

## NEW LEGISLATION

December 13, 2010

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-146	12/13/10	PZ	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, to construct Prospect Avenue from 2 <sup>nd</sup> Street to Front Street, and declaring an emergency.
A-147	12/13/10	PZ	An ordinance amending Section 1131.05 of Chapter 1131, and Sections 1133.03 and 1133.04 of Chapter 1133, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), enacting new Chapter 1137 of Title 3, Part 11 of the Codified Ordinances, relating to regulation of wind turbine facilities, and declaring an emergency.
A-148	12/13/10	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the preliminary plat of the Manchester Falls Subdivision and declaring an emergency.
A-149	12/13/10	Fin	An ordinance authorizing the Director of Public Service to cancel Contract No. 6339 with the Village of Silver Lake, Ohio, and declaring an emergency.
A-150	12/13/10	Fin	An ordinance amending Ordinance No. 99-2009, which amended Ordinance No. 6-2009, establishing compensation levels for non-bargaining employees of the City of Cuyahoga Falls for calendar years 2009, 2010 and 2011, and declaring an emergency.
A-151	12/13/10	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials for the Sanitation Division during 2011, and declaring an emergency.
A-152	12/13/10	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain

materials and supplies in the Street Department during 2011, and declaring an emergency.

A-153	12/13/10	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials and supplies in the Water/Sewer Utilities Department during 2011, and declaring an emergency.
A-154	12/13/10	PI	An ordinance approving the site plan of a new electric substation at 3535/3553 Cochran Road (35-02065/35-01727), and declaring an emergency.
A-155	12/13/10	PI	A resolution consenting to the improvement and widening of State Road between Bath and Steels Corners Roads within the City of Cuyahoga Falls, by the State of Ohio, authorizing financial cooperation therefor, and declaring an emergency.
A-156	12/13/10	PI	An ordinance authorizing the Director of Public Service to cooperate with the Director of the Ohio Department of Transportation in the improvement of State Road between Bath Road and Steels Corners Road, to enter into a contract or contracts with the State of Ohio for the purpose of contributing the city's share of the costs therefor, to enter into a contract or contracts, according to law, for related preliminary design engineering services, and declaring an emergency.
A-157	12/13/10	PA	An ordinance authorizing the Mayor to enter into an agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. effective January 1, 2011, and declaring an emergency.
A-158	12/13/10	PA	An ordinance authorizing the Mayor to enter into an agreement with the Ohio Patrolmen's Benevolent Association effective January 1, 2011, and declaring an emergency.
A-159	12/13/10	PA	An ordinance amending Section 923.01, Part Five of Title Nine of the Codified Ordinances of the City of Cuyahoga Falls, establishing water rates, and declaring an emergency.

**CALENDAR**

December 13, 2010

The following legislation will be up for passage at the Council Meeting on December 13, 2010.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-143	11/22/10	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-145	11/22/10	PA	An ordinance authorizing the Mayor to issue an encroachment permit to David E. Aronson to construct and maintain certain improvements which will encroach into the public right-of-way at 3241-3245 Oakwood Drive, and declaring an emergency.

## PENDING LEGISLATION

December 13, 2010

Temp. No.	Introduced	Committee	Description
A-74	6/14/10	Fin	An ordinance eliminating biweekly pay for the members of the Civil Service Commission
A-91	6/28/10	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for improvements to the Portage Trail and Northampton Road intersection
A-96	7/6/10	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, Section 2, and declaring an emergency
A-99	7/6/10	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article VIII, section 1.1, and declaring an emergency
A-110	9/13/10	Fin	An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund
A-141	11/22/10	Fin	An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.
A-142	11/22/10	Fin	An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2011, and declaring an emergency.
A-143	11/22/10	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of

Cuyahoga Falls, and declaring an emergency.

A-144      11/22/10      PA

An ordinance adopting the Report on Staffing for the City of Cuyahoga Falls for calendar year 2011, and declaring an emergency.

A-145      11/22/10      PA

An ordinance authorizing the Mayor to issue an encroachment permit to David E. Aronson to construct and maintain certain improvements which will encroach into the public right-of-way at 3241-3245 Oakwood Drive, and declaring an emergency.

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2010

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
11 ACCORDING TO LAW, TO CONSTRUCT PROSPECT AVENUE  
12 FROM 2<sup>ND</sup> STREET TO FRONT STREET, AND DECLARING  
13 AN EMERGENCY.  
14

15  
16 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
17 County of Summit and State of Ohio, that:  
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19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
20 contracts, according to law, to construct Prospect Avenue, from 2<sup>nd</sup> Street to Front Street,  
21 in accordance with the construction plans on file with the City Engineer.  
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment  
24 for same from the Community Development Block Grant Fund, line item Capital Outlay.  
25

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

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

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

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

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

47  
48 \_\_\_\_\_  
Clerk of Council

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50 Approved: \_\_\_\_\_

51 \_\_\_\_\_  
Mayor

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54 12/13/10

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2010

8  
9 AN ORDINANCE AMENDING SECTION 1131.05 OF  
10 CHAPTER 1131, AND SECTIONS 1133.03 AND  
11 1133.04 OF CHAPTER 1133, TITLE 3, PART 11 OF  
12 THE CODIFIED ORDINANCES OF THE CITY OF  
13 CUYAHOGA FALLS (GENERAL DEVELOPMENT  
14 CODE), ENACTING NEW CHAPTER 1137 OF TITLE  
15 3, PART 11 OF THE CODIFIED ORDINANCES,  
16 RELATING TO REGULATION OF WIND TURBINE  
17 FACILITIES, AND DECLARING AN EMERGENCY.

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19 WHEREAS, on December 7, 2010 the Cuyahoga Falls Planning Commission  
20 recommended approval of Wind Facilities regulatory text amendment to the  
21 Cuyahoga Falls General Development Code as outlined in File P-18-10-RA,

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

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26 Section 1. Section 1131.05, Chapter 1131, Title 3, Part 11 of the  
27 Codified Ordinances of the City of Cuyahoga Falls, as amended by Ord. 62-  
28 2009, passed July 27, 2009, is hereby amended to read as follows (new text  
29 underlined; deleted text in ~~strikethrough~~):

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31 **1131.05 Zoning District and Use Table**

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33 *Table 1131-1: Zoning District and Use Table* establishes the uses allowed within  
34 the zoning districts. All uses are only allowed subject to the standards in  
35 Chapter 1132, Specific Zoning District Standards, any applicable specific use  
36 standards in Chapter 1133, any applicable supplemental provisions of Chapter  
37 1134, and the design standards in Title 4, Design Standards. Uses in the table  
38 are identified as:

- 39  = Allowed in Planning Area  
40  = ALLOWED USE SUBJECT TO GENERAL ZONING DISTRICT STANDARDS  
41 (CHAPTER 1132) AND DESIGN STANDARDS (TITLE 4)  
42  = LIMITED USE ONLY ALLOWED SUBJECT TO ADDITIONAL SPECIFIC USE  
43 STANDARDS (CHAPTER 1133)  
44  = Conditional Use only allowed subject to Conditional Zoning  
45 Certificate criteria (Chapter 1133)  
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**Zoning Districts and Uses**

