

ORDINANCE NO.: 57-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

CO-SPONSORED BY: COUNCIL AS A WHOLE

AN EMERGENCY ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENDITURES FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 TO TRANSFER FUNDS FROM STREET IMPROVEMENT BOND 2010 TO BOND RETIREMENT FUND

BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio, THAT:

SECTION 1. To amend Fund 401 Street Improvement Bond Fund Series 2010 of the City of Garfield Heights, Ohio, during the Fiscal Year ending December 31, 2023 the sums in the cumulated statement thereof be and they are hereby set aside and appropriated as hereinafter set forth.

CUMULATED APPROPRIATION

401 - STREET IMPROVEMENT BOND 2010	121,553.46
TOTAL TRANSFER APPROPRIATION	<u>121,553.46</u>

SECTION 2. That there be appropriated from the STREET IMPROVEMENT BOND FUND 2010 for the following purposes:

STREET IMPROVEMENT BOND FUND 2010

Special Services	0.00
Advertising/Printing	0.00
Equipment Capital Outlay	0.00
Transfer - Bond Retirement Fund	121,553.46
Note Interest	0.00
Note Principal	0.00

TOTAL EXPENDITURES - STREET IMPROVEMENT BOND 2010 121,553.46

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the peace, health, and welfare of the citizens of the City of Garfield Heights, Ohio, and for daily operation of the Municipal Departments and shall be in full force from and after its passage and approval by the Mayor otherwise, after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke
MAYOR

Thom J. Vayhler
PRESIDENT OF COUNCIL

ATTEST: Jottie Overly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

adopted 8-14-2023

Passed 8-14-2023

eff 8-14-2023

Passed 6-0

Passed 6-0
Adopted 8-14-2023
Eff: 8-14-2023

ORDINANCE NO.: 58-2023

SPONSORED BY: MAYOR MATTHEW BURKE

Cosponsored: Vaughn, Donahue, Johnson, Tonsing, Seither, Collier

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A, AND INCORPORATED HEREIN, (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS AUTHORIZED BY THE FINANCE DIRECTOR), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF ORDINANCE 56-2012: COST OF GARBAGE AND REFUSE COLLECTION

WHEREAS, On March 22, 2010 this Council adopted Ordinance 19-2010 which placed into effect Section 913.08: Cost of Garbage and Refuse Collection in the Codified Ordinances of the City of Garfield Heights, and on December 13, 2010 this council adopted Ordinance 87-2010 which amended this section, and on August 27, 2012 this council adopted Ordinance 56-2012 which amended the costs to be charged to each individual property in the City, and

WHEREAS, pursuant to this legislation, the cost of garbage and refuse collection for the tax collection year 2023 shall be collected in the manner provided by law for assessments, and

WHEREAS, pursuant to this section, Council shall review this section on a yearly basis and certify the charges to the County Auditor in time for the charges to be added to the tax duplicates and collected in the next collection year, and

WHEREAS, in order for these charges to be collected by the County as an assessment they must be certified to the County Auditor by September 11, 2023, and

WHEREAS, any payments received by the Finance Department, or corrections to individual parcels authorized by the Finance Director, may be amended from the amounts listed in Attachment A.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Finance Director is hereby authorized and directed to levy special assessments to the County Auditor, as identified in Attachment A, incorporated herein, (less any payments received or corrections authorized by the Finance Director), to be assessed and collected on the next tax collection, pursuant to the requirements of Ordinance 56-2012: Cost of Garbage and Refuse Collection.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the immediate preservation and protection of the public peace, health, safety, and general welfare of the inhabitants of the City of Garfield Heights and shall take effect and be in full force immediately upon its adoption by this Council and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke

MAYOR

ATTEST: Sottie Overly

CLERK OF COUNCIL

Thomas J. Vaughn
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 8-14-2023

ORDINANCE NO.: 59-2023

Passed 6-0
eff 8-14-2023
adopted 8-14-2023

SPONSORED BY: MAYOR MATTHEW BURKE

CO-Sponsored: Vaughn, Donahue, Seither, Rollier, Johnson

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A AND INCORPORATED HEREIN (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS MADE BY THE FINANCE DIRECTOR OR THE BUILDING COMMISSIONER), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF CODIFIED ORDINANCES CHAPTER 551: LOT MAINTENANCE.

