Ave	End
Jefferson Avenue	7 th St	12 th St
May Avenue	Meriline St	2 nd St
Meier Place	Monroe Ave	South end
Oneida Avenue	Vancouver St	End

Chip Seal

STREET	FROM	TO
Washington Avenue	Oakwood Dr	Tiftt St

2 Presented by the Administration upon
3 recommendation of the Traffic Committee

4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2019

8
9 AN ORDINANCE AMENDING THE TRAFFIC
10 CONTROL FILE BY PROVIDING FOR INSTALLATION
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND
12 DECLARING AN EMERGENCY.
13

14 WHEREAS, site-specific traffic control regulations of the City are established
15 and maintained in the "Traffic Control File," a document established and
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified
17 Ordinances, and
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the
20 Traffic Control File be made only through legislation passed by City Council.
21

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

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic
26 Control File is hereby amended as follows:
27

- 28 1. Prohibit parking on the east side of 27th Street from 2211 – 27th Street
- 29 to the north side of 2251 – 27th Street.
- 30 2. Install a traffic light at the entrance of GOJO; 3783 State Road.
- 31 3. Update the Traffic File to include the following items at Woodland
- 32 Villas and Woodland Preserve Development:
 - 33 • Stop sign on East Woodland Drive at Sourek Trail.
 - 34 • Stop sign on West Woodland Drive at Sourek Trail.
 - 35 • Stop sign on South Woodland Drive at West Woodland Drive.
 - 36 • 25 MPH speed limit signs posted on East, West & South
 - 37 Woodland Drives.
 - 38 • NO OUTLET sign posted on East Woodland Drive at Sourek
 - 39 Trail.
 - 40 • NO OUTLET sign posted on West Woodland Drive at Sourek
 - 41 Trail.

42
43 Section 2. The Chief of Police is hereby authorized and directed to note in
44 the Traffic Control File the proper legends.
45

46 Section 3. The Mayor is hereby authorized and directed to cause the
47 installation or removal of the proper signage reflecting the above amendments.
48

49 Section 4. Any other ordinances and resolutions or portions of ordinances
50 and resolutions inconsistent herewith are hereby repealed but any ordinances

51 and resolutions or portions of ordinances and resolutions not inconsistent
52 herewith and which have not been previously repealed are hereby ratified and
53 confirmed.

54
55 Section 5. It is found and determined that all formal actions of this Council
56 concerning and relating to the adoption of this ordinance were adopted in an
57 open meeting of this Council and that all deliberations of this Council and of
58 any of its committees that resulted in such formal action were in meetings open
59 to the public, in compliance with all legal requirements including Chapter 107
60 of the Codified Ordinances.

61
62 Section 6. This ordinance is hereby declared to be an emergency measure
63 necessary for the preservation of the public peace, health, safety, convenience
64 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and
65 provided it receives the affirmative vote of two-thirds of the members elected or
66 appointed to Council, it shall take effect and be in force immediately upon its
67 passage and approval by the Mayor; otherwise it shall take effect and be in force
68 at the earliest period allowed by law.

69
70
71 Passed: _____
72 _____
73 President of Council

74
75 _____
76 Clerk of Council

77
78
79 Approved: _____
80 _____
81 Mayor

82 2/11/19
83 O:\2019ords\traffic.control.ord Jan.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2019

6
7 AN ORDINANCE AMENDING CHAPTER 929, STORM DRAINAGE
8 UTILITY, OF THE CODIFIED ORDINANCES, AND DECLARING
9 AN EMERGENCY.

10
11 WHEREAS, the City desires to protect, maintain and enhance the natural environment
12 including groundwater and surface water; and

13
14 WHEREAS, such protection and maintenance will enhance the safety and general welfare of
15 the citizens of the City of Cuyahoga Falls; and

16
17 WHEREAS, the purpose of this ordinance is to provide for the health, safety and general
18 welfare of the citizens of the City of Cuyahoga Falls through regulation of illicit discharges to the
19 Municipal Separate Storm Sewer System ("MS4"); and

20
21 WHEREAS, this ordinance establishes methods for controlling the introduction of pollutants
22 into the MS4 to comply with requirements of the National Pollutant Discharge Elimination System
23 ("NPDES") permit process as required by the Ohio Environmental Protection Agency ("Ohio EPA").

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

27
28 Section 1. Chapter 929 of the Codified Ordinances of the City of Cuyahoga Falls is hereby
29 amended to read as follows (new text underlined; delete text in ~~strike through~~):

30
31 929.03 ILLICIT DISCHARGES.