ZONING DISTRICTS >		Zoning Districts and Uses																		
		RESIDENTIAL NEIGHBORHOODS					MIXED-USE DISTRICTS					GENERAL DISTRICTS			SPECIAL OVERLAY DISTRICTS					
		R-1, Rural Residential	R-2, Low-Density Residential	R-3, Sub-Urban Density Residential	R-4, Urban Density Residential	R-5, High Density Residential	R-6, Urban High Density Residential	MU-1, Rural, Neighb. Center	MU-2, Neighborhood Center	MU-3, Sub-Urban Center	MU-4, Sub-Urban Corridor	MU-5, Urban Center	MU-6, Downtown	C-1, Commercial District	E-1, Employment District	M-1, Manufacturing District	NP-1, National Park District	R-C, Conservation Overlay	R-H, Historic Overlay	H, Historic Overlay
<b>KEY:</b>		<input checked="" type="checkbox"/> = ALLOWED IN PLANNING AREA <input checked="" type="checkbox"/> = ALLOWED USE SUBJECT TO GENERAL ZONING DISTRICT AND DESIGN STANDARDS <input checked="" type="checkbox"/> = LIMITED USE ONLY ALLOWED SUBJECT TO SPECIFIC USE STANDARDS <input checked="" type="checkbox"/> = CONDITIONAL USE ONLY ALLOWED SUBJECT TO CONDITIONAL ZONING CERTIFICATE All unindicated uses are considered prohibited.																		
<b>PLANNING AREAS</b>		<input checked="" type="checkbox"/> Citywide River (CR) <input checked="" type="checkbox"/> State Heritage Trail (SHT) <input checked="" type="checkbox"/> Bailey-Millrose Falls (BMF) <input checked="" type="checkbox"/> Northampton (NH)																		
<b>RESIDENTIAL USES</b>		<input checked="" type="checkbox"/> Rural Lot - 8+ acre lots minimum <input checked="" type="checkbox"/> Large Lot - 1 1/2 to 8 acre minimum lots <input checked="" type="checkbox"/> Low-Density Lot - 1/2 to 1 1/4 acre minimum lots <input checked="" type="checkbox"/> Sub-Urban Lot - 1/4 to 1/2 acre minimum lots <input checked="" type="checkbox"/> Standard Lot - 6,000 to 10,890 square foot minimum lots <input checked="" type="checkbox"/> Small Lot - 3,600 to 6,000 square foot minimum lots <input checked="" type="checkbox"/> Large Lot - 4,000+ square foot minimum lots <input checked="" type="checkbox"/> Low-Density Lot - 3,000 to 4,000 square foot minimum lots <input checked="" type="checkbox"/> Standard Lot - 2,400 to 3,000 square foot minimum lots <input checked="" type="checkbox"/> Small Lot - 1,800 to 2,400 square foot minimum lots <input checked="" type="checkbox"/> Low Density Lot - 8 to 12 dwelling units/acre <input checked="" type="checkbox"/> Moderate Density Lot - 12 to 16 dwelling units/acre <input checked="" type="checkbox"/> Medium density Lot - 16 to 24 dwelling units/acre <input checked="" type="checkbox"/> Urban density Lot - 24+ dwelling units/acre <input checked="" type="checkbox"/> Live/Work units <input checked="" type="checkbox"/> Mixed-use Units <input checked="" type="checkbox"/> Accessory Units																		
<b>CIVIC USES</b>		<input checked="" type="checkbox"/> Primary School <input checked="" type="checkbox"/> Secondary School <input checked="" type="checkbox"/> Higher Education Facility <input checked="" type="checkbox"/> Library or Museum <input checked="" type="checkbox"/> Neighborhood / Public Assembly <input checked="" type="checkbox"/> Community / Public Assembly <input checked="" type="checkbox"/> Cemetery <input checked="" type="checkbox"/> Hospital <input checked="" type="checkbox"/> Public Open Space <input checked="" type="checkbox"/> Common Open Space <input checked="" type="checkbox"/> Government Office or Facility																		
<b>OFFICE USES</b>		<input checked="" type="checkbox"/> Neighborhood Office <input checked="" type="checkbox"/> General Office <input checked="" type="checkbox"/> Office Campus or Complex <input checked="" type="checkbox"/> Contractor or Service Provider Office <input checked="" type="checkbox"/> Home Occupation																		
<b>RETAIL USES</b>		<input checked="" type="checkbox"/> Convenience Store <input checked="" type="checkbox"/> Grocery Store <input checked="" type="checkbox"/> Supermarket <input checked="" type="checkbox"/> Neighborhood Merchandise <input checked="" type="checkbox"/> General Merchandise <input checked="" type="checkbox"/> Warehouse Merchandise <input checked="" type="checkbox"/> Garden Center <input checked="" type="checkbox"/> Restaurant, Dine-In <input checked="" type="checkbox"/> Commercial Equipment and Supply <input checked="" type="checkbox"/> Theater <input checked="" type="checkbox"/> Service Station with Convenience Store <input checked="" type="checkbox"/> Drive-Thru Establishments <input checked="" type="checkbox"/> Outdoor Sales - Limited <input checked="" type="checkbox"/> Outdoor Sales Lot																		
<b>SERVICE USES</b>		<input checked="" type="checkbox"/> Neighborhood Personal Service <input checked="" type="checkbox"/> General Service <input checked="" type="checkbox"/> Nursing Home, Assisted Living, Independent Living Facility <input checked="" type="checkbox"/> Medical Clinic <input checked="" type="checkbox"/> Child/ADJ Care <input checked="" type="checkbox"/> Laundry / Dry Cleaner <input checked="" type="checkbox"/> Vehicle Repair Facility <input checked="" type="checkbox"/> Personal Storage <input checked="" type="checkbox"/> Bed & Breakfast <input checked="" type="checkbox"/> Motel <input checked="" type="checkbox"/> Hotel <input checked="" type="checkbox"/> Mortuary / Funeral Home <input checked="" type="checkbox"/> Animal Services, Small <input checked="" type="checkbox"/> Publication and Broadcast Services <input checked="" type="checkbox"/> Indoor Recreation Facility																		
<b>MANUFACTURING USES</b>		<input checked="" type="checkbox"/> Limited Industrial <input checked="" type="checkbox"/> Clean Industrial <input checked="" type="checkbox"/> General Industrial <input checked="" type="checkbox"/> Heavy Industrial																		
<b>AGRICULTURE, NATURAL RESOURCE, AND PRESERVATION USES</b>		<input checked="" type="checkbox"/> Natural Outdoor Recreation																		



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ZONING DISTRICTS AND USES		RESIDENTIAL NEIGHBORHOODS										MIXED-USE DISTRICTS					GENERAL DISTRICTS			SPECIAL OVERLAY DISTRICTS	
ZONING DISTRICTS		R-1	R-2	R-3	R-4	R-5	R-6	MU-1	MU-2	MU-3	MU-4	MU-5	MU-6	C-1	E-1	M-1	NP-1	R-C	R-M	H	
<b>KEY:</b> [X] = ALLOWED IN PLANNING AREA [ ] = ALLOWED USE SUBJECT TO GENERAL ZONING DISTRICT AND DESIGN STANDARDS [O] = LIMITED USE ONLY ALLOWED SUBJECT TO SPECIFIC USE STANDARDS [◆] = CONDITIONAL USE ONLY ALLOWED SUBJECT TO CONDITIONAL ZONING CERTIFICATE All un-designated uses are considered prohibited [Y] = USE TYPES AND USE CATEGORIES																					
<b>PLANNING AREAS</b>																					
Cuyahoga River (CRA)																					
State Portage Trail (SPT)																					
Bakey-Alvarez Falls (BAF)																					
Northampton (NH)																					
Conservation Area																					
Orchards Nursery																					
Animal Services, Large																					
General Farming																					
Agro Business/Tourism																					
Natural Resource Harvesting and Management																					
Agriculture Equipment and Supply																					
<b>CONDITIONAL USES</b>																					
Assisted/Independent Living Facility																					
Nursing Home/Assisted Living Facility																					
Bar																					
Nightclub																					
Day Labor Agency																					
Electronic Game Centers																					
Gun Club																					
Heliport/Versiport, Airport																					
Helistop/Versistop																					
Outdoor Bulk Storage																					
Outdoor Recreation Facility																					
Outdoor Sports/Entertainment Facility																					
Pawnshop**																					
Advance or Payday Loan**																					
Vehicle Wash/Detailing																					
Liquor Store																					
Outdoor Sales Lot																					
Vehicle Repair Facility																					
Tow Lot or Impound Lot																					
Recycle Centers																					
Wireless Communications Facilities***																					
Sexually Oriented Business***																					
Wind Facilities***																					

\*All uses of the underlying zoning district allowed unless otherwise restricted in the overlay district ordinance. All residential uses are allowed in Green Overlay.  
 \*\*No pawnshop or Payday loan facility shall be located within one thousand (1,000) feet of any other Pawnshop or Payday Loan facility as measured at the closest property lines, and the number of such facilities may not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.  
 \*\*\*See Chapter 1135 for additional restrictions on Wireless Communication Facilities, Chapter 1136 for additional restrictions on Sexually Oriented Businesses and Chapter 1137 for additional restrictions on Wind Facilities

Section 2. Section 1133.03, Chapter 1133, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls, as amended by Ord. 62-2009, passed July 27, 2009, is hereby amended to read as follows (new text underlined; deleted text in strikethrough):

