

## NEW LEGISLATION

May 28, 2019

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-32	5/28/19	PZ	An ordinance authorizing and approving the Villages at Sycamore RM-Mixed Density Residential Overlay Final Development Master Plan and Preliminary Subdivision Plat on Parcels 35-02255, 35-00674, 35-00672 and 35-00673, and declaring an emergency.
B-33	5/28/19	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of a building within the City and removal of demolition debris, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
B-34	5/28/19	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and/or reconstruction of concrete pavement in various streets in the City of Cuyahoga Falls, and declaring an emergency.
B-35	5/28/19	PA	A resolution approving and adopting the Summit County Hazard Mitigation Plan, for the Executive's Department of Law and Risk Management - Division of Public Safety, Emergency Management Agency, and declaring an emergency.
B-36	5/28/19	PA	An ordinance amending Sections 505.20 to 505.31 of the Codified Ordinances, relating to vicious and dangerous dogs, and declaring an emergency.
B-37	5/28/19	PA	An ordinance amending Chapter 921 of the Codified Ordinances for the City of Cuyahoga Falls by enacting Section 921.12, and declaring an emergency.

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B-38

5/28/19

PA

An ordinance amending Section 921.03 of the Codified Ordinances, relating to fees for certain utility services and declaring, an emergency.

**CALENDAR**

May 28, 2019

The following legislation will be up for passage at the Council Meeting on May 28, 2019.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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None			
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## PENDING LEGISLATION

May 28, 2019

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-24	3/25/19	Fin	An ordinance authorizing the Mayor to enter into a development agreement with CF Development Group, LLC for the construction of multifamily development projects at 2221 2nd Street and 2035 Old Town Loop Road, Cuyahoga Falls, Ohio, and declaring an emergency.
B-25***	3/25/19	Fin	Adoption of Economic Development Plan; creating a Tax Increment Financing Incentive District; declaring improvements to the parcels within the incentive district to be a public purpose and exempt from real property taxation; requiring the owners of those parcels to make service payments in lieu of taxes; establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of those service payments; and specifying the public infrastructure improvements that benefit or serve parcels in the Incentive District, and declaring an emergency.

\*\*\*Public Hearing 5-6-19

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2019

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE VILLAGES AT  
10 SYCAMORE RM-MIXED DENSITY RESIDENTIAL OVERLAY FINAL  
11 DEVELOPMENT MASTER PLAN AND PRELIMINARY SUBDIVISION PLAT  
12 ON PARCELS 35-02255, 35-00674, 35-00672 AND 35-00673, AND  
13 DECLARING AN EMERGENCY.  
14

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

17  
18 WHEREAS, the Planning Commission is required to review and provide a recommendation for all  
19 Preliminary Subdivision Plans in the City of Cuyahoga Falls, Ohio; and

20  
21 WHEREAS, on May 21, 2019, the Planning Commission approved the Villages at Sycamore RM-Mixed  
22 Density Residential Overlay Final Development Master Plan and Preliminary Subdivision Plat that includes  
23 the creation of 143 residential lots for the construction of town homes and single family homes on 28.3 acres  
24 (existing Parcels 35-02255, 35-00674, 35-00672, and 35-00673) on Akron-Peninsula Road, within the  
25 City of Cuyahoga Falls, Ohio.

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

29  
30 Section 1. The City Council approves the Villages at Sycamore RM-Mixed Density Residential Overlay  
31 Final Development Master Plan (Section 1132.19 RM) and Preliminary Subdivision Plat (Section 1113.03) on  
32 Parcels 35-02255, 35-00674, 35-00672 and 35-00673 in Cuyahoga Falls, Ohio, in accordance with all  
33 Cuyahoga Falls General Development Code regulations and as stipulated in the Codified Ordinances of the  
34 City of Cuyahoga Falls as approved by the Planning Commission as per the Final Development Master Plan,  
35 Preliminary Subdivision Plat and all other plans and stipulations contained in Project Files FMOP-19-00027  
36 and PMP-19-00028.  
37

38 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent  
39 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent  
40 herewith and which have not previously been repealed are hereby ratified and confirmed.  
41