32
33 ~~No person, corporation, organization or public agency shall cause a discharge into the~~
34 ~~storm water sewer system, other than permitted storm water.~~

35
36 (a) Purpose and Scope

37 The purpose of this regulation is to provide for the health, safety, and general welfare of
38 the citizens of The City of Cuyahoga Falls through the regulation of illicit discharges to
39 the municipal separate storm sewer system (MS4). This regulation establishes methods
40 for controlling the introduction of pollutants into the MS4 in order to comply with
41 requirements of the National Pollutant Discharge Elimination System (NPDES) permit
42 process as required by the Ohio Environmental Protection Agency (Ohio EPA). The
43 objectives of this regulation are:

- 44 (1) To prohibit illicit discharges and illegal connections to the MS4.
- 45 (2) To establish legal authority to carry out inspections, monitoring procedures, and
46 enforcement actions necessary to ensure compliance with this regulation.

47
48 (b) Applicability

49 This regulation shall apply to all residential, commercial, industrial, or institutional
50 facilities responsible for discharges to the MS4 and on any lands in The City of Cuyahoga
51 Falls, except for those discharges generated by the activities detailed in Section (g) of this
52 regulation.

53
54 (c) Definitions

55 The words and terms used in this regulation, unless otherwise expressly stated, shall
56 have the following meaning:

- 57 (1) Best Management Practices (BMPs): includes definitions described in the City of
58 Cuyahoga Falls General Development Code, Chapter 1115 and for this section,
59 means schedules of activities, prohibitions of practices, general good

- 60 housekeeping practices, pollution prevention and educational practices,
61 maintenance procedures, and other management practices to prevent or reduce
62 the discharge of pollutants to storm water. BMPs also include treatment
63 practices, operating procedures, and practices to control site runoff, spillage or
64 leaks, sludge or water disposal, or drainage from raw materials storage.
- 65 (2) Community: means The City of Cuyahoga Falls, its designated representatives,
66 boards, or commissions.
- 67 (3) Environmental Protection Agency or United States Environmental Protection
68 Agency (USEPA): means the United States Environmental Protection Agency,
69 including but not limited to the Ohio Environmental Protection Agency (Ohio
70 EPA), or any duly authorized official of said agency.
- 71 (4) Floatable Material: in general this term means any foreign matter that may float
72 or remain suspended in the water column, and includes but is not limited to,
73 plastic, aluminum cans, wood products, bottles, and paper products.
- 74 (5) Hazardous Material: means any material including any substance, waste, or
75 combination thereof, which because of its quantity, concentration, or physical,
76 chemical, or infectious characteristics may cause, or significantly contribute to, a
77 substantial present or potential hazard to human health, safety, property, or the
78 environment when improperly treated, stored, transported, disposed of, or
79 otherwise managed.
- 80 (6) Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an
81 MS4 that is not composed entirely of storm water, except for those discharges to
82 an MS4 pursuant to a NPDES permit or noted in Section (g) of this regulation.
- 83 (7) Illegal Connection: means any drain or conveyance, whether on the surface or
84 subsurface, that allows an illicit discharge to enter the MS4.
- 85 (8) Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26
86 (b)(8), municipal separate storm sewer system means a conveyance or system of
87 conveyances (including roads with drainage systems, municipal streets, catch
88 basins, curbs, gutters, ditches, man-made channels, or storm drains):
89 (i) Owned or operated by a State, city, town, borough, county, parish,
90 district, municipality, township, county, district, association, or other
91 public body (created by or pursuant to State law) having jurisdiction over
92 sewage, industrial wastes, including special districts under State law
93 such as a sewer district, or similar entity, or an Indian tribe or an
94 authorized Indian tribal organization, or a designated and approved
95 management agency under section 208 of the Clean Water Act that
96 discharges to waters of the United States;
97 (ii) Designed or used for collecting or conveying storm water;
98 (iii) Which is not a combined sewer; and
99 (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as
100 defined at 40 C.F.R. 122.2.
- 101 (9) National Pollutant Discharge Elimination System (NPDES) Storm Water
102 Discharge Permit: means a permit issued by EPA (or by a State under authority
103 delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of
104 pollutants to waters of the United States, whether the permit is applicable on an
105 individual, group, or general area wide basis.
- 106 (10) Off-Lot Discharging Household Sewage Treatment System: means a system
107 designed to treat household sewage on-site and discharges treated wastewater
108 effluent off the property into a storm water or surface water conveyance or
109 system.
- 110 (11) Owner/Operator: means any individual, association, organization, partnership,
111 firm, corporation or other entity recognized by law and acting as either the owner
112 or on the owner's behalf.
- 113 (12) Pollutant: means anything that causes or contributes to pollution. Pollutants
114 may include, but are not limited to, paints, varnishes, solvents, oil and other
115 automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse,