WHEREAS, On July 9, 2001, this Council adopted Ordinance 36-2001 which placed into effect Codified Ordinances Chapter 551: Weeds; and on July 11, 2005, this Council amended Section 551.05 Charges for Cutting of Weeds; and on July 11, 2016, this Council amended Chapter 551: Lot Maintenance, and

WHEREAS, the various City Departments involved have performed their respective duties as identified in the provisions of this Chapter, and

WHEREAS, pursuant to Chapter 551: Weeds – Section 551.03 the Finance department has developed a listing of unpaid invoices, as identified in Attachment A, incorporated herein, and

WHEREAS, pursuant to Chapter 551: Weeds – Section 551.04, the total cost for all residents shall be presented to City Council by ordinance, and

WHEREAS, once approved by the City Council, the total cost of the assessments remaining unpaid may then be certified to the County Auditor to be placed on the tax duplicate to be assessed and collected on the next tax collection, and

WHEREAS, the last day to certify assessments to the County Auditor for collection on the next tax duplicate is September 11, 2023, and

WHEREAS, any payments received or corrections to individual parcels authorized by the Finance Director or the Building Commissioner may be amended from the amounts listed in Attachment A.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Finance Director is hereby authorized and directed to levy special assessments to the County Auditor, as identified in Attachment A and incorporated herein (less any payments received or any corrections made by the Finance Director or the Building Commissioner), to be assessed and collected on the next tax collection, pursuant to the requirements of Codified Ordinances Chapter 551: Lot Maintenance.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the immediate preservation and protection of the public peace, health, safety, and general welfare of the inhabitants of the City of Garfield Heights and shall take effect and be in full force immediately upon its adoption by this Council and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke
MAYOR

ATTEST: Lottie Ouelley
CLERK OF COUNCIL

Thomas Vaughn
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 8-14-2023

Exhibit A - Lot Maintenance List 2024

Address	STREET ADDRESS	Par	Assessment		
8212	Garfield Blvd	54105014	200		
4801	Rockwood	54105049	300		
4813	Rockwood	54105052	200		
4710	Blythin	54106095	400		
4668	Horton	54107020	200		
	Grand Division	54107038	200		
7709	Avondale	54107058	400		
	Blythin	54107109	200		
4669	Blythin	54107123	200		
8127	Garfield Blvd	54108042	400		
4661	Horton	54108056	200		
4639	Horton	54108061	200		
4637	Horton	54108062	200		
4642	E 88	54109019	400		
4670	E 86	54109072	200		
4693	Rockwood	54109122	200		
4661	E 88	54110015	400		
4635	E 90	54110054	200		
9320	Bohning	54111092	400		
8323	Garfield Blvd	54112003	200		
8401	Garfield Blvd	54112028	200		
8341	Garfield Blvd	54112029	200		
4693	Birchwood	54112062	800		
4765	E 86	54112109	600		
4747	E 88	54113012	200		
4764	E 94	54113038	200		
4705	E 93	54113054	200		
4745	E 93	54113064	200		
4761	E 93	54113068	200		
4753	E 90	54113105	200		
4752	E 90	54113117	600		
4708-10	Turney	54114003	800		
9430	Birchwood	54114037	200		
9434	Dorothy	54114068	200		
9504	Dorothy	54114070	200		
4804	E 84	54115146	200		
4824	E 84	54115151	200		
4847	E 94	54117147	200		
4928	E 84	54120011	400		
4937	E 86	54120128	200		
4923	E 86	54120131	200		
4928	E 88	54120143	200		
4915	E 88	54121004	200		
4903	E 93	54121048	200		
4904	E 90	54121119	600		
4965	E 93	54121126	200		