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

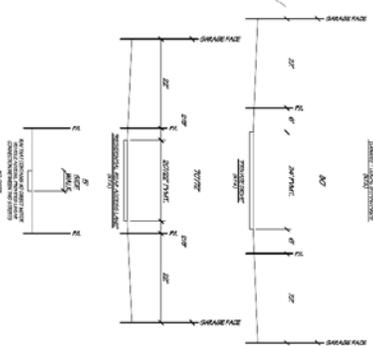
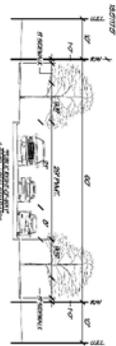
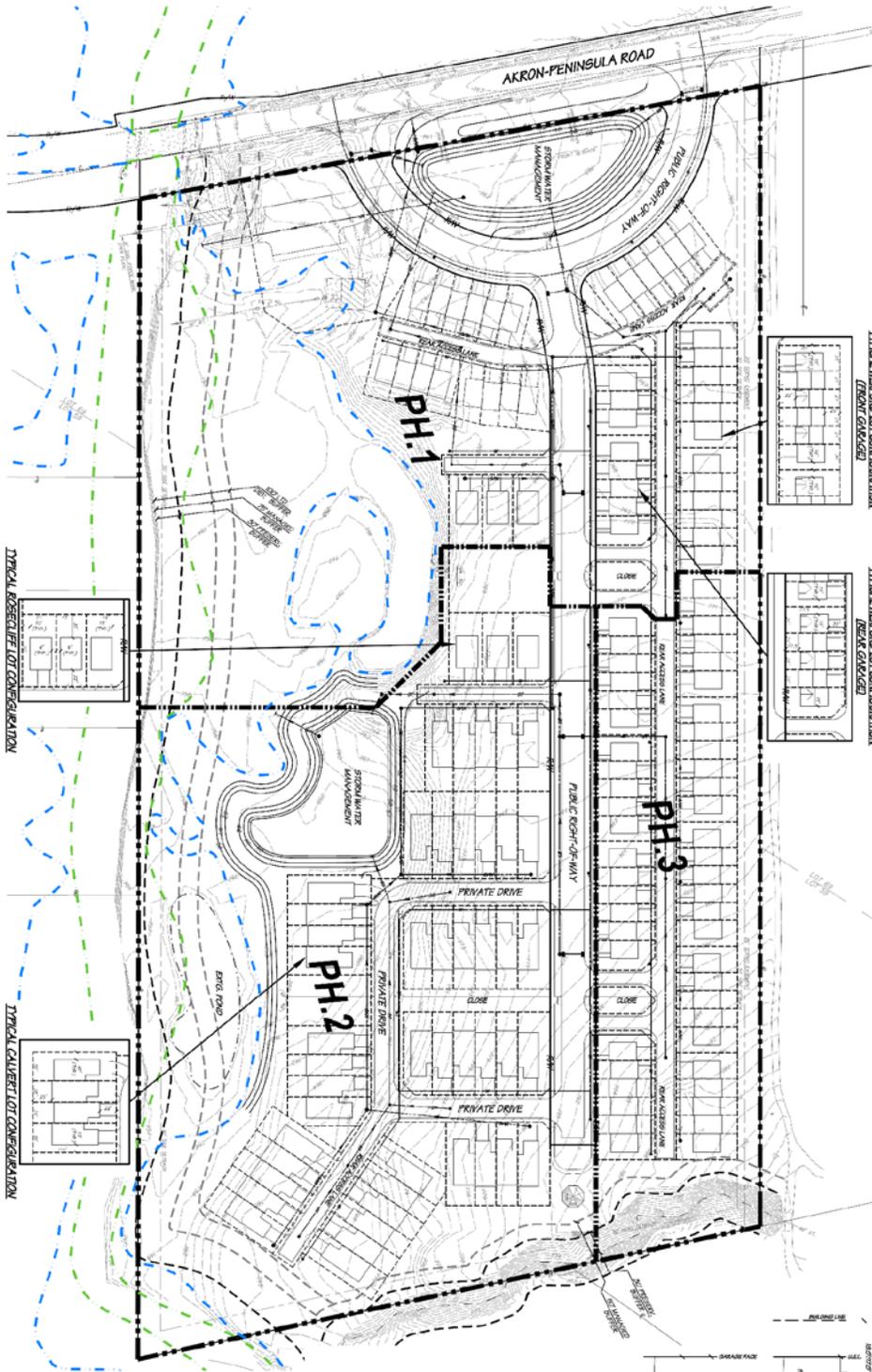
48 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
49 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and  
50 the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate  
51 development of this property, and provided it receives the affirmative vote of two thirds of the members  
52 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
53 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.  
54

55  
56 Passed: \_\_\_\_\_  
57 \_\_\_\_\_  
58 President of Council

59  
60 \_\_\_\_\_  
61 Clerk of Council

62  
63  
64 Approved: \_\_\_\_\_  
65 \_\_\_\_\_  
66 Mayor

66 05/28/19



**THE VILLAGES AT SYCAMORE**  
 NOW IN THE CITY OF CUYAHOGA FALLS  
 SUMMIT COUNTY, OHIO

Developer:  
 SYCAMORE VALLEY DEVELOPMENT CO., LLC  
 10000 SYCAMORE VALLEY ROAD, SUITE 400  
 CUYAHOGA FALLS, OHIO 44024

Architect:  
 DONALD S. BERNING & ASSOCIATES, INC.  
 10000 SYCAMORE VALLEY ROAD, SUITE 400  
 CUYAHOGA FALLS, OHIO 44024

Engineer:  
 GEORGE W. BROWN, INC.  
 10000 SYCAMORE VALLEY ROAD, SUITE 400  
 CUYAHOGA FALLS, OHIO 44024

DATE: 08/20/2009

GEORGE W. BROWN, INC.  
 10000 SYCAMORE VALLEY ROAD, SUITE 400  
 CUYAHOGA FALLS, OHIO 44024



UNITS:	
	1 CALIBER
	2 ROSEMARY
	3 WINTERBERRY
	4 HERON
<b>TOTAL:</b>	<b>100 UNITS</b>

AREA CHART:		
CATEGORY	ACRES	PERCENT
LOT	2,340.0	2.8%
DRIVEWAY	8,340.0	10.1%
PAVING	10,000.0	12.2%
LANDSCAPE	10,000.0	12.2%
STORMWATER	10,000.0	12.2%
<b>TOTAL:</b>	<b>83,000.0</b>	<b>100.0%</b>

ZONING INFO:	
DISTRICT	R-2000 - RESIDENTIAL SINGLE-FAMILY
OWNER	SPRINGDALE DEVELOPMENT, LLC
PROJECT #	2024-001
ACRES TO BE DEVELOPED	83.0000
TOTAL ACRES	83.0000

THE VILLAGES AT SYCAMORE	
NOW IN THE CITY OF DAYTON, OHIO	
SUNNIT COUNTY, OHIO	
OWNER: SPRINGDALE DEVELOPMENT, LLC	
ARCHITECT: HOK	
Landscape Architect: HOK	
Civil Engineer: HOK	
Mechanical Engineer: HOK	
Electrical Engineer: HOK	
Structural Engineer: HOK	
Soil Engineer: HOK	
Surveyor: HOK	
Prepared by: HOK	
Date: 08/20/2024	
Scale: 1/8" = 1'-0"	

GRAPHIC SCALE

0' 10' 20' 30'



*CALVERT UNIT*



*ROSECLIFF UNIT*



*WEXFORD UNIT (REAR ENTRY)*



*WEXFORD UNIT (FRONT ENTRY)*

3  
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 A BUILDING  
11 WITHIN THE CITY AND REMOVAL OF DEMOLITION DEBRIS, AND  
12 CERTIFYING THE COST THEREOF TO THE COUNTY FISCAL  
13 OFFICER FOR COLLECTION IN THE MANNER PROVIDED BY LAW,  
14 AND DECLARING AN EMERGENCY.