**1133.03 CONDITIONAL USES**

A Incidental Uses -- The uses in this section are Conditional Uses, allowed only subject to a Conditional Zoning Certificate in one or more zoning districts, indicated with a "◆" in *Table 1132-2 Zoning District and Use Table*. These uses have the potential to produce negative impacts on adjacent property, on other uses in the zoning district, and on the intent of the zoning district. However they may be acceptable upon special mitigating conditions, which can only be evaluated in the context of a site-specific proposal. The following uses are conditional uses in one or more zoning districts:

- 1 Nursing Home/Assisted Living/Independent Living Facility
- 2 Bar
- 3 Nightclub
- 4 Day Labor Agency
- 5 Sexually Oriented Business

151	6	Gun Club
152	7	Heliport/Vertiport and Airport
153	8	Helistop/Vertistop
154	9	Outdoor Bulk Storage
155	10	Outdoor Recreation Facility
156	11	Outdoor Sports/Entertainment Facility
157	12	Pawnshop
158	13	Advance or Payday Loan
159	14	Vehicle Wash and Detail
160	15	Liquor Store
161	16	Outdoor Sales Lot
162	17	Vehicle Repair Facility
163	18	Tow Lot or Impound Lot
164	19	Recycle Center
165	20	Wireless Communications Facility
166	21	Sexually Oriented Business
167	<b>22</b>	<b><u>Wind Facilities</u></b>

168  
169        Section 3. Subsection B of Section 1133.04, Chapter 1133, Title 3, Part 11  
170 of the Codified Ordinances of the City of Cuyahoga Falls, as amended by Ord.  
171 62-2009, passed July 27, 2009, is hereby amended to read as follows (new text  
172 underlined; deleted text in strikethrough):  
173

174    B.    Height Limitations for appurtenances

- 175  
176        1.    Roof structures for the housing of elevators, stairways, tanks,  
177            ventilating fans, fire or parapet walls, skylights, towers, antennas,  
178            steeples, stage lofts and screens, or similar structures may be  
179            erected to exceed the building height in any Zoning District by no  
180            more than 10 feet provided that structures comply with the  
181            building code.  
182  
183        2.    Non-commercial radio, television, and wireless aerials, masts and  
184            flagpoles for display of governmental flags may be erected to a  
185            maximum height of fifty feet in any residential district.  
186  
187        3.    ~~Monopole wind turbines are permitted in RR and NP 1 districts~~  
188            ~~and on publically owned properties. Maximum height, to top of~~  
189            ~~turbine blade, is 120 feet with setback equal to total height.~~  
190

191        Section 4. New Chapter 1137, Title 3, Part 11 of the Codified Ordinances of  
192 the City of Cuyahoga Falls is hereby enacted to read in full as follows:  
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194        **CHAPTER 1137 WIND FACILITIES**

195  
196    A    Purpose. The purpose of this section is to provide standards for the  
197            placement, design, construction, operation, monitoring, modification and  
198            removal of wind facilities that address public safety, minimize impacts on  
199            scenic, natural and historic resources and to provide adequate financial  
200            assurance for the eventual decommissioning of such facilities.

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B Applicability. This section applies to all utility-scale and on-site wind facilities proposed to be constructed. This section also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, or size of such facilities or related equipment.

C Definitions.

1. *Rated Nameplate Capacity.* The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.
2. *Planning Commission.* Refers to the body of local government designated by the municipality to review site plans.
3. *Utility-Scale Wind Energy Facility.* A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.
4. *Wind Energy Facility.* All of the equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.
5. *Wind Monitoring or Meteorological Tower.* A temporary tower equipped with devices to measure wind speed and direction, to determine how much electricity a wind energy facility can be expected to generate.
6. *Wind Turbine.* A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.
7. *General Requirements.* The following requirements are common to all wind energy facilities to be sited in designated locations.

D Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

E Building Permit and Building Inspection. No wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Summit County building permit.

F Fees. The fee required for a conditional use permit must accompany conditional use permit application and the fees required for a building permit must accompany the application for a building permit.

G Conditional Use/Site Plan Review. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without conditional use permit.

1. *Plans and Maps.* Plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Ohio.

- 251           2    *Site Plan will include.*
- 252           a    Property lines and physical dimensions of the site parcel and
- 253                adjacent parcels within 300 feet of the site parcel;
- 254           b    Outline of all existing buildings, including purpose (e.g.
- 255                residence, garage, etc.) on site parcel and all adjacent parcels
- 256                within 500 feet of the site parcel, including distances from the
- 257                wind facility to each building shown;
- 258           c    Location of the proposed tower, foundations, guy anchors,
- 259                access roads, and associated equipment;
- 260           d    Location of all existing and proposed roads, both public and
- 261                private, and including temporary roads or driveways, on the
- 262                site parcel and adjacent parcels within 500 feet of the site
- 263                parcel;
- 264           e    Any existing overhead utility lines;
- 265           f    Existing areas of tree cover, including average height of trees,
- 266                on the site parcel and any adjacent parcels within a distance,
- 267                measured from the wind turbine foundation, of 1.2 times the
- 268                height of the wind turbine;
- 269           g    Proposed changes to the landscape of the site, grading,
- 270                vegetation clearing and planting, exterior lighting (other than
- 271                FAA lights), screening vegetation or structures;
- 272           h    Tower foundation blueprints or drawings signed by a
- 273                Professional Engineer licensed to practice in the State of Ohio;
- 274           i    Tower blueprints or drawings signed by a Professional
- 275                Engineer licensed to practice in the State of Ohio;
- 276           j    One or three line electrical diagram detailing wind turbine,
- 277                associated components, and electrical interconnection
- 278                methods, with all National Electrical Code compliant
- 279                disconnects and overcurrent devices;
- 280           k    Documentation of the wind energy facility's manufacturer and
- 281                model, rotor diameter, tower height, tower type (freestanding or
- 282                guyed), and foundation type/dimensions;
- 283           l    Name, address, phone number and signature of the applicant,
- 284                as well as all co-applicants or property owners, if any;
- 285           m    The name, contact information and signature of any agents
- 286                representing the applicant; and
- 287           n    A maintenance plan for the wind energy facility;
- 288           o    Documentation of actual or prospective access and control of
- 289                the project site;
- 290           p    An operation and maintenance plan;
- 291           q    A location map consisting of a copy of a portion of the most
- 292                recent USGS Quadrangle Map, at a scale of 1:25,000, showing
- 293                the proposed facility site, including turbine sites, and the area
- 294                within at least two miles from the facility. Zoning district
- 295                designation for the subject parcel should be included;
- 296                submission of a copy of a zoning map with the parcel identified
- 297                is suitable for this purpose;
- 298           r    Proof of liability insurance;

- 299 s Certification of height approval from the FAA if required;  
300 t A listing existing ambient sound levels at the site and  
301 maximum projected sound levels from the wind energy facility;  
302 and  
303 u Description of financial surety that satisfies Section 3.12.3.  
304 v The Planning Staff may waive documentary requirements, as it  
305 deems appropriate.
- 306 3 *Site Control.* The applicant shall submit documentation of actual or  
307 prospective access and control of the project site sufficient to allow  
308 for installation and operation of the proposed wind energy facility.  
309 Control shall include the legal authority to prevent the use or  
310 construction of any structure for human habitation within the  
311 setback areas.
- 312 4 *Operation & Maintenance Plan.* The applicant shall submit a plan  
313 for maintenance of access roads and storm water controls, as well  
314 as general procedures for operational maintenance of the wind  
315 facility.
- 316 5 *Utility Notification.* No wind energy facility shall be installed until  
317 evidence has been given that the utility company that operates the  
318 electrical grid where the facility is to be located has been informed  
319 of the customer's intent to install an interconnected customer-  
320 owned generator. Off-grid systems shall be exempt from this  
321 requirement.
- 322 6 *Temporary Meteorological Towers (Met Towers).* A building permit  
323 shall be required for stand-alone temporary met towers. No site  
324 plan review shall be required for met towers.
- 325 7 *Visual Impact Analysis.* The applicant shall furnish a visual impact  
326 assessment, which shall include:
- 327 a A "Zone of Visibility Map"  
328 b Pictorial representations of "before and after" views from key  
329 viewpoints both inside and outside of the City as may be  
330 appropriate, including but not limited to state highways and  
331 other major roads; state and local parks; other public lands;  
332 historic districts; preserves and historic sites normally open to  
333 the public; and from any other location where the site is visible  
334 to a large number of visitors, travelers or residents.
- 335 c An assessment of the visual impact of the tower base, guy  
336 wires and accessory buildings from abutting and adjacent  
337 properties and streets as relates to the need or appropriateness  
338 of screening.
- 339 d The applicant may be required, for the purpose of visibility,  
340 prior to the public hearing on the application, hold a "balloon  
341 test". The applicant shall arrange to fly, or rise upon a  
342 temporary mast, a minimum of a three- (3) foot in diameter  
343 brightly colored balloon at the maximum height of the  
344 proposed new wind turbine. The applicant shall inform the  
345 City, in writing, of the date and time of the test, at least 10  
346 days in advance. The balloon shall be flown between 7:00 am  
347 and 4:00 PM on the date chosen.