Exhibit A - Lot Maintenance List 2024

Address	STREET ADDRESS	Par	Assessment		
9620	David	54122093	200		
9513	David	54122119	600		
9002	South Highland	54124030	200		
9003	McCracken	54124080	200		
9206	Park Hts	54124099	200		
9603	South Highland	54125106	400		
9517	South Highland	54125109	400		
9818	Plymouth	54126014	200		
9713	McCracken	54126069	400		
5146	Turney	54128021	200		
10501	Park Hts	54128080	200		
10605	Park Hts	54128091	200		
8130	Green	54130015	800		
4913	Donovan	54132012	400		
4929	Donovan	54132014	200		
10309	Grace	54219012	400		
10602	Grace	54220028	200		
10901	Elmwood	54221070	200		
10725	Raymond	54221078	200		
10831	Mountview	54229033	200		
11008	Mountview	54229085	200		
11305	Brunswick	54230060	200		
11505	Chester	54232023	200		
5597	Andover	54232124	200		
5654	Turney	54233005	200		
11812	Crofton	54233149	200		
5571	Saxon	54234026	400		
5597	Briarcliff	54234040	200		
11716	Hastings	54236024	400		
5926	Turney	54321004	200		
12804	Havana	54322057	200		
13008	Havana	54324068	200		
12830	Grannis	54325054	200		
6021	E 135	54326018	200		
13705	Thraves	54327035	600		
13308	Rockside	54329007	200		
13485	Hathaway	54329064	200		
10604	Broadway	54402003	200		
9914	Cardwell	54404004	400		
10211	Parkview	54404099	200		
4644	E 104	54404109	200		
4704	E 104	54405001	400		
4706	E 104	54405002	200		
4732	E 104	54405007	200		
4740	E 104	54405009	600		

Exhibit A - Lot Maintenance List 2024

Address	STREET ADDRESS	Par	Assessment		
4741	Turney	54405027	600		
10013	Russell	54406016	200		
4827	Turney	54406077	200		
4832	Edgepark	54406106	200		
4846	Edgepark	54406107	600		
10402	Homeworth	54407048	200		
4945	E 106	54407077	200		
4938	E 107	54407104	200		
4885	E 107	54407123	400		
10800	Langton	54408064	200		
10810	Langton	54408066	200		
10614	Vernon	54408129	200		
4915	E 111	54410020	400		
11018	Edgepark	54410087	600		
11110	Vernon	54411103	200		
11306	Plymouth	54412017	200		
11205-07	McCracken	54412031	200		
4901	Parkway	54414007	200		
12405	Reindeer	54414097	200		
12333	Southern	54414117	400		
12324	Southern	54414129	400		
12826	Park Knoll	54415010	400		
12834	Park knoll	54415012	400		
12914	Park Knoll	54415015	600		
5001	Claremont	54415119	200		
12323	Park Knoll	54419010	800		
4939	Henry	54419056	200		
12703	Park Knoll	54420003	400		
4926	Clearview	54420029	200		
12912	Broadway	54422003	200		
13016	Broadway	54422005	200		
13031	McCracken	54425021	200		
13950	Broadway	54427008	400		
10910	McCracken	54502074	200		
5200	E 114	54503084	200		
5216	E 114	54503088	200		
5215	E 115	54505001	200		
11802	McCracken	54505029	200		
5202	E 119	54505066	200		
5208	E 119	54505067	200		
5221	E 119	54505108	200		
12905	Oak	54508034	400		
12913	Silver	54509056	200		
13629	Granger	54510071	200		
	Turney	54514019	200		
12416	Granger	54516019	400		

Exhibit A - Lot Maintenance List 2024

Address	STREET ADDRESS	Par	Assessment		
	E 129	54517049	200		
13708	Wolf	54520019	400		
13809	Wolf	54520029	200		
13719	Wolf	54520042	400		
13609	Oak Park	54521108	200		
12701	Willard	54524029	200		
13101	Oak Park	54525047	600		
13011	Oak Park	54525048	400		
13132	Willard	54525087	400		
5627	Turney	54526022	400		
5641	Turney	54526025	1000		
12600	Woodward	54527102	200		
13116	Oak Park	54528013	200		
13001	Shady Oak	54528026	600		
5759	Turney	54529052	400		
13109	Oakview	54531092	200		
13101	Eastwood	54531126	200		
13212	Maplerow	54536164	200		
11321	Broadway	54602001	200		
13903	Dressler	54612023	600		
13709	Dressler	54612029	400		
4717	Hillside	54612080	200		
4735	Bartlam	54612090	200		
13721	Broadway	54613006	400		
13510	Dressler	54614028	200		
4947	Osborn	54617094	400		
14117	Cranwood Pk	54621011	200		
4655	Osborn	54621031	200		
12709	South Parkway	54630058	400		
12807	North	54631006	200		
12915	Maplerow	54631031	400		
12802	Thornhurst	54631048	400		
12900	South Parkway	54631075	200		
12801	South Parkway	54631086	200		
4405	E 131	54632010	200		
13303	South Parkway	54632096	200		
13719	Cranwood Dr	54633044	600		
13719	South Parkway	54633082	200		
13608	South Parkway	54633108	200		
13623	Thornhurst	54633114	600		
13615	Maplerow	54633150	200		
4347	E 139	54633194	400	.	
12610	Maplerow	54634050	200		
12601	Melgrove	54634074	200		
12612	Melgrove	54634082	200		
12718	Maplerow	54635003	200		