15  
16 WHEREAS, the Building Official has declared the building identified in Section 1 below to be a  
17 dangerous building within the meaning of Chapter 1343 of the Summit County Codified  
18 Ordinances; and

19  
20 WHEREAS, the Building Official has provided notice to all owners and interested parties  
21 concerned with the building identified in Section 1 below, instructing such owners and interested  
22 parties as to the repairs required to make the building safe, ordering the owners to repair or  
23 demolish the buildings accordingly, and informing the owners and interested parties of their right  
24 of appeal under Section 1343.07 of said Chapter; and

25  
26 WHEREAS, no appeals of the Building Official’s orders have been received; and

27  
28 WHEREAS, no remediation of the conditions found by the Building Official have been  
29 attempted or accomplished by any of the owners or interested parties.

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

33  
34 Section 1. Council hereby finds and determines that the following described structure is  
35 insecure, unsafe, and structurally defective within the meaning of Ohio Revised Code Section  
36 715.26, and dangerous buildings within the meaning of Chapter 1343 of the Summit County  
37 Codified Ordinances:

- 38  
39 1) 1566 Front Street (all structures)

40  
41 Section 2. The Director of Public Service is authorized to enter into a contract or contracts,  
42 according to law, for the demolition of the dangerous buildings listed in Section 1 above, and  
43 removal of debris therefrom.

44  
45 Section 3. The Finance Director is authorized to make payment for same from the Capital  
46 Projects Fund, Line Item Capital Outlay.

47  
48 Section 4. In accordance with the Ohio Revised Code Section 715.261 the Finance Director is  
49 hereby directed to certify the costs of demolition and debris removal to the Clerk of Council who  
50 shall then certify the same to the Summit County Fiscal Officer for placement thereof on the tax  
51 duplicate together with interest and penalties provided by law.

52  
53 Section 5. Any other ordinances and resolutions or portions of ordinances and resolutions  
54 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of

55 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
56 are hereby ratified and confirmed.

57  
58 Section 6. It is found and determined that all formal actions of this Council concerning and  
59 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
60 all deliberations of this Council and of any of its committees that resulted in such formal action  
61 were in meetings open to the public, in compliance with all legal requirements including, to the  
62 extent applicable, Chapter 107 of the Codified Ordinances.

63  
64 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the  
65 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
66 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the  
67 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
68 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
69 period allowed by law.

70  
71  
72 Passed: \_\_\_\_\_  
73 \_\_\_\_\_  
74 President of Council

75  
76 \_\_\_\_\_  
77 Clerk of Council

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79  
80 Approved: \_\_\_\_\_  
81 \_\_\_\_\_  
82 Mayor

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2019

7  
8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
10 ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR  
11 THE REPAIR AND/OR RECONSTRUCTION OF CONCRETE PAVEMENT IN  
12 VARIOUS STREETS IN THE CITY OF CUYAHOGA FALLS, AND DECLARING  
13 AN EMERGENCY.  
14

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

17  
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,  
19 according to law, for the repair and/or replacement of concrete pavement in various streets.  
20

21  
22 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from  
23 the Capital Projects Fund, line item Capital Outlay.

24  
25 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent  
26 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have  
27 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 relating to  
30 the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of  
31 this Council and of any of its committees that resulted in such formal action, were in meetings open to the  
32 public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the  
33 Codified Ordinances.

34  
35 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation  
36 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants  
37 thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to  
38 Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor;  
39 otherwise it shall take effect and be in force at the earliest period allowed by law.  
40

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

\_\_\_\_\_

President of Council

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44  
45  
46 \_\_\_\_\_

Clerk of Council

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48  
49  
50 Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

51  
52  
53 5/28/19

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2019

7  
8 A RESOLUTION APPROVING AND ADOPTING THE SUMMIT  
9 COUNTY HAZARD MITIGATION PLAN, FOR THE EXECUTIVE'S  
10 DEPARTMENT OF LAW AND RISK MANAGEMENT -  
11 DIVISION OF PUBLIC SAFETY, EMERGENCY MANAGEMENT  
12 AGENCY, AND DECLARING AN EMERGENCY.  
13  
14

15 WHEREAS, the Federal Emergency Management Agency ("FEMA") has established  
16 rules and regulations under the United States Code of Federal Regulations, Title 44,  
17 Section 201.6, as authorized by the Disaster Mitigation Act of 2000, requiring local  
18 governments to have a mitigation plan ("Plan") approved pursuant to the aforementioned  
19 section in order to receive Hazard Mitigation Grant Program grants; and  
20

21 WHEREAS, the Summit County Emergency Management Agency ("SCEMA") is  
22 responsible to update the Plan every five years, and has updated the same; and  
23

24 WHEREAS, the updated Plan was reviewed by local planning agencies, police  
25 and fire chiefs, and the County Engineer, and was ultimately approved by the Summit  
26 County Emergency Management Executive Committee; and  
27

28 WHEREAS, the updated Plan was subsequently approved by the Ohio  
29 Emergency Management Agency ("OEMA") and FEMA; and  
30

31 WHEREAS, the updated Plan was adopted by Summit County Council on April  
32 1, 2019, and following adoption by Summit County Council, the updated Plan must  
33 now be adopted by this Council; and  
34