- 348 H Design Standards.
- 349 1 *Appearance.* Appearance, Color and Finish Color and appearance
- 350 shall comply with Federal Aviation Administration (FAA) safety
- 351 requirements.
- 352 2 *Lighting.* Wind turbines shall be lighted only if required by the FAA.
- 353 Lighting of other parts of the wind energy facility, such as
- 354 appurtenant structures, shall be limited to that required for safety
- 355 and operational purposes, and shall be reasonably shielded from
- 356 abutting properties. Except as required by the FAA, lighting of the
- 357 wind energy facility shall be directed downward and shall
- 358 incorporate full cut-off fixtures to reduce light pollution.
- 359 3 *Signage.* Signage on wind energy facilities shall comply with
- 360 Chapter 1146 Sign Design. The following signs shall be required:
- 361 a Those necessary to identify the owner, provide a 24-hour
- 362 emergency contact phone number, and warn of any danger.
- 363 b Educational signs providing information about the facility and
- 364 the benefits of renewable energy.
- 365 c Wind turbines shall not be used for displaying any advertising
- 366 except for reasonable identification of the manufacturer or
- 367 operator of the wind energy facility.
- 368 I Utility Connections. Reasonable efforts, as determined by the Planning
- 369 Commission and Electric Department, shall be made to place all utility
- 370 connections from the wind energy facility underground, depending on
- 371 appropriate soil conditions, shape, and topography of the site and any
- 372 requirements of the utility provider. Electrical transformers for utility
- 373 interconnections may be above ground if required by the utility provider.
- 374 J Appurtenant Structures. All wind energy facilities appurtenant
- 375 structures shall be subject to regulations described in Chapter 1132
- 376 Zoning District Standards (bulk and height of structures, lot area,
- 377 setbacks, open space, parking and building coverage requirements). All
- 378 such appurtenant structures, including but not limited to, equipment
- 379 shelters, storage facilities, transformers, and substations; shall be
- 380 architecturally compatible with each other and contained within the
- 381 turbine tower whenever technically and economically feasible. Whenever
- 382 reasonable, structures should be shaded from view by vegetation and/or
- 383 located in an underground vault and joined or clustered to avoid adverse
- 384 visual impacts. In addition, the specific wind turbine is subject to the
- 385 following additional requirements:
- 386 1 *Height.* The height of wind turbine shall not exceed 150 feet in
- 387 height in E-1 and M-1 Districts and 200 feet in R-R and NP-1
- 388 Districts.
- 389 2 *Setbacks.* A wind turbine may not be sited within: (a) a distance
- 390 equal to the height of the wind turbine from buildings, critical
- 391 infrastructure, or private or public ways that are not part of the
- 392 wind energy facility; (b) Two times (2x) the height of the turbine
- 393 from the nearest existing residential structure; or (c) one point five
- 394 times (1.5x) the height of the turbine from the nearest property line.
- 395 a *Setback Waiver.* The Planning Commission may reduce the
- 396 minimum setback distance as appropriate based on site-
- 397 specific considerations, or written consent of the affected

398 abutter(s), if the project satisfies all other criteria for the  
399 granting of a building permit under the provisions of this  
400 section.

401 K Safety and Environmental Standards.

402 1 *Emergency Services.* The applicant shall provide a copy of the  
403 project summary, electrical schematic, and site plan to the police  
404 and fire departments, and/or the local emergency services entity  
405 designated by the local government. Upon request the applicant  
406 shall cooperate with local emergency services in developing an  
407 emergency response plan. All means of disconnecting the wind  
408 energy facility shall be clearly marked. The applicant or facility  
409 owner shall identify a responsible person for public inquiries or  
410 complaints throughout the life of the project.

411 2 *Unauthorized Access.* Wind energy facilities shall be designed to  
412 prevent unauthorized access. For instance, the towers of wind  
413 turbines shall be designed and installed so that step bolts or other  
414 climbing features are not readily accessible to the public and so  
415 that step bolts or other climbing features are not installed below the  
416 level of 8 feet above the ground. Electrical equipment shall be  
417 locked where possible.

418 L Shadow/Flicker. Wind energy facilities shall be sited in a manner that  
419 minimizes shadowing or flicker impacts. The applicant has the burden of  
420 proving that this effect does not have significant adverse impact on  
421 neighboring or adjacent uses.

422 M Sound. The operation of the wind energy facility shall conform to the  
423 provisions of the Department of Environmental Protection's, Division of  
424 Air Quality Noise Regulations.

425 N Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural  
426 vegetation shall be limited to that which is necessary for the  
427 construction.

428 O Monitoring and Maintenance.

429 1 *Wind Energy Facility Conditions.* The applicant shall maintain the  
430 wind energy facility in good condition. Maintenance shall include,  
431 but not be limited to, painting, structural repairs, and integrity of  
432 security measures. Site access shall be maintained to a level  
433 acceptable to the Cuyahoga Falls Fire Department. The project  
434 owner shall be responsible for the cost of maintaining the wind  
435 energy facility and any access road(s), unless accepted as a public  
436 way.

437 2 *Modifications.* All material modifications to a wind energy facility  
438 made after issuance of the required building permit shall require  
439 approval by the Planning Commission.

440 P Abandonment or Decommissioning.

441 1 *Removal Requirements.* Any wind energy facility, which has reached  
442 the end of its useful life or has been abandoned, shall be removed.  
443 The owner/operator shall physically remove the facility no more  
444 than 150 days after the date of discontinued operations. The  
445 applicant shall notify the Planning Commission by certified mail of  
446 the proposed date of discontinued operations and plans for  
447 removal. Decommissioning shall consist of:

- 448 a Physical removal of all wind turbines, structures, equipment,  
449 security barriers and transmission lines from the site.  
450 b Disposal of all solid and hazardous waste in accordance with  
451 local, state, and federal waste disposal regulations.  
452 c Stabilization or re-vegetation of the site as necessary to  
453 minimize erosion. The Planning Commission may allow the  
454 owner to leave landscaping or designated below-grade  
455 foundations in order to minimize erosion and disruption to  
456 vegetation.

457 2 *Abandonment.* Absent notice of a proposed date of decommissioning  
458 or written note of extenuating circumstances, the wind energy  
459 facility shall be considered abandoned when the facility fails to  
460 operate for more than one year without the written consent of the  
461 Planning Commission. If the applicant fails to remove the facility in  
462 accordance with the requirements of this section within 150 days of  
463 abandonment or the proposed date of decommissioning, the City of  
464 Cuyahoga Falls may enter the property and physically remove the  
465 facility.