Exhibit A - Lot Maintenance List 2024

Address	STREET ADDRESS	Par	Assessment		
12915	Christine	54635019	600		
12717	Christine	54635028	400		
12716	Christine	54635033	400		
12816	Christine	54635038	200		
12917	Rexwood	54635049	200		
12901	Rexwood	54635053	200		
12808	Rexwood	54635066	200		
13517	Alvin	54636034	600		
13513	Alvin	54636035	600		
13202	Saybrook	54636057	200		
13420	Saybrook	54636071	200		
13208	Rexwood	54636095	200		
13306	Maplerow	54636167	200		
13310	Maplerow	54636168	400		
13512	Maplerow	54636177	400		
13504	Rexwood	54636178	200		
13715	Christine	54637028	400		
13619	Saybrook	54637073	200		
13620	Saybrook	54637082	200		
13712	Saybrook	54637087	400		
13716	Saybrook	54637088	400		
13818	Saybrook	54637094	200		
13602	Alvin	54637112	400		
13620	Alvin	54637116	200		
4543	E 139	54637136	200		
				\$ 61,500.00	Total Assessment

Passed 6-0
adopted 8-14-2023
eff: 9-13-2023

ORDINANCE NO.: 60-2023

SPONSORED BY:
Cosponsor

MAYOR MATTHEW A. BURKE

Vaughn, Seither, Donahue, Johnson, Tonsing, Collier
AN ORDINANCE AMENDING AND UPDATING CHAPTER 1170
COMPREHENSIVE STORM WATER MANAGEMENT OF THE
GARFIELD HEIGHTS ZONING CODE

WHEREAS, a significant portion of the City of Garfield Heights lies within the Mill Creek Watershed; and,

WHEREAS, flooding is a significant threat to property and public health and safety and stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly; and,

WHEREAS, streambank erosion is a significant threat to property and public health and safety and stormwater management slows runoff and reduces its erosive force; and,

WHEREAS, insufficient control of stormwater can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, there are watershed-wide efforts to reduce flooding, erosion, and water quality problems in the Cuyahoga River and to protect and enhance the water resources of the Lake Erie Watershed; and,

WHEREAS, the City of Garfield Heights finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and,

WHEREAS, the City of Garfield Heights desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from stormwater runoff; and,

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of stormwater runoff; and

WHEREAS, the use of green infrastructure produces community benefits including reduced crime, increased property values, increased retail sales and lower infrastructure costs; and

WHEREAS, the City of Garfield Heights is a member of the Northeast Ohio Public Involvement Public Education (a.k.a. NEOPIPE) organization and Cuyahoga County Soil and Water Conservation District and recognizes its obligation as a part of this organization is to manage stormwater within its borders; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Garfield Heights to develop a Stormwater Management Program that, among other components, requires the City of Garfield Heights to implement standards, principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Garfield Heights, County of Cuyahoga, State of Ohio, that: SECTION 1: Codified Ordinance **Chapter 1170** Comprehensive Stormwater Management, is hereby amended to read in total as follows:

CHAPTER 1170

COMPREHENSIVE STORM WATER MANAGEMENT

1170.01 PURPOSE AND SCOPE

A. The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City of Garfield Heights:

B. This regulation requires owners who develop or re-develop their property within the City of Garfield Heights to:

1. Control stormwater runoff from their property and ensure that all Stormwater Control Measures (SCMs) are properly designed, constructed, and maintained.
2. Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
3. Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and groundwater are protected, and flooding and erosion potential are not increased.
4. Minimize the need to construct, repair, and replace subsurface storm drain systems.
5. Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
6. Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.

7. Reduce the expense of remedial projects needed to address problems caused by inadequate stormwater management.

8. Maximize use of current Best Management Practices (BMPs) or Stormwater Control Practices (SCMs) that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.

9. Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize future expenses related to the maintenance and repair of stream crossings.

10. Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.

C. This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section 1170.01

D. Public entities, including the State of Ohio, Cuyahoga County, and the City of Garfield Heights shall comply with this regulation for roadway projects initiated after March 10, 2006 and, to the maximum extent practicable, for projects initiated before that time.