35 WHEREAS, following adoption by the County and municipalities, the Resolutions  
36 adopting the updated Plan are forwarded to OEMA and FEMA; and  
37

38 WHEREAS, this Council finds and determines, after reviewing all pertinent  
39 information, that it is necessary and in the best interest of the City of Cuyahoga Falls  
40 to approve and adopt the aforementioned mitigation plan.  
41

42 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
43 County of Summit, and State of Ohio, that:  
44

45 Section 1. The Summit County Hazard Mitigation Plan for calendar year 2019,  
46 attached as Exhibit A, is hereby approved and adopted by this Council.  
47

48 Section 2. It is found and determined that all formal actions of this Council concerning and  
49 relating to the adoption of this resolution were adopted in an open meeting of this Council and  
50 that all deliberations of this Council and of any of its committees that resulted in such formal  
51 action were in meetings open to the public, in compliance with all legal requirements including  
52 Chapter 107 of the Codified Ordinances.  
53

54        Section 3. This resolution is hereby declared to be an emergency measure necessary for the  
55 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
56 Falls and the inhabitants thereof, and provided it received the affirmative vote of two-thirds of  
57 the members elected or appointed to Council, it shall take effect and be in force immediately upon  
58 its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
59 period allowed by law.

60  
61

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

\_\_\_\_\_

President of Council

63  
64

65  
66

\_\_\_\_\_

Clerk of Council

67  
68

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

\_\_\_\_\_

Mayor

70  
71

5/28/19

72  
73

O:\2019ords\Summit County Hazard Mitigation Plan 2019.docx

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2019

6  
7 AN ORDINANCE AMENDING SECTIONS 505.20 TO 505.31 OF  
8 THE CODIFIED ORDINANCES, RELATING TO VICIOUS AND  
9 DANGEROUS DOGS, AND DECLARING AN EMERGENCY.

10  
11  
12 WHEREAS, the City of Cuyahoga Falls' ordinances relating to dangerous and vicious dogs  
13 must be updated to comply with State law; and

14  
15 WHEREAS, the City seeks to maintain its current Animal Appeals Board for situations not  
16 covered by the existing State law.

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

20  
21 Section 1. Sections 505.20 through 505.31 of the Codified Ordinances of the City of  
22 Cuyahoga Falls are hereby amended to read in full as follows (new text double underlined; deleted  
23 text in ~~strikethrough~~):

24  
25 505.20 VICIOUS, AGGRESSIVE AND DANGEROUS DOG DEFINITIONS.

26 As used in this chapter, certain terms are defined as follows:

27 (a) "Dangerous dog" ~~means a dog that, without provocation, has chased or approached~~  
28 ~~in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or~~  
29 ~~otherwise endanger, any person, or bites or causes physical harm to another dog, cat or other~~  
30 ~~domestic animal. "Dangerous dog" does not include a police dog that has chased or approached~~  
31 ~~in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or~~  
32 ~~otherwise endanger any person while the police dog is being used to assist a law enforcement~~  
33 ~~officer in the performance of his official duties. has the same meaning as in Ohio R.C. 955.11.~~

34 (b) "Menacing fashion" ~~means that a dog would cause any person being chased or~~  
35 ~~approached to reasonably believe that the dog will cause physical injury to that person. has the~~  
36 ~~same meaning as in Ohio R.C. 955.11.~~

37 (c) "Owner" means any person owning, keeping, possessing, harboring, maintaining or  
38 having the care, custody or control of a dog or the parents or guardian of a minor owning,  
39 keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

40 (d) "Police dog" ~~means a dog that has been trained, and may be used, to assist a law~~  
41 ~~enforcement officer in the performance of his official duties. has the same meaning as in Ohio~~  
42 ~~R.C. 955.11.~~

43  
44 (e) "Serious injury" has the same meaning as in Ohio R.C. 955.11. (1) — "Vicious dog"  
45 ~~means a dog that, without provocation, has either:~~

46 ~~\_\_\_\_\_ A. Killed or caused physical harm to any person; or~~

47 ~~\_\_\_\_\_ B. Killed a domestic animal.~~

48 ~~\_\_\_\_\_ (2) "Vicious dog" does not include either:~~

49 ~~\_\_\_\_\_ A. A police dog that has killed or caused injury or serious injury to any person~~  
50 ~~while the police dog is being used to assist a law enforcement officer in the performance of his~~  
51 ~~official duties;~~

52 ~~\_\_\_\_\_ B. A dog that has killed or caused injury or serious injury to any person while a~~  
53 ~~person was committing or attempting to commit a criminal trespass or other crime of violence~~  
54 ~~on the property of the owner of the dog.~~

55 (f) "Vicious dog" has the same meaning as in Ohio R.C. 955.11. ~~"Provocation" means that~~  
56 ~~a dog was teased, tormented or abused by a person, or that the dog was coming to the aid or~~  
57 ~~defense of a person who was not engaged in illegal activity, and whose person or property was in~~  
58 ~~imminent danger of physical harm.~~

59 (g) "Without provocation" has the same meaning as in Ohio R.C. 955.11.

60 (h) "Aggressive dog," means a dog that without provocation has attacked, bitten or caused  
61 physical harm to another dog or caused physical harm or killed any other domestic animal.

62  
63 505.21 DETERMINATION OF DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.

64 (a) Whenever a complaint is made to the Police Department of the presence of a  
65 dangerous, aggressive or vicious dog within the City, the Chief of Police, his designee or the  
66 investigating officer shall promptly inspect or cause an inspection to be made of the premises on  
67 which it is alleged that such animal is being kept.