116 rubbish, garbage, litter or other discarded or abandoned objects, floatable
117 materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage,
118 dissolved and particulate metals, animal wastes, residues that result from
119 constructing a structure, and noxious or offensive matter of any kind.
120 (13) Storm Water: any surface flow, runoff, and drainage consisting entirely of water
121 from any form of natural precipitation, and resulting from such precipitation.
122 (14) Wastewater: The spent water of a community. From the standpoint of a source, it
123 may be a combination of the liquid and water-carried wastes from residences,
124 commercial buildings, industrial plants, and institutions.

125
126 (d) Disclaimer of Liability

127
128 Compliance with the provisions of this regulation shall not relieve any person from
129 responsibility for damage to any person otherwise imposed by law. The provisions of this
130 regulation are promulgated to promote the health, safety, and welfare of the public and
131 are not designed for the benefit of any individual or for the benefit of any particular parcel
132 of property.
133

134 (e) Conflicts, Severability, Nuisances & Responsibility

135 (1) Where this regulation is in conflict with other provisions of law or ordinance, the
136 most restrictive provisions, as determined by the City of Cuyahoga Falls, shall
137 prevail.
138 (2) If any clause, section, or provision of this regulation is declared invalid or
139 unconstitutional by a court of competent jurisdiction, the validity of the
140 remainder shall not be affected thereby.
141 (3) This regulation shall not be construed as authorizing any person to maintain a
142 nuisance on their property, and compliance with the provisions of this regulation
143 shall not be a defense in any action to abate such a nuisance.
144 (4) Failure of The City of Cuyahoga Falls to observe or recognize hazardous or
145 unsightly conditions or to recommend corrective measures shall not relieve the
146 site owner from the responsibility for the condition or damage resulting
147 therefrom, and shall not result in the City of Cuyahoga Falls, its officers,
148 employees, or agents being responsible for any condition or damage resulting
149 therefrom.

150
151 (f) Responsibility for Administration

152 The City of Cuyahoga Falls shall administer, implement, and enforce the provisions of
153 this regulation. The City of Cuyahoga Falls may contract with the Summit County Board
154 of Health to conduct inspections and monitoring and to assist with enforcement actions.
155

156 (g) Discharge and Connection Prohibitions

157 (1) Prohibition of Illicit Discharges. No person shall discharge, or cause to be
158 discharged, an illicit discharge into the MS4. The commencement, conduct, or
159 continuance of any illicit discharge to the MS4 is prohibited except as described
160 below:
161 (i) Water line flushing; landscape irrigation; diverted stream flows; rising ground
162 waters; uncontaminated ground water infiltration; uncontaminated pumped
163 ground water; discharges from potable water sources; foundation drains; air
164 conditioning condensate; irrigation water; springs; water from crawl space
165 pumps; footing drains; lawn watering; individual residential car washing;
166 flows from riparian habitats and wetlands; dechlorinated swimming pool
167 discharges; street wash water; and discharges or flows from fire fighting
168 activities. These discharges are exempt until such time as they are
169 determined by the City of Cuyahoga Falls to be significant contributors of
170 pollutants to the MS4.

171 (ii) Discharges specified in writing by the City of Cuyahoga Falls as being
172 necessary to protect public health and safety.

173 (iii) Discharges from off-lot discharging household sewage treatment systems
174 existing prior to January 1, 2007 and permitted by the Summit County
175 Board of Health for the purpose of discharging treated sewage effluent in
176 accordance with Ohio Administrative Code 3701-29, or other applicable
177 Summit County Board of Health regulations, until such time as the Ohio
178 Environmental Protection Agency issues an NPDES permitting mechanism
179 for household sewage treatment systems existing prior to January 1, 2007.
180 These discharges are exempt unless such discharges are deemed to be
181 creating a public health nuisance by the Summit County Board of Health.
182 Discharges from new or replacement off-lot household sewage treatment
183 systems installed after January 1, 2007 are not exempt from the
184 requirements of this regulation.