E. This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

F. This regulation does not require a Comprehensive Stormwater Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the City Engineer. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1171 Erosion and Sediment Control.

1170.02 DEFINITIONS

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

A. ACRE: A measurement of area equaling 43,560 square feet.

B. AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a registered Professional Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

C. BEST MANAGEMENT PRACTICES (BMPs): Also STORMWATER CONTROL MEASURE (SCMs). Schedule of activities, prohibitions of practices, operation and maintenance

procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control stormwater volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of BMPs at <http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>.

D. CLEAN WATER ACT: Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.

E. COMMUNITY: The City of Garfield Heights, its designated representatives, boards, or commissions.

F. COMPREHENSIVE STORMWATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve stormwater quality and stream channels.

G. CRITICAL STORM: A storm that is calculated by means determined by calculating the of the percentage increase in volume of runoff by a proposed development area for the 1 year 24-hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.

H. DETENTION FACILITY: A basin, pond, oversized pipe, or other structure that reduces the peak flow rate of stormwater leaving the facility by temporarily storing a portion of the storm water entering the facility.

I. DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

J. DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique watershed with individual outlet points on the development area.

K. DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

L. DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.

M. EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

N. EXTENDED CONVEYANCE: A storm water management practice that replaces and/or enhances traditional open or closed storm drainage conduits by retarding flow, promoting percolation of runoff into the soil, and filtering pollutants during the storm water quality event.

O. EXTENDED DETENTION FACILITY: A stormwater management practice control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the stormwater quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.

P. FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have

Q. GRADING: The process in which the topography of the land is altered to a new slope.

R. GREEN INFRASTRUCTURE: Wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.

S. HYDROLOGIC UNIT CODE: a cataloging system developed by the United States Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

T. IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.

U. INFILTRATION CONTROL MEASURE: A stormwater control measure that does not discharge to a water resource during the stormwater quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.

V. LARGER COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

W. LOW IMPACT DEVELOPMENT: Low-impact development (LID) is a site design approach, which seeks to integrate hydrologically functional design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to mimic natural hydrology and processes by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire stormwater. LID stormwater control measures (SCMs) are uniformly and strategically located throughout the site.

X. MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.

Y. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

1. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into water resources; and

2. Designed or used for collecting or conveying solely stormwater,
3. Which is not a combined sewer, and
4. Which is not a part of a publicly owned treatment works

Z. National Pollutant Discharge Elimination System (NPDES): A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

AA. NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICE OR NONSTRUCTURAL STORMWATER CONTROL MEASURE (SCM): Any technique that uses natural processes and features to prevent or reduce the discharge of pollutants to water resources and control stormwater volume and rate.

BB. POST-DEVELOPMENT: The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

CC. PRE-CONSTRUCTION MEETING: Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as submitted and approved.

DD. PRE-DEVELOPMENT: The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

EE. PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.

FF. REDEVELOPMENT: A construction project on land that has been previously developed and where the new land use will not increase the runoff coefficient used to calculate the water quality volume. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.

GG. RIPARIAN AREA: Land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

HH. RIPARIAN AND WETLAND SETBACK: The real property adjacent to a water resource on which soil disturbing activities are limited, all as defined by the requirements of Chapter 1181.

II. RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.

JJ. SEDIMENT: The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

KK. SEDIMENTATION: The deposition of sediment in water resources.

LL. SITE OWNER/OPERATOR: Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

MM. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.

NN. STABILIZATION: The use of Best Management Practices or Stormwater Control Measures that reduce or prevent soil erosion by stormwater runoff, trench dewatering, wind, ice, gravity, or a combination thereof.

OO. STORMWATER OR STORM WATER: Defined at 40 CFR 122.26(b)(13) and means stormwater runoff, snow melt runoff and surface runoff and drainage.

PP. STORMWATER CONTROL MEASURE (SCM): Also Best Management Practice (BMP). Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control stormwater volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of BMPs at <http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>.

QQ. STRUCTURAL STORM WATER MANAGEMENT PRACTICE OR STORMWATER CONTROL MEASURE (SCM): Any constructed facility, structure, or device that prevents or reduces the discharge of pollutants to water resources and controls stormwater volume and rate.

RR. SURFACE WATERS OF THE STATE: Also, Water Resource. Any streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

SS. TOTAL MAXIMUM DAILY LOAD: The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standards.