68  
69 (b) The Chief of Police, his designee or the investigating officer shall determine that a dog  
70 is dangerous, aggressive or vicious pursuant to this chapter upon proof by clear and convincing  
71 evidence. ~~a preponderance of the evidence of any of the following:~~

72  
73 (1) ~~Without provocation, the dog has chased or approached any person or domestic~~  
74 ~~animal in either a menacing fashion or in an apparent attitude of attack;~~

75 (2) ~~Without provocation, the dog has attempted to bite any person; or~~

76 (3) ~~Without provocation, the dog has bitten or otherwise endangered any domestic~~  
77 ~~animal.~~

78  
79 (c) ~~The Chief of Police shall determine that a dog is vicious pursuant to this chapter upon~~  
80 ~~proof by a preponderance of the evidence of any of the following:~~

81 (1) ~~Without provocation, the dog has killed or caused physical harm to any person;~~  
82 ~~or~~

83 (2) ~~Without provocation, the dog has killed any domestic animal.~~ (d) If the Chief,  
84 his designee or the investigating officer has reason to believe that a dangerous, aggressive or  
85 vicious dog is being kept within the City, the Chief, his designee or the investigating officer  
86 shall then determine the individual, firm or corporation who from the records in the Auditor's  
87 office of Summit County, appears to be the owner of the dog, or if such information is not  
88 available, the titled owner of the property upon which the dog is kept, and shall, within five days,  
89 cause a written notice to be served on such owner. Notice shall be served notify the owner of  
90 that dog by certified mail with a return receipt requested or in person of both of the following. If  
91 service of such written notice is unable to be perfected, then the Chief of Police shall cause a  
92 copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon  
93 mailing, and also left with the individual, if any, in possession of the premises on which the dog  
94 is kept, or if there is no individual in possession of the premises, he shall cause a copy of the  
95 notice to be posted on the premises.

96 (1) That the investigating officer, chief of police or his designee has designated the  
97 dog as a dangerous, aggressive or vicious dog, as applicable

98 (2) That the owner, keeper, or harbinger of the dog may request a hearing regarding  
99 the designation in accordance with this section. The notice shall include instructions for filing a  
100 request for a hearing.

101  
102 (e) ~~The~~ notice required by subsection (d) hereof shall state, in brief, the findings with  
103 respect to the dangerous, aggressive or vicious nature of the dog. The notice shall further state  
104 that the owner, keeper, or harbinger must comply with the requirements of this chapter within  
105 thirty days after service of the notice as well as comply with the requirements of Ohio R. C.  
106 955.22 (l).

107  
108 (f) Police dogs are exempt from these provisions for all actions occurring in the course of  
109 their duties.

110  
111 505.22 APPEAL PROCEDURE.

112 (a) The owner of a dog who has been served with a notice pursuant to ~~Section 505.21~~  
113 that the dog has been determined to be aggressive may, within seven days after receipt of such  
114 notice, make a written demand to the Director of Public Safety for a hearing on the question of  
115 whether the dog is aggressive ~~dangerous or vicious as defined in Section 505.20~~. Every effort  
116 should be made to hold a hearing no later than ~~ten~~ fifteen days following receipt of written  
117 demand to the Director of Public Safety and at least three days' notice of the hearing shall be  
118 given to the individual who made the written demand for the hearing.

119  
120 (b) If the owner, keeper, or harbinger of a dog determined to be dangerous or vicious, as  
121 applicable, seeks to appeal the determination, the owner, keeper, or harbinger, may request a  
122 hearing in the Stow Municipal Court pursuant to Ohio R. C. 955.222(C).

123  
124 505.23 HEARING PROCEDURE FOR AGGRESSIVE DOGS.

125 (a) All hearings requested pursuant to the provisions of Section 505.22 (a) shall be  
126 conducted before the Animal Appeals Board. The Board shall be composed of the Law Director  
127 or designee, a doctor of veterinary medicine designated by the Director of Public Safety, and an  
128 officer of the Humane Society of Greater Akron. The Board may affirm, reverse or modify the  
129 finding that a dog is ~~dangerous or vicious~~ aggressive by a majority vote. A quorum of the  
130 members may meet and reach a decision if scheduling conflicts so require.

131  
132 (b) A copy of the decision of the Board shall be served upon the person who made the  
133 written demand for the hearing, by certified mail with a return receipt requested. The decision  
134 of the Board shall be final and conclusive, unless an appeal is timely filed in a court of competent  
135 jurisdiction.

136  
137 (c) All hearings held by the Board pursuant to this chapter shall be administrative in  
138 nature. At all hearings conducted pursuant to this section, any party may be represented by  
139 legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings  
140 before the Board. The Board is hereby empowered to subpoena witnesses and take testimony  
141 under oath.

142  
143 505.24 REGISTRATION OF DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.

144 (a) Any person owning, keeping, possessing, harboring, maintaining or having the care,  
145 custody or control of a dangerous, aggressive or vicious dog, including those found to be so by  
146 other governmental bodies and under former versions of the Cuyahoga Falls Codified  
147 Ordinances, shall in addition to any requirements dictated by the court, county or state:

148 (1) Register the dog with the Police Department annually, between January 2 and  
149 January 20, and whenever a dog is newly obtained;

150 (2) At the time of registration provide proof of liability insurance ~~as~~ if required by  
151 Section 505.25; and a copy of any annual dog registration certificate and/or tag issued by the  
152 county auditor;

153 (3) ~~Identify the dog by having the dog tattooed at the owner's expense with a code~~  
154 ~~number provided by the Police Department and provide one color photo of the dog showing the~~  
155 ~~tattoo number after the animal has been tattooed, or if the dog has been tattooed, provide the~~  
156 ~~Police Department with the code number and photo as provided herein~~ Provide the dog's  
157 microchip number;

158 (4) Provide ~~two~~ a color photos of the dog to the Police Department annually upon  
159 registration;

160 (5) Post on the premises, in a conspicuous place where the dog is kept, at least one  
161 City-issued warning sign available upon payment of a fee of ten dollars (\$10.00) from the Police  
162 Department. The sign shall be visible and capable of being read from the public highway or  
163 street;

164 (6) Notify the Police Department within ~~seventy-two hours~~ ten (10) days if the dog has  
165 died or has been sold or donated, and provide the Police Department with the name, address and  
166 telephone number of the new owner; and

167 (7) Pay an annual registration fee of twenty-five dollars (\$25.00) to cover the  
168 administrative expenses associated herewith.