466 Q Financial Surety. Applicants for utility-scale wind energy facilities shall  
467 provide a form of surety, either through escrow account, bond or if such  
468 guarantee does not exist, the City could remove and such cost will be  
469 added to tax duplicate, to cover the cost of removal in the event the City  
470 of Cuyahoga Falls must remove the facility and remediate the landscape,  
471 in an amount and form determined to be reasonable by the Planning  
472 Commission, but in no event to exceed more than 125 percent of the cost  
473 of removal and compliance with the additional requirements set forth  
474 herein, as determined by the applicant. Such surety will not be required  
475 for municipally or state-owned facilities. The applicant shall submit a  
476 fully inclusive estimate of the costs associated with removal, prepared by  
477 a qualified engineer. The amount shall include a mechanism for  
478 calculating increased removal costs due to inflation.  
479

480 Section 5. Existing Section 1131.05 of Chapter 1131, existing section  
481 1133.03 of Chapter 1133, and existing Subsection B of Section 1133.04 of  
482 Chapter 1133, Title 3, Part 11 of the Codified Ordinances of the City of  
483 Cuyahoga Falls, as enacted by Ord. 62-2009, are hereby repealed.  
484

485 Section 6. Any other ordinances or resolutions or portions of ordinances  
486 and resolutions inconsistent herewith be and the same are hereby repealed, but  
487 any ordinances and resolutions not inconsistent herewith and which have not  
488 previously been repealed are hereby ratified and confirmed.  
489

490 Section 7. It is found and determined that all formal actions of this Council  
491 concerning and relating to the adoption of this ordinance were adopted in an  
492 open meeting of this Council, and that all deliberations of this Council and of  
493 any of its committees that resulted in such formal action, were in meetings  
494 open to the public, in compliance with all legal requirements including, to the  
495 extent applicable, Chapter 107 of the Codified Ordinances.  
496



497        Section 8. This ordinance is hereby declared to be an emergency measure  
498 necessary for the preservation of the public peace, health, safety, convenience  
499 and welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the  
500 reason that it is immediately necessary to permit timely and appropriate  
501 development of this property, and provided it receives the affirmative vote of two  
502 thirds of the members elected or appointed to Council, it shall take effect and  
503 be in force immediately upon its passage and approval by the Mayor; otherwise  
504 it shall take effect and be in force at the earliest period allowed by law.

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

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

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

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515 Approved: \_\_\_\_\_

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Mayor

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520 12/13/10

521 2101Ords/Dev Code Amendment – wind turbines

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2010

8  
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION  
10 APPROVAL, FINDINGS AND CONDITIONS OF THE PRELIMINARY  
11 PLAT OF THE MANCHESTER FALLS SUBDIVISION AND  
12 DECLARING AN EMERGENCY.  
13

14 WHEREAS, Article VIII, Section 1.7 of the Charter of the City of Cuyahoga Falls requires that  
15 all decisions of approval made by the Planning Commission be submitted to and approved by this  
16 Council before such decisions are considered final, and

17  
18 WHEREAS, on December 7, 2010 the Planning Commission recommended approval of the  
19 preliminary plat of the Manchester Falls subdivision located on Howe Avenue, and

20  
21 WHEREAS, such approval is given subject to conditions subsequent to be satisfied, and

22  
23 WHEREAS, such approval is necessary to determine that the allotment is satisfactory, serves  
24 the public interest, and is acceptable for recording,

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

28  
29 Section 1. This Council accepts and approves the Planning Commission action approving of  
30 the preliminary plat of the Manchester Falls Subdivision per the plans and stipulations contained  
31 in Commission File P-16-10-S.  
32

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

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

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

52  
53 Passed: \_\_\_\_\_  
54 \_\_\_\_\_  
55 President of Council

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57 \_\_\_\_\_  
58 Clerk of Council

59 Approved: \_\_\_\_\_  
60 \_\_\_\_\_  
61 Mayor



2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2010

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO CANCEL CONTRACT NO. 6339 WITH THE VILLAGE  
9 OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

10  
11 WHEREAS, pursuant to the authority granted by Ord. No. 33-2008, the City entered into  
12 Contract No. 6339, with the Village of Silver Lake, Ohio, under which the City has provided Building  
13 Code administration services within the territorial jurisdiction of the Village of Silver Lake, and

14  
15 WHEREAS, the City will be unable to provide such services after December 31, 2010, and

16  
17 WHEREAS, the Village of Silver Lake has consented to the cancellation of the contract effective  
18 January 1, 2011,

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

22  
23 Section 1. The Director of Public Service is hereby authorized to cancel Contract No. 6339, with  
24 the Village of Silver Lake, Ohio, by agreement of the parties, effective January 1, 2011.

25  
26 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
27 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or  
28 portions of ordinances and resolutions not inconsistent herewith and which have not previously been  
29 repealed are hereby ratified and confirmed.

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

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

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

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President of Council

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Clerk of Council

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

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Mayor

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55 12/13/10

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2010

6  
7 AN ORDINANCE AMENDING ORDINANCE NO. 99-2009, WHICH  
8 AMENDED ORDINANCE NO. 6-2009, ESTABLISHING  
9 COMPENSATION LEVELS FOR NON-BARGAINING EMPLOYEES  
10 OF THE CITY OF CUYAHOGA FALLS FOR CALENDAR YEARS  
11 2009, 2010 AND 2011, AND DECLARING AN EMERGENCY.  
12

13 WHEREAS, Ord. No. 6-2009, passed January 12, 2009, established compensation levels for  
14 non-bargaining employees of the City for calendar years 2009, 2010, and 2011, and  
15

16 WHEREAS, Ord. No. 6-2009 was amended by Ord. No. 99-2009, passed November 2, 2009,  
17 to adjust compensation levels in light of revenue and expenditure projections,  
18

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

22 Section 1. Section 3 of Ordinance No. 99-2009, passed November 2, 2009, is hereby  
23 amended read as follows:  
24

25 Section 3. 2011 Non-Bargaining Wage Adjustment

26 Exhibits C and D of Cuyahoga Falls Ordinance 6-2009 are hereby amended with the  
27 substitution of the attached Amended Non-Bargaining Exhibits C and D, which reflect a  
28 0.00% wage increase in 2010 and a 2.25% increase effective July 1, 2011. Notwithstanding  
29 anything to the contrary in the application of Cuyahoga Falls Ordinance 79-1987 or any  
30 amendment thereto, employees classified in pay grades MSG and ESG shall receive no wage  
31 increase in 2010. Notwithstanding anything to the contrary in the application of Cuyahoga  
32 Falls Ordinance 144-1985 or any amendment thereto, members of City Council and the clerk  
33 of council will receive no pay increase in 2010.  
34  
35

36 Section 2. Exhibit "D" hereto reflects the compensation levels for non-bargaining employees  
37 established by Ord. No. 6-2009, as amended by Ord. No. 99-2009 and this Ordinance. The  
38 exhibits marked "D" originally attached to Ord. Nos. 6-2009 and 99-2009 respectively, are  
39 superceded.  
40

41 Section 3. Existing Section 3 of Ord. No. 99-2009, passed November 2, 2009, is hereby  
42 repealed.  
43

44 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions  
45 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions  
46 not inconsistent herewith and which have not previously been repealed are hereby ratified and  
47 confirmed.  
48

49 Section 5. It is found and determined that all formal actions of this Council concerning and  
50 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
51 all deliberations of this Council and of any committees that resulted in those formal actions were  
52 in meetings open to the public, in compliance with all legal requirements including Chapter 107  
53 of the Codified Ordinances.  
54

55 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the  
56 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
57 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
58 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
59 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
60 period allowed by law.  
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Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

Approved \_\_\_\_\_

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Mayor

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O:\2010ords\nonbargaining.pay.ordinance.doc

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2010

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR THE PURCHASE OF CERTAIN  
10 MATERIALS FOR THE SANITATION DIVISION DURING 2011,  
11 AND DECLARING AN EMERGENCY.

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

15  
16 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
17 contracts, according to law, for the purchase of the following materials for use by the Sanitation  
18 Division during 2011, to-wit:

19  
20 Wheeled refuse containers

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

24  
25 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions  
26 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions  
27 or portions of ordinances and resolutions not inconsistent herewith and which have not  
28 previously been repealed are hereby ratified and confirmed.

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

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

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

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President of Council

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Clerk of Council

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53 Approved: \_\_\_\_\_

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Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO - 2010

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR THE PURCHASE OF ANNUAL  
10 REQUIREMENTS OF CERTAIN MATERIALS AND SUPPLIES IN THE  
11 STREET DEPARTMENT DURING 2011, AND DECLARING AN  
12 EMERGENCY.

13  
14 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
15 Summit and State of Ohio:

16  
17 Section 1. That the Director of Public Service is hereby authorized to enter into a contract or  
18 contracts, according to law, for the purchase of the following for use in the Street Department during  
19 2011:

- 20
- 21 Rock Salt
- 22 Rock Salt Conveying
- 23 Asphaltic Products
- 24 Sign Materials
- 25 Paint Supplies
- 26

27 Section 2. That the Director of Finance is hereby authorized and directed to make payment for same  
28 from the SCMR Fund, line item Other Operations, State Highway Improvement Fund, line item Other  
29 Operations, Capital Projects Fund, line item Capital Outlay, and Motor Vehicle License Tax Fund, line item  
30 Other Operations.