TT. WATER QUALITY VOLUME: "Water Quality Volume (WQv)" means the volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean

storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur. The volume of runoff from a contributing watershed that must be captured and treated, equivalent to the maximized capture.

1170.03 DISCLAIMER OF LIABILITY

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

B. By approving a Comprehensive Stormwater Management Plan under this regulation, the City of Garfield Heights does not accept responsibility for the design, installation, and operation and maintenance of SCMs.

1170.04 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

A. Where this regulation is in conflict with other provisions of law or ordinance or requirements in the Construction General Permit, the most restrictive provisions, as determined by the Building Commissioner, shall prevail.

B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

D. Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the *City of Garfield Heights*, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1170.05 DEVELOPMENT OF COMPREHENSIVE STORMWATER MANAGEMENT PLANS

A. This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1170.01 (C) is proposed. A Comprehensive Stormwater Management Plan must be developed and implemented for all commercial and industrial site development disturbing more than two-tenths (0.2) of an acre. The Building Commissioner and/or City Engineer may require a Comprehensive Stormwater Management Plan for any soil disturbing activity.

B. The City of Garfield Heights shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. The City of Garfield Heights may consult with the *Cuyahoga County* SWCD, state agencies, private engineers, stormwater districts, or other technical experts in reviewing the Comprehensive Stormwater Management Plan.

1170.06 APPLICATION PROCEDURES

A. Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the City Engineer and/or the Building Commissioner to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

B. Preliminary Comprehensive Stormwater Management Plan: The applicant shall submit two (2) sets of a Preliminary Comprehensive Stormwater Management and the applicable fees to the *Building Commissioner*. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, SCMs, and easements in sufficient detail and engineering analysis to allow the *City of Garfield Heights* to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCMs are capable of controlling runoff from the site in compliance with this regulation. The applicant shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:

- (1) For subdivisions: In conjunction with the submission of the preliminary subdivision plan.
- (2) For other construction projects where the development or redevelopment plan will result in the installation of impervious areas, artificial turf or permeable pavement systems: In conjunction with the application for a *Zoning Permit*.
- (3) For general clearing projects: In conjunction with the application for a zoning permit.

C. Final Comprehensive Stormwater Management Plan: The applicant shall submit two (2) sets of a Final Comprehensive Stormwater Management Plan and the applicable fees to the City of Garfield Heights Building Commissioner in conjunction with the submittal of the final plat, improvement plans, or application for a building or zoning permit for the site. Final Comprehensive Stormwater Management Plans shall meet the requirements of Section 1170.08 and shall be approved by the City Engineer prior to approval of the final plat and/or before issuance of a *zoning permit*.

D. Review and Comment: The City Engineer shall review the Preliminary and Final Plans submitted and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.

E. Approval Necessary: The Building Commissioner shall not issue a zoning permit without an approved Comprehensive Stormwater Management Plan.

F. Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval or as stipulated in the Construction General

Permit. The Building Commissioner shall reserve the right to extend the approvals if the site has been actively maintained and managed, in accordance with the City ordinances and policies.

1170.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the City of Garfield Heights will issue a building or zoning permit.

- A. Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI), a copy of the Ohio EPA Director's Authorization Letter with NPDES Facility Permit number for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- C. Ohio EPA Isolated Wetland or Ephemeral Stream Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit or Ephemeral Stream Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit or Ephemeral Stream Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- D. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 1. A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 2. A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water Resources permit application tracking number, a copy of the project approval letter from the ODNR Division of Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1170.08 COMPREHENSIVE STORMWATER MANAGEMENT PLAN

Comprehensive Stormwater Management Plan Required: The applicant shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed after construction is completed for every discharge from the site and/or into a water resource or small Municipal Separate Storm Sewer System (MS4). Comprehensive Stormwater Management Plans must meet the requirements in the Construction General Permit and these regulations.

A. Preparation by Professional Engineer: The Comprehensive Stormwater Management Plan shall be prepared by a registered Professional Engineer and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the *City Engineer*, a site survey shall be performed by a registered Professional Surveyor to establish boundary lines, measurements, or land surfaces.

B. Community Procedures: The *City Engineer* shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the stormwater management system for the site. These procedures may be updated from time to time, at the discretion of the *City Engineer* based on improvements in engineering, science, monitoring, and local maintenance experience. The *City Engineer* shall make the final determination of whether SCMs proposed in the Comprehensive Stormwater Management Plan meet the requirements of this regulation to be used in the City of Garfield Heights.