169  
170 (b) Whoever fails to register a dangerous, aggressive or vicious dog as provided in this  
171 section is guilty of a misdemeanor of the third degree. Each and every day during such period  
172 of noncompliance with this section may be deemed a separate offense.

173  
174 505.25 INSURANCE FOR VICIOUS DOGS.

175 (a) No owner of a vicious dog shall fail to obtain liability insurance with an insurer  
176 authorized to write liability insurance in this State providing coverage in each occurrence, subject  
177 to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars  
178 (\$100,000) because of damage to property or bodily injury to or death of a person caused by the  
179 vicious dog.

180  
181 (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

182  
183 505.26 RESTRAINT OF DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.

184 (a) No owner of a dangerous, aggressive or vicious dog shall fail to do one of the following,  
185 unless the dog is lawfully engaged in hunting and accompanied by its owner, keeper or harborer:

186 (1) Keep the dog inside the owner's home;

187 (2) Keep the dog in a securely locked fenced yard deemed suitable for the dog by the  
188 Police Chief, his designee or the investigating officer or a locked enclosure at least five feet by ten  
189 feet which has a secure top and sides. If the enclosure has no bottom securely attached to the  
190 sides, the sides must be embedded into the ground no less than two feet or it must have a  
191 concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth  
192 of six inches;

193 (3) Keep the dog muzzled on a chain-link leash that is not more than six feet in length  
194 which is held in the hand of a person who is of suitable age, size and discretion to control the  
195 dog and who is outside with the dog.

196  
197 (b) It is an affirmative defense to a charge of violation of this section that the dog was  
198 otherwise kept in a manner in compliance with this chapter, and that the dog was lawfully  
199 engaged in hunting or in training for the purpose of hunting and accompanied by the owner.

200  
201 (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

202  
203 505.27 INSPECTIONS; OBSTRUCTION.

204 (a) Any person owning, keeping, possessing, harboring, maintaining or having the care,  
205 custody or control of a dangerous, aggressive or vicious dog shall be deemed to have given  
206 consent to an inspection of private property, other than within any private structure unless  
207 otherwise authorized by law, by any law enforcement officer for the purpose of determining  
208 compliance with the requirements of this chapter.

209  
210 (b) No person, with purpose to prevent, obstruct or delay the performance by a law  
211 enforcement officer of any authorized act within his official capacity, shall do any act which  
212 hampers or impedes said official in the performance of his lawful duties under the provisions of  
213 this chapter.

214  
215 (c) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the second  
216 degree.

217  
218 505.28 SERIOUS PHYSICAL HARM BY DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.

219 (a) No person, being the owner or having the care, custody or control of any dangerous,  
220 aggressive or vicious dog within the City, whether hunting, training or otherwise, shall allow  
221 such dog to cause serious physical harm to any person, except in defense of such owner's person  
222 or property.

223  
224 (b) Lack of intent on the part of such person to allow such dog to injure another, or the  
225 lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this  
226 section.

227  
228 (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

229  
230 505.29 PHYSICAL HARM BY DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.

231 (a) No person, being the owner or having the care, custody or control of any dangerous,  
232 aggressive or vicious dog within the City, whether hunting, training or otherwise, shall allow  
233 such dog to cause physical harm to any person, except in defense of such owner's person or  
234 property, or to cause serious physical harm to another dog, cat or other domestic animal.

235  
236 (b) Lack of intent on the part of such person to allow such dog to injure a person, other  
237 dog, cat or other domestic animal, or the lack of knowledge of the violent propensities of such  
238 dog, is not a defense to a violation of this section.

239  
240 (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

241  
242 505.30 MENACING BY DOGS.

243 (a) No person, being the owner or having custody or control of any dangerous, aggressive  
244 or vicious dog, and while off the premises of the owner, shall knowingly cause or allow such dog  
245 to menace any person, except in defense of such owner's person or property.

246  
247 (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

248  
249 505.31 IMPOUNDMENT; DESTRUCTION OF DOGS.

250 (a) When any person, being the owner or having custody or control of any dog is charged  
251 with a violation of this chapter, the court may, upon motion of any party or its own motion, order  
252 the seizure and impoundment of the dog pending trial.

253  
254 (b) In the event that a law enforcement officer has probable cause to believe that a  
255 dangerous, aggressive or vicious dog is running at large, he may seize and impound the dog  
256 without seeking prior court order.

257  
258 (c) Nothing within this section shall be construed to prevent a law enforcement officer  
259 from seizing or destroying any animal which presents an immediate risk of physical harm to any  
260 person or property.

261  
262 (d) Any dog that attacks and injures any person or another dog, cat or domestic farm  
263 animal shall be ordered humanely destroyed when, in the court's judgment, such dog represents  
264 a continuing threat of serious harm to persons or other such animals. The Chief of Police may  
265 petition a court of competent jurisdiction for an order to humanely destroy any dog impounded  
266 pursuant to this chapter which represents a threat of harm to any person caring for such animal.  
267 The court shall order any dog that kills or causes serious physical harm to any person, other  
268 than a person then committing a criminal trespass or other crime of violence upon the premises  
269 of the owner of such dog, humanely destroyed.