31  
32 Section 3. That any other ordinances and resolutions or portions of ordinances and resolutions  
33 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or  
34 portions of ordinances and resolutions not inconsistent herewith and which have not previously been  
35 repealed are hereby ratified and confirmed.

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

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

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

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President of Council

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

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60 Approved: \_\_\_\_\_

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Mayor

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2  
3 CITY OF CUYAHOGA FALLS, OHIO  
4  
5 ORDINANCE NO - 2010  
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7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR THE PURCHASE OF ANNUAL  
10 REQUIREMENTS OF CERTAIN MATERIALS AND SUPPLIES IN THE  
11 WATER/SEWER UTILITIES DEPARTMENT DURING 2011, AND  
12 DECLARING AN EMERGENCY.  
13

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

17 Section 1. That the Director of Public Service is hereby authorized to enter into a contract or  
18 contracts, according to law, for the purchase of the following for use in the Water/Sewer Utilities  
19 Department during 2011:  
20

- 21 Miscellaneous Materials
- 22 Fire hydrants and parts
- 23 Chemicals
- 24 License and Permit Fees
- 25 Utility Patch Program
- 26 Meters and Related Materials
- 27

28 Section 2. That the Director of Finance is hereby authorized and directed to make payment for  
29 same from the Water Fund and Sewer Fund, line item Other Operations.  
30

31 Section 3. That any other ordinances and resolutions or portions of ordinances and resolutions  
32 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or  
33 portions of ordinances and resolutions not inconsistent herewith and which have not previously been  
34 repealed are hereby ratified and confirmed.  
35

36 Section 4. That it is found and determined that all formal actions of this Council concerning and  
37 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all  
38 deliberations of this Council and of any of its committees that resulted in such formal action were in  
39 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the  
40 Codified Ordinances.  
41

42 Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the  
43 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
44 and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the members  
45 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
46 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by  
47 law.  
48  
49

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

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55 \_\_\_\_\_  
56 Clerk of Council

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58  
59 Approved: \_\_\_\_\_  
60 \_\_\_\_\_  
61 Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2010

8  
9 AN ORDINANCE APPROVING THE SITE PLAN OF A NEW ELECTRIC  
10 SUBSTATION AT 3535/3553 COCHRAN ROAD (35-02065/35-01727),  
11 AND DECLARING AN EMERGENCY.  
12

13  
14 WHEREAS, Article VIII, Section 1.7 of the Charter of the City of Cuyahoga Falls requires that all  
15 decisions of approval made by the City Planning Commission be submitted to and approved by this Council  
16 before being considered final, and  
17

18 WHEREAS, site plan review by the Planning Commission is required for the construction of all new  
19 buildings in excess of 8,000 SF in the City of Cuyahoga Falls, Ohio, and  
20

21 WHEREAS, on November 16, 2010, the Planning Commission approved the major site plan for the  
22 construction of a 10,414 square foot electric substation on 2.83 acres at 3535/3553 Cochran Road (35-  
23 02065/35-01727) within the City of Cuyahoga Falls, Ohio,  
24

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

28 Section 1. The City Council approves the site plan for the construction of a 10,414 square foot electric  
29 substation on 2.83 acres at 3535/3553 Cochran Road (35-02065/35-01727), Cuyahoga Falls, Ohio, in  
30 accordance with all Cuyahoga Falls General Development Code regulations and as stipulated in the Codified  
31 Ordinances of the City of Cuyahoga Falls as approved by the Planning Commission, as per the plans and  
32 stipulations contained in Commission File P-15-10-SP.  
33

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

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

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

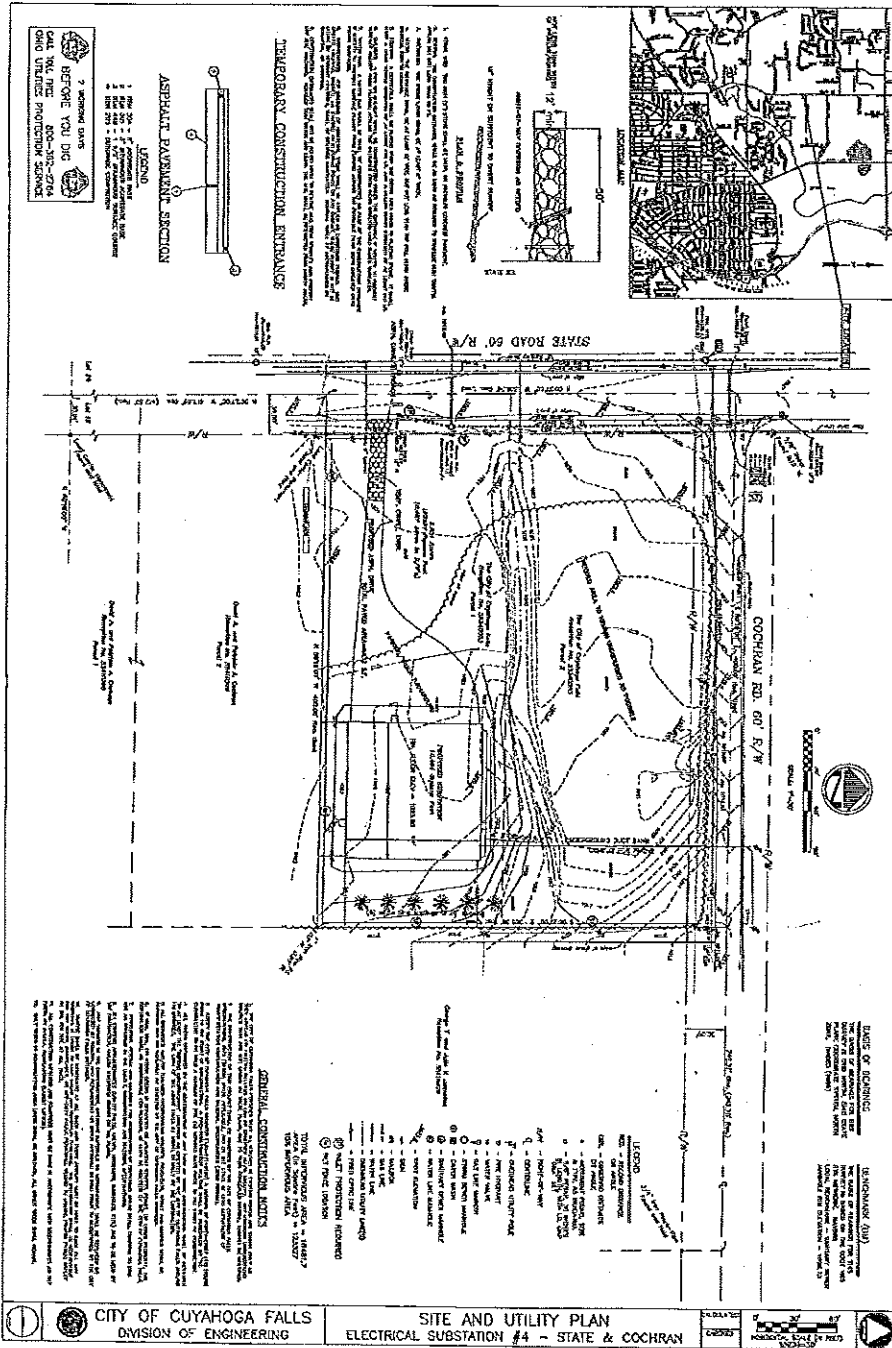
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52 Passed: \_\_\_\_\_

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

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

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59  
60 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. - 2010

6  
7 A RESOLUTION CONSENTING TO THE IMPROVEMENT AND  
8 WIDENING OF STATE ROAD BETWEEN BATH AND STEELS  
9 CORNERS ROADS WITHIN THE CITY OF CUYAHOGA  
10 FALLS, BY THE STATE OF OHIO, AUTHORIZING FINANCIAL  
11 COOPERATION THEREFOR, AND DECLARING AN  
12 EMERGENCY.

13  
14 WHEREAS, the State of Ohio has identified the need for and proposes the widening  
15 of State Road from Bath Road to Steels Corners Road, in the City of Cuyahoga Falls,  
16

17 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is  
18 required prior to the improvement of a state highway within the City's corporate limits,  
19

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

22  
23 Section 1. This Council hereby consents the improvement of State Road between  
24 Bath and Steels Corners Roads, pursuant to the plans and specifications developed and  
25 included as part of the project identified as PID No. 81605, SUM-State Road by the State of  
26 Ohio, Dept. of Transportation, which project shall include widening existing lanes to  
27 standard width, improving drainage, upgrading and coordinating signals, installing turn  
28 lanes to improve traffic flow and providing bicycle lanes.