C. Contents of Comprehensive Stormwater Management Plan: The Comprehensive Stormwater Management Plan must contain all elements and meet all requirements specified in the Construction General Permit. It shall also meet the following requirements.

1. Location information: The application shall note the phase, if applicable, of the overall development plan and list subplot numbers if project is a subdivision. The Site description shall include, at a minimum the following:

- a. A description of the nature and type of the construction activity (e.g. residential, L.I.D. Development, shopping mall, road project, etc.)
- b. The total area of the site and the area of the site anticipated to be disturbed during each phase of development including grubbing, clearing, excavation, filling, and grading, including off-site fill or borrow areas even if not within the City of Garfield Heights.
- c. Description of prior land use.
- d. The estimate of the impervious area and percentage of imperviousness created by the soil-disturbing activity both pre- and post-development.

e. Soil boring logs and locations, including soil series and association, hydrologic soils group, soil porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any identified impervious layers.

f. If available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior uses.

g. The location and name of the immediate water resource(s) and the first subsequent water resource(s).

h. The aerial plan view extent and description of water resources at or near the site that will be disturbed or will receive discharges from the project.

i. Describe the current condition of water resources including the vertical stability of stream channels and indications of channel incision that may be responsible for current or future sources of high sediment loading or loss of channel stability.

2. Site maps and SCM design plans: It is preferred that all SCMs and the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided. Existing and proposed drainage patterns and any relevant offsite SCMs should be depicted. For each SCM, include the following:

a. An individual identification number

b. Location and size

c. Final site conditions and detail drawings of stormwater inlets and permanent SCMs. Details of SCMs shall be drawn to scale and shall show relevant volumes, elevations and sizes of contributing drainage areas.

d. A completed Ohio EPA WQv Calculator Spreadsheet and/or Runoff Reduction Spreadsheet or other equivalent compliance tools provided by Ohio EPA.

e. Any supplemental information requested by the City Engineer and Building Commissioner.

3. Required Calculations: The applicant shall submit calculations for projected stormwater runoff flows, volumes, and timing into and through all SCMs for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its floodplain. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from offsite areas have been considered in the calculations. For each SCM, identify the drainage area and size in acres, percent impervious cover within the drainage area, volumetric runoff coefficient, peak discharge, and the time of concentration for each subwatersheds. Pervious and impervious areas should be treated as separate subwatersheds unless allowed at the discretion of the community engineer. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions.

4. Inspection and Maintenance Agreement. The Inspection and Maintenance Agreement required for SCMs under this regulation is a stand-alone document between the City of Garfield Heights and the applicant. This agreement shall be recorded with the County Recorder. The agreement, at a minimum, shall include:

- (a) The location of each SCM on the site;
- (b) The schedule for regular maintenance and responsible party for such, including the source of funding for such;
- (c) Agreed upon submission dates for maintenance reporting to the City of Garfield Heights;
- (d) Agreement to permit the City of Garfield Heights to enter the property to perform any corrective actions identified in the inspection report if the landowner(s), organizations, or municipality responsible for maintenance do not make the required corrections in a specified time period. The City of Garfield Heights shall be reimbursed by the land owner(s), organization responsible for maintenance for any and all expenses incurred within 10 days of receipt of invoice from the City of Garfield Heights.
- (e) A release of the City of Garfield Heights from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City of Garfield Heights from the construction, presence, existence, or maintenance of the storm water management practices proposed by the owner(s).

5. Inspection and Maintenance Plan. This plan will meet the requirements of the Construction General Permit and will be developed by the applicant and reviewed by the City Engineer. Maintenance requirements of each SCM during and after construction should be included. Once the Inspection and Maintenance Plan is approved, a recorded copy of the Plan must be provided to the property owner or association that will be responsible for long-term operation and maintenance of the BMP and submitted to the City Engineer as part of the final inspection approval as described in 1170.12.

Alteration or termination of these stipulations is prohibited. The applicant must provide a draft of the Inspection and Maintenance Agreement as part of the Comprehensive Storm Water Management Plan submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the City of Garfield Heights to receive final inspection approval of the site.

6. Failure to provide the City of Garfield Heights with a recorded copy of the approved Inspection and Maintenance Agreement shall restrict the Zoning Administrator from approving Zoning Permits within the applicable project area. The City of Garfield