270  
271 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions  
272 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
273 herewith and which have not previously been repealed are hereby ratified and confirmed.

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

Section 4. 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

5/28/19  
O:\2019ords\Amend 505 Bad Dog.docx

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2019

7  
8 AN ORDINANCE AMENDING CHAPTER 921 OF THE CODIFIED  
9 ORDINANCES FOR THE CITY OF CUYAHOGA FALLS BY  
10 ENACTING SECTION 921.12, AND DECLARING AN  
11 EMERGENCY.  
12

13  
14 WHEREAS, in *NIBCO Inc. v. City of Lebanon*, 680 Fed. Appx. 428 (2017), the United States  
15 Court of Appeals, Sixth Circuit held that a non-PUCO Ohio municipal utility cannot assess an  
16 undercharged utility user unless specifically provided for in its Codified Ordinances; and  
17

18 WHEREAS, the City of Cuyahoga Falls' Codified Ordinances currently does not address the  
19 matter of charging customers for utility services that are used, but unpaid for because of a  
20 faulty meter, a clerical error or other circumstance; and  
21

22 WHEREAS, the Cuyahoga Falls Codified Ordinances must be updated in order to effectively  
23 address this issue.  
24

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

28 Section 1. Chapter 921 of the Codified Ordinances of the City of Cuyahoga Falls are  
29 hereby amended by enacting Section 921.12 to read in full as follows:  
30

31 921.12 BILLING ADJUSTMENTS  
32

33 (a) If a customer has been overcharged for utility service because of a malfunction in the  
34 metering system or a billing error, overcharges will be refunded to the customer for the  
35 entire period of inaccurate billing, if that period is discernible by the municipality. If the  
36 period of inaccurate billing is not discernable, overcharges will be calculated based on a  
37 time period that is the shortest of the time elapsed since the customer's service began, the  
38 date of installation of the faulty meter or implementation of the error resulting in the  
39 overcharge (if applicable), or twenty-four months.  
40

41 (b) If a customer has been undercharged for utility service because of a malfunction in the  
42 metering system or a billing error, undercharges will be billed to the customer, and the  
43 customer shall pay the charges for the entire period of inaccurate billing, if that period is  
44 discernible by the municipality. If the period of inaccurate billing is not discernable,  
45 undercharges will be calculated based on a time period that is the shortest of the time  
46 elapsed since the customer's service began, the date of installation of the faulty meter or  
47 implementation of the error resulting in the undercharge (if applicable), or twenty-four  
48 months.  
49

50 (1) Undercharges billed to residential customers shall in no event exceed a period of twenty-  
51 four months. Customers shall have the option to pay the amount undercharged in equal  
52 payments spread over the same number of months as the charges were accumulated.  
53

54 (c) This section does not serve as a limitation to billing for undercharges which are the result  
55 of tampering with utility equipment or theft of utility service, or where a physical act of a  
56 customer, its agent or a third party causes inaccurate or no recording of the meter reading,  
57 or inaccurate or no measurement of the utility rendered.  
58

59 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions  
60 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
61 herewith and which have not previously been repealed are hereby ratified and confirmed.  
62

63 Section 3. It is found and determined that all formal actions of this Council concerning and  
64 relating to the passage of this ordinance were taken in an open meeting of this Council and  
65 that all deliberations of this Council and of any committees that resulted in those formal  
66 actions were in meetings open to the public, in compliance with all requirements including  
67 Chapter 107 of the Codified Ordinances.  
68

69 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
70 preservation of the public peace, health, safety, convenience and welfare of the City of  
71 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of  
72 two-thirds of the members elected or appointed to Council, it shall take effect and be in force  
73 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be  
74 in force at the earliest period allowed by law.  
75

76  
77 Passed: \_\_\_\_\_  
78 \_\_\_\_\_  
79 President of Council

80  
81 \_\_\_\_\_  
82 Clerk of Council

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84  
85 Approved \_\_\_\_\_  
86 \_\_\_\_\_  
87 Mayor

88 3/25/19

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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2019

6  
7 AN ORDINANCE AMENDING SECTION 921.03 OF THE  
8 CODIFIED ORDINANCES, RELATING TO FEES FOR  
9 CERTAIN UTILITY SERVICES AND DECLARING AN  
10 EMERGENCY.

11  
12  
13 WHEREAS, utility customers who tamper with their meters in an attempt to avoid  
14 payment and customers who must be continuously tagged for nonpayment create time  
15 consuming and costly issues for The City of Cuyahoga Falls' Utility Billing Department,  
16 and

17  
18 WHEREAS, The City of Cuyahoga Falls' Utility Billing Department wishes to impose  
19 fees to help recoup the costs of and discourage these activities.

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

24  
25 Section 1. Section 921.03 of the Codified Ordinances of the City of Cuyahoga Falls are  
26 hereby amended to read in full as follows (new text double underlined):

27  
28 921.03 DEPOSITS, SERVICE CHARGES.

29  
30 (a) Except as provided in subsection (b) of this section, utility customers shall pay  
31 the applicable deposits indicated in the following table upon application for any  
32 utility service. Except as provided in subsections (b) and (d) below, once a  
33 deposit has been placed on account for any utility service at any Premises, no  
34 further deposit shall be required of that customer for that account. Deposits will  
35 not earn interest.