29  
30 Section 2. This Council's consent is granted with the following understanding:

- 31  
32 A. The City will participate in the cost of eligible right-of-way and  
33 construction activities at a minimum of twenty percent (20%) of total  
34 cost. Any costs above the fund manager's stated federal maximums will  
35 be the responsibility of the City. This includes the construction contract  
36 and construction engineering.  
37 B. The City will further agree to pay One Hundred Percent (100%) of the  
38 cost of those features requested by the City which are determined by the  
39 State and Federal Highway Administration to be unnecessary for the  
40 Project.  
41 C. The City will further agree to pay One Hundred Percent (100%) of the  
42 cost to install and/or repair curb ramps at all necessary intersections to  
43 ensure compliance with the Americans with Disabilities Act.  
44

45 Section 3. The Clerk of Council is hereby directed to transmit to the Director of  
46 Transportation a certified copy of this Ordinance.  
47

48 Section 4. That it is found and determined that all formal actions of this Council  
49 concerning and relating to the adoption of this resolution were adopted in an open meeting  
50 of this Council and that all deliberations of this Council and of any of its committees that  
51 resulted in such formal action were in meetings open to the public, in compliance with all  
52 legal requirements including Chapter 107 of the Codified Ordinances.  
53

54 Section 5. That this resolution is hereby declared to be an emergency measure  
55 necessary for the preservation of the public peace, health, safety, convenience and welfare

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

60

61

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

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

63

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

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

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Mayor

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2  
3 CITY OF CUYAHOGA FALLS, OHIO4  
5 ORDINANCE NO. - 20106  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO COOPERATE WITH THE  
9 DIRECTOR OF THE OHIO DEPARTMENT OF  
10 TRANSPORTATION IN THE IMPROVEMENT OF STATE  
11 ROAD BETWEEN BATH ROAD AND STEELS CORNERS  
12 ROAD, TO ENTER INTO A CONTRACT OR CONTRACTS  
13 WITH THE STATE OF OHIO FOR THE PURPOSE OF  
14 CONTRIBUTING THE CITY'S SHARE OF THE COSTS  
15 THEREFOR, TO ENTER INTO A CONTRACT OR  
16 CONTRACTS, ACCORDING TO LAW, FOR RELATED  
17 PRELIMINARY DESIGN ENGINEERING SERVICES,  
18 AND DECLARING AN EMERGENCY.  
1920 WHEREAS, the State of Ohio has identified the need for and proposes the  
21 widening of State Road between Bath Road and Steels Corners Road, in the City of  
22 Cuyahoga Falls, identified by the Dept. of Transportation as project PID No. 81605,  
23 SUM-State Road, which project shall include widening existing lanes to standard  
24 width, improving drainage, upgrading and coordinating signals, installing turn  
25 lanes to improve traffic flow and providing bicycle lanes,  
2627 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
28 Falls, County of Summit and State of Ohio, that:  
2930 Section 1. The Director of Public Service is hereby authorized to cooperate with  
31 the Director of Transportation of the State of Ohio in the improvement of State  
32 Road between Bath Road and Steels Corners Road, in the City of Cuyahoga Falls,  
33 as specified in the plans and specifications developed and associated with project  
34 PID No. 81605, SUM-State Road.  
3536 Section 2. The Director of Public Service is authorized to enter into contract with  
37 the State of Ohio providing for payment by the City of the agreed portion of the cost  
38 of the project, which contract may contain the following terms and conditions:  
39

- 40 A. The City agrees to participate in the cost of eligible right-of-way
- 
- 41 and construction activities at a minimum of twenty percent (20%)
- 
- 42 total cost. Any costs above the fund manager's stated federal
- 
- 43 maximums will be the responsibility of the City. This includes the
- 
- 44 construction contract and construction engineering.
- 
- 45 B. The City further agrees to pay One Hundred Percent (100%) of the
- 
- 46 cost of those features requested by the City which are determined
- 
- 47 by the State and Federal Highway Administration to be
- 
- 48 unnecessary for the Project.
- 
- 49 C. The City further agrees to pay One Hundred Percent (100%) of the
- 
- 50 cost to install and/or repair curb ramps at all necessary

51 intersections to ensure compliance with the Americans with  
52 Disabilities Act.

53 D. The City agrees to acquire and/or make available to ODOT, in  
54 accordance with current State and Federal regulations, all  
55 necessary right-of-way required for the described Project. The  
56 City also understands that right-of-way costs include eligible  
57 utility costs. The City agrees to be responsible for all utility  
58 accommodation, relocation, and reimbursement and agrees that  
59 all such accommodations, relocations, and reimbursements shall  
60 comply with the current provisions of 23 CFR §645 and the ODOT  
61 Utilities Manual.

62 E. Upon completion of the described Project, and unless otherwise  
63 agreed, the City shall: (1) provide adequate maintenance for the  
64 described Project in accordance with all applicable state and  
65 federal law, including, but not limited to, 23 USC 116; (2) provide  
66 ample financial provisions, as necessary, for the maintenance of  
67 the described Project; (3) maintain the right-of-way, keeping it free  
68 of obstructions, and (4) hold said right-of-way inviolate for public  
69 highway purposes.

70 F. The City agrees that if Federal Funds are used to pay the cost of  
71 any consultant contract, the City shall comply with 23 CFR §172  
72 in the selection of its consultant and the administration of the  
73 consultant contract. Further, the City agrees to incorporate  
74 ODOT's "Specifications for Consulting Services" as a contract  
75 document in all of its consultant contracts. The City agrees to  
76 require, as a scope of services clause, that all plans prepared by  
77 the consultant must conform to ODOT's current design standards  
78 and that the consultant shall be responsible for ongoing  
79 consultant involvement during the construction phase of the  
80 Project. The City agrees to include a completion schedule  
81 acceptable to ODOT and to assist ODOT in rating the consultant's  
82 performance through ODOT's Consultant Evaluation System.

83  
84 Section 3. The Director of Public Service is authorized to enter into a contract or  
85 contracts, according to law, with ODOT pre-qualified consultants for the  
86 preliminary engineering phase of the Project and to enter into contracts with the  
87 Director of Transportation necessary to complete the above described project.  
88 Upon the request of ODOT, the Director of Public Service may assign all rights,  
89 title, and interests of the City of Cuyahoga Falls to ODOT arising from any  
90 agreement with its consultant in order to allow ODOT to direct additional or  
91 corrective work, recover damages due to errors or omissions, and to exercise all  
92 other contractual rights and remedies afforded by law or equity.

93  
94 Section 4. The Clerk of Council is hereby directed to transmit to the Director of  
95 Transportation a certified copy of this Ordinance.

96  
97 Section 5. It is found and determined that all formal actions of this Council  
98 concerning and relating to the adoption of this ordinance were adopted in an open  
99 meeting of this Council, and that all deliberations of this Council and of any of its  
100 committees that resulted in such formal action, were in meetings open to the

101 public, in compliance with all legal requirements, to the extent applicable, including  
102 Chapter 107 of the Codified Ordinances.

103

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

112

113

114 Passed: \_\_\_\_\_  
115 \_\_\_\_\_  
116 President of Council

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119 \_\_\_\_\_  
120 Clerk of Council

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123 Approved: \_\_\_\_\_  
124 \_\_\_\_\_  
125 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2010

7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
9 AN AGREEMENT WITH THE FRATERNAL ORDER OF POLICE,  
10 OHIO LABOR COUNCIL, INC. EFFECTIVE JANUARY 1, 2011,  
11 AND DECLARING AN EMERGENCY.  
12

13 WHEREAS, Ohio Revised Code Chapter 4117 authorizes public employees to bargain collec-  
14 tively with public employers regarding wages, hours, terms and other conditions of employment  
15 and to enter into collective bargaining agreements; and  
16

17 WHEREAS, the Mayor and his representatives and the Fraternal Order of Police, Ohio Labor  
18 Council, Inc. ("FOP") have bargained collectively and in good faith and said bargaining has re-  
19 sulted in a tentative agreement on a collective bargaining agreement effective January 1, 2011;  
20 and  
21

22 WHEREAS, on or about November 24, 2010, the membership of the FOP ratified said collec-  
23 tive bargaining agreement;  
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. The Mayor is hereby authorized to enter into a collective bargaining agreement as  
29 negotiated with and ratified by the FOP, effective January 1, 2011.  
30

31 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
32 inconsistent herewith be and the same are hereby repealed but any ordinances and resolutions or  
33 portions of ordinances and resolutions not inconsistent herewith and which have not previously  
34 been repealed are hereby ratified and confirmed.  
35

36 Section 3. It is found and determined that all formal actions of this Council concerning and  
37 relating to the adoption of this ordinance were adopted in an open meeting of this Council and  
38 that all deliberations of this Council and of any of its committees that resulted in such formal  
39 action were in meetings open to the public, in compliance with all legal requirements including  
40 Chapter 107 of the Codified Ordinances.  
41

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

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President of Council

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

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57  
58 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2010

7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
9 AN AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT  
10 ASSOCIATION EFFECTIVE JANUARY 1, 2011, AND DECLARING  
11 AN EMERGENCY.