185
186 In compliance with The City of Cuyahoga Falls Storm Water Management
187 Program, discharges from all off-lot discharging household sewage treatment
188 systems must either be eliminated or have coverage under an appropriate
189 NPDES permit issued and approved by the Ohio Environmental Protection
190 Agency. When such permit coverage is available for systems existing prior to
191 January 1, 2007, discharges from off-lot discharging household sewage
192 treatment systems existing prior to January 1, 2007 will no longer be exempt
193 from the requirements of this regulation.

194
195 (2) Prohibition of Illegal Connections. The construction, use, maintenance, or continued
196 existence of illegal connections to the MS4 is prohibited.

197 (i) This prohibition expressly includes, without limitation, illegal connections
198 made in the past, regardless of whether the connection was permissible
199 under law or practices applicable or prevailing at the time of connection.

200 (ii) A person is considered to be in violation of this regulation if the person
201 connects a line conveying illicit discharges to the MS4, or allows such a
202 connection to continue.

203 (h) Monitoring of Illicit Discharges and Illegal Connections

204 (1) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The
205 City of Cuyahoga Falls shall establish a program to detect and eliminate illicit
206 discharges and illegal connections to the MS4. This program shall include the
207 mapping of the MS4, including MS4 outfalls and household sewage treatment
208 systems; the routine inspection of storm water outfalls to the MS4, and the
209 systematic investigation of potential residential, commercial, industrial, and
210 institutional facilities for the sources of any dry weather flows found as the result of
211 these inspections.

212 (2) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

213 (i) The City of Cuyahoga Falls shall be permitted to enter and inspect facilities
214 subject to this regulation as often as may be necessary to determine
215 compliance with this regulation.

216 (ii) The City of Cuyahoga Falls shall have the right to set up at facilities subject
217 to this regulation such devices as are necessary to conduct monitoring
218 and/or sampling of the facility's storm water discharge, as determined by The
219 City of Cuyahoga Falls.

220 (iii) The City of Cuyahoga Falls shall have the right to require the facility
221 owner/operator to install monitoring equipment as necessary. This sampling
222 and monitoring equipment shall be maintained at all times in safe and
223 proper operating condition by the facility owner/operator at the
224 owner/operator's expense. All devices used to measure storm water flow and
225 quality shall be calibrated by the City of Cuyahoga Falls to ensure their
226 accuracy.

227 (iv) Any temporary or permanent obstruction to safe and reasonable access to
228 the facility to be inspected and/or sampled shall be promptly removed by the
229 facility's owner/operator at the written or oral request of the City of
230 Cuyahoga Falls and shall not be replaced. The costs of clearing such access
231 shall be borne by the facility owner/operator.
232 (v) Unreasonable delays in allowing The City of Cuyahoga Falls access to a
233 facility subject to this regulation for the purposes of illicit discharge
234 inspection is a violation of this regulation.
235 (vi) If The City of Cuyahoga Falls is refused access to any part of the facility from
236 which storm water is discharged, and The City of Cuyahoga Falls
237 demonstrates probable cause to believe that there may be a violation of this
238 regulation, or that there is a need to inspect and/or sample as part of an
239 inspection and sampling program designed to verify compliance with this
240 regulation or any order issued hereunder, or to protect the public health,
241 safety, and welfare, The City of Cuyahoga Falls may seek issuance of a
242 search warrant, civil remedies including but not limited to injunctive relief,
243 and/or criminal remedies from any court of appropriate jurisdiction.
244 (vii) Any costs associated with these inspections shall be assessed to the facility
245 owner/operator.
246 (i) Enforcement
247 (1) Notice of Violation. When the Director of Public Service finds that a person has
248 violated a prohibition or failed to meet a requirement of this regulation, the Director
249 may order compliance by written Notice of Violation (NOV). Such notice must specify
250 the violation and shall be hand delivered, and/or sent by registered mail, to the
251 owner/operator/person in control of the real property of the facility where the
252 violation occurred. Such notice may require the following actions:
253 (i) The performance of monitoring, analyses, and reporting;
254 (ii) The elimination of illicit discharges or illegal connections;
255 (iii) That violating discharges, practices, or operations cease and desist;
256 (iv) Where an illicit discharge has damaged, contaminated or fouled any portion
257 of the storm sewer system or any public property, facility or watercourse, the
258 NOV may additionally require the violator to conduct or pay for the clean-up
259 or remediation of the storm sewer system, property, facility or watercourse,
260 to the satisfaction of the Director;
261 (v) The abatement or remediation of storm water pollution or contamination
262 hazards and the restoration of any affected property; or
263 (vi) The implementation of source control or treatment BMPs.
264 (2) If abatement of a violation and/or restoration of affected property is required, the
265 Notice of Violation shall set forth a deadline within which such remediation or
266 restoration must be completed. Said Notice shall further advise that, should the
267 facility owner/operator fail to remediate or restore within the established deadline, a
268 legal action for enforcement may be initiated. This deadline shall not exceed thirty
269 (30) days from NOV. Reasonable extensions of time to abate may be granted by the
270 Director where cessation of the discharge of removal of the illegal connection requires
271 construction of sewers, control facilities or process modification that cannot be
272 completed within thirty (30) days.
273 (3) Any person receiving a Notice of Violation must meet compliance standards within
274 the time established in the Notice of Violation.
275 (4) Appeals: Any person aggrieved by a decision made by the City Engineer, the Director
276 of Public Service, or their designees under Sections 929 may file an appeal with the
277 Board of Building Appeals ("Board") within thirty (30) days after the decision. The
278 Board shall have jurisdiction to affirm, reverse or modify any such decision pursuant
279 to its jurisdiction under Section 1307.04 of these Ordinances. The filing of an appeal
280 does not by itself suspend or nullify any order made and in effect, and does not
281 authorize any work that would otherwise be unauthorized or unpermitted.