<u>Type of Premises</u>	<u>Deposit</u>
Residential Apartment	\$200.00
Residential Single Family, Townhouse or Duplex	\$250.00
Residential All Electric	\$250.00
Commercial (Small/Medium) (GSS and GSM electric schedules; water meters less than 1")	Lesser of 2 Months usage or \$1,000, but not less than \$250.00
Commercial (Large/Distribution) (all other commercial electric schedules; water meters 1" or greater)	Lesser of 2 Months usage or \$10,000

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54 (b) Required deposits must be received by the Utility Billing Department before

55 new service or a new account will be established. Notwithstanding subsection  
56 (a), but subject to subsection (d) below, the following conditions shall apply to  
57 any request to establish new service, open new account, or re-establish service  
58 after involuntary termination:  
59

- 60 (1) A deposit will not be required of a bona fide owner-occupant of a  
61 residential premises, unless the customer has twice been delinquent on a  
62 utility account within the prior two years.
- 63 (2) A deposit will not be required of an Owner to secure water and sewer  
64 accounts if a tenant or other customer has placed a deposit on the  
65 account or is exempt from placing a deposit pursuant to subsection (b)(3)  
66 below.
- 67 (3) A deposit will not be required of any prior customer whose immediate  
68 past account history with the City is twenty-four (24) consecutive bills  
69 each paid in full by the due date.

70  
71 (c) Deposits will be held in trust for the customer's account and will be applied to  
72 the account and/or refunded to the customer as follows:  
73

- 74 (1) When all accounts held by a customer at a premises are voluntarily  
75 closed, any deposit on those accounts will be applied to the final bill, and  
76 a refund of any remaining balance will be paid to the depositing  
77 customer.
- 78 (2) When any utility service is involuntarily terminated, or the Premises  
79 served by a delinquent account is vacant or abandoned, the customer's  
80 accounts at that premises may be closed if the customer does not  
81 reestablish service within fourteen (14) days of termination, or bring the  
82 account current within fourteen (14) days' notice to do so. In that event  
83 a final bill shall be prepared, any deposit on those accounts will be  
84 applied to the final bill, and a refund of any remaining balance will be  
85 paid to the depositing customer.
- 86 (3) When a customer pays each of twenty-four (24) consecutive bills at any  
87 premises in full by the due date, the customer's deposit on accounts at  
88 that premises shall be refunded to the depositing customer.
- 89 (4) The accounts of a customer who becomes a petitioner in U.S.  
90 Bankruptcy Court shall be closed, with final charges prorated as of the  
91 petition date. Any deposit held on the accounts will be applied to any  
92 outstanding pre-petition balances of that customer, and any remaining  
93 balance will be paid to the depositing customer.
- 94 (5) Notwithstanding divisions (1) through (4) of this subsection, a deposit  
95 placed by an Owner solely to secure water and sewer accounts at a  
96 tenant-occupied premises shall not be applied to settle outstanding  
97 balances on any account except water and sewer accounts at that  
98 premises. A deposit placed by a tenant or other customer shall not be  
99 applied to settle outstanding water and sewer account balances unless  
100 there are no other outstanding account balances at that premises and  
101 the tenant or other customer has previously agreed to be responsible for  
102 water and sewer charges. Application of tenant deposits to water and  
103 sewer charges does not affect the Owner's primary liability for water and  
104 sewer charges that remain unpaid.  
105

106 (d) Any new account opened by a bankrupt customer or a customer that has been a  
107 petitioner in bankruptcy in the previous six (6) years shall be subject to the  
108 deposit requirements of Subsection (a) of this Section, without regard to the  
109 deposit waiver provisions of Subsection (b). Charges on a new account opened

110 at the same location by the bankrupt customer shall be prorated forward from  
111 the petition date. A bankrupt customer who does not open a new account and  
112 pay a new deposit in accordance with this subsection within twenty (20) days of  
113 the order for relief issued in the customer's bankruptcy case shall be subject to  
114 termination of service.

115

116 (e) The following service charges shall apply to all customers:

117

118 SERVICE CHARGE

119

120 Connection, reconnection or disconnection \$100.00

121 of any utility service at the request of

122 the customer on Saturdays, Sundays and holidays,

123 and after 5:00 p.m. (in addition to full

124 payment of unpaid utility balance)

125

126 Connection, reconnection or \$50.00

127 disconnection of any utility service at

128 the request of the customer

129 on regular business days from 8:00 a.m. to

130 5:00 p.m. (in addition to full payment of unpaid

131 utility balance)

132

133 Electric and water meter testing at the \$25.00

134 request of the customer. Should the meter

135 be found to register more than two percent

136 high, the fee shall be returned to the customer.

137

138 Late payment penalty, charged for each 10% of bill

139 bill that is not paid in full by the due date

140 shown on the bill. For purposes of this

141 provision, a bill is considered paid

142 when the payment is received by the City.

143

144 Charge for NSF or Account Closed Check \$30.00

145

146 Nonrefundable Application Fee \$10.00

147 to establish Account

148

149 Administrative charge applied to customers that have  
150 been put on notice of termination for non-payment of  
151 utilities pursuant to Section 921.08 (There is no fee for  
152 the first time such notice is issued in each calendar year). \$25.00

153

154 Administrative charge applied to customers who tamper  
155 with, or allow another to tamper with, a utility meter  
156 under their control as defined in Section 921.10 (d). \$250.00

157

158 (f) The fees provided for under Subsection (e) shall be waived as follows:

159

160 (1) Connection fees shall be waived for a new customer opening a new

161 account and physically occupying the premises served.

162

163 (2) Disconnection fees shall be waived where an active customer requests a

164 final reading, permanently closes the account, and physically vacates the

165 premises served.

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- (3) Disconnection and reconnection fees shall be waived when, in the opinion of the Director of Public Service, the request was made as a result of a bona fide emergency such as fire, flood, or storm damage resulting from no fault of the requesting customer.
- (4) The nonrefundable application fee shall be waived if the customer has had an active utility account within the previous twenty-four (24) months, or has made an application within the previous twenty-four (24) months.

Section 2. Existing Section 921.03 of the Codified Ordinances, as re-enacted by Ord. No. 15-2012, passed February 13, 2012, is hereby repealed.

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

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

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