12  
13 WHEREAS, Ohio Revised Code Chapter 4117 authorizes public employees to bargain collec-  
14 tively with public employers regarding wages, hours, terms and other conditions of employment  
15 and to enter into collective bargaining agreements; and

16  
17 WHEREAS, the Mayor and his representatives and the Ohio Patrolmen's Benevolent Associa-  
18 tion ("OPBA") have bargained collectively and in good faith and said bargaining has resulted in a  
19 tentative agreement on a collective bargaining agreement covering police supervisors effective  
20 January 1, 2011; and

21  
22 WHEREAS, on or about December 6, 2010, the membership of the OPBA (police supervisors)  
23 ratified said collective bargaining agreement;

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. The Mayor is hereby authorized to enter into a collective bargaining agreement as  
29 negotiated with and ratified by the OPBA, effective January 1, 2011.

30  
31 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
32 inconsistent herewith be and the same are hereby repealed but any ordinances and resolutions or  
33 portions of ordinances and resolutions not inconsistent herewith and which have not previously  
34 been repealed are hereby ratified and confirmed.

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

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

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

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President of Council

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Clerk of Council

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57  
58 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2010

6  
7 AN ORDINANCE AMENDING SECTION 923.01, PART FIVE  
8 OF TITLE NINE OF THE CODIFIED ORDINANCES OF THE  
9 CITY OF CUYAHOGA FALLS, ESTABLISHING WATER  
10 RATES, AND DECLARING AN EMERGENCY

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

14  
15 Section 1. Section 923.01 of the Codified Ordinances is hereby amended to read as  
16 follows (amended text in boldface), effective on or after the effective date of Ordinance  
17 \_\_\_\_\_ - 2010, or January 1, 2011 whichever date is later:

18  
19 923.01 WATER RATES

20 (a) The Director of Public Service is hereby authorized to establish the following City  
21 water rates for all water billed:

22  
23 WATER RATE SCHEDULE EFFECTIVE JANUARY 1, 2011

24		
25	First 400 cubic feet per month - Minimum	<b>\$ 8.26</b> per month
26	Next 19,600 cubic feet per month	<b>\$ 20.64</b> per 1,000 cu. ft.
27	All over 20,000 cubic feet per month by	<b>\$ 14.35</b> per 1,000 cu. ft.
28	users located outside the City of Cuyahoga	
29	Falls or next 130,000 cubic feet per month	
30	by users located within the City of	
31	Cuyahoga Falls	
32	All over 150,000 cubic feet per month	<b>\$12.83</b> per 1,000 cu. ft.
33	by users located within	
34	the City of Cuyahoga Falls	

35  
36 MINIMUM METER RATES TO BE CHARGED  
37 ACCORDING TO SIZE AS FOLLOWS EFFECTIVE JANUARY 1, 2011

38			
39	Meter Minimum (inches)		Cubic Feet per Month
40	Minimum Rate per Month		
41	5/8	400	<b>\$ 8.26</b>
42	3/4	900	<b>18.58</b>
43	1	1,900	<b>39.23</b>
44	1-1/4	2,200	<b>45.41</b>
45	1-1/2	2,500	<b>51.61</b>
46	2	3,100	<b>64.00</b>
47	3	4,400	<b>90.83</b>
48	4	6,300	<b>130.05</b>
49	6	9,600	<b>198.17</b>
50	8	16,700	<b>344.74</b>

FIRE SERVICE UNMETERED RATES EFFECTIVE JANUARY 1, 2011

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Connection (inches)	Rate per Month
2	\$ 36.75
3	52.57
4	75.13
6	114.99
8	199.44
10	249.85
12	337.01

WATER RATE SCHEDULE EFFECTIVE JANUARY 1, 2012

First 400 cubic feet per month - Minimum	\$ 9.08 per month
Next 19,600 cubic feet per month	\$ 22.71 per 1,000 cu. ft.
All over 20,000 cubic feet per month by users located outside the City of Cuyahoga Falls or next 130,000 cubic feet per month by users located within the City of Cuyahoga Falls	\$ 15.79 per 1,000 cu. ft.
All over 150,000 cubic feet per month by users located within the City of Cuyahoga Falls	\$ 14.12 per 1,000 cu. ft.

MINIMUM METER RATES TO BE CHARGED  
ACCORDING TO SIZE AS FOLLOWS EFFECTIVE JANUARY 1, 2012

Meter Minimum (inches)	Cubic Feet per Month	Minimum Rate per Month
5/8	400	\$ 9.08
3/4	900	20.44
1	1,900	43.15
1-1/4	2,200	49.95
1-1/2	2,500	56.77
2	3,100	70.40
3	4,400	99.91
4	6,300	143.06
6	9,600	217.98
8	16,700	379.21

FIRE SERVICE UNMETERED RATES EFFECTIVE JANUARY 1, 2012

Connection (inches)	Rate per Month
2	\$ 40.43
3	57.82
4	82.64
6	126.49
8	219.39
10	274.83
12	370.71

WATER RATE SCHEDULE EFFECTIVE JANUARY 1, 2013

105		
106		
107	First 400 cubic feet per month - Minimum	\$ 9.99 per month
108	Next 19,600 cubic feet per month	\$ 24.98 per 1,000 cu. ft.
109	All over 20,000 cubic feet per month by	\$ 17.37 per 1,000 cu. ft.
110	users located outside the City of Cuyahoga	
111	Falls or next 130,000 cubic feet per month	
112	by users located within the City of	
113	Cuyahoga Falls	
114	All over 150,000 cubic feet per month	\$ 15.53 per 1,000 cu. ft.
115	by users located within	
116	the City of Cuyahoga Falls	
117		

MINIMUM METER RATES TO BE CHARGED  
ACCORDING TO SIZE AS FOLLOWS EFFECTIVE JANUARY 1, 2013

121	Meter Minimum (inches)		Cubic Feet per Month
122	Minimum Rate per Month		
123	5/8	400	\$ 9.99
124	3/4	900	22.49
125	1	1,900	47.46
126	1-1/4	2,200	54.95
127	1-1/2	2,500	62.45
128	2	3,100	77.44
129	3	4,400	109.90
130	4	6,300	157.36
131	6	9,600	239.78
132	8	16,700	417.13

FIRE SERVICE UNMETERED RATES EFFECTIVE JANUARY 1, 2013

136	Connection (inches)	Rate per Month
137	2	\$ 44.47
138	3	63.61
139	4	90.91
140	6	139.14
141	8	241.33
142	10	302.32
143	12	407.78

(b) The charge to be made and the price to be paid for water service rendered to any lot, parcel of land, building, premises or connection situated without the corporate limits of the City of Cuyahoga Falls shall be the same charge as heretofore set forth for the lots, parcels of land, buildings, premises or connections situated within the corporate limits of the City of Cuyahoga Falls, plus a premium of fifty percent (50%), except those customers covered by a contract with the City.

(c) Minimum charges shall not apply to water measured by a "sprinkler meter." A "sprinkler meter" is a second water meter used to measure water used exclusively for exterior purposes by a domestic customer who is already served by a primary water/sewer account for interior domestic purposes.

Section 2. Existing section 923.01 of the Codified Ordinances, as amended by Ord. 32-2008, passed March 10, 2008, is hereby repealed effective as of the effective date of Section 1 of this ordinance.

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Section 3. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith be and the same 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 legal 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

12/13/10  
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