282 (5) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision
283 or fail to comply with any of the requirements of this regulation pursuant to O.R.C.
284 3709.211. If an owner/operator has violated or continues to violate the provisions of
285 this regulation, the City of Cuyahoga Falls may petition for a preliminary or
286 permanent injunction restraining the owner/operator from activities that would
287 create further violations or compelling the owner/operator to perform abatement or
288 remediation of the violation.

289 (6) Penalties. Whoever knowingly violates any provision of this section 929.03 contrary to
290 the NOV and orders to abate shall be guilty of a misdemeanor of the third degree and
291 shall be fined not more than two hundred dollars (\$200.00). Each day such violation
292 continues shall be deemed a separate offense.

293 (j) Remedies Not Exclusive
294 The remedies listed in this regulation are not exclusive of any other remedies available
295 under any applicable federal, state or local law and it is in the discretion of the City of
296 Cuyahoga Falls to seek cumulative remedies.

297
298 929.09 ACTION ON APPLICATION; PERMIT ISSUANCE; PERMIT FEE.
299

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

306 (a) For the purpose of implementing construction site storm water runoff control, the permit
307 shall require conformance with the requirements for Storm Water Pollution Prevention
308 Plans set forth in the Ohio EPA General Construction Permit effective April 22~~1~~, 200~~1~~8
309 (Ohio EPA Permit No. OHC000005~~3~~), or successor requirements.

310 (b) For post-construction storm water management in new development or redevelopment
311 projects, the permit shall require conformance with the requirements for Storm Water
312 Pollution Prevention Plans set forth in Ohio EPA Permit No. OHC000005~~3~~), or successor
313 requirements and in Section 1124.03 of these Ordinances. In the event these
314 requirements conflict, the authority requiring the higher performance standard shall
315 apply.

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

321
322 Section 2. The City Engineer shall promulgate Site Erosion and Sediment Control
323 Regulations and keep the same on file in his office for public inspection.
324

325 Section 3. Any other ordinances and resolutions or portion of ordinances and resolutions
326 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
327 ordinances and resolutions not inconsistent herewith and which have not previously been
328 repealed are hereby ratified and confirmed.
329

330 Section 4. It is found and determined that all formal actions of this Council concerning and
331 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
332 that all deliberations of this Council and of any of its committees that resulted in such formal
333 action were in meetings open to the public, in compliance with all legal requirements including, to
334 the extent applicable, Section 121.22 of the Ohio Revised Code.
335

336 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
337 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga

338 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
339 members elected or appointed to Council, it shall take effect and be in force immediately upon its
340 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
341 period allowed by law.
342

343
344 Passed: _____
345 _____
346 President of Council

347
348 _____
349 Clerk of Council

350 Approved: _____
351 _____
352 Mayor

353 2/11/19
354 O:\2019ords\Amend Chapter 929 - Illicit Discharges - Action or Application-Permit Issuance-
355 Permit Fees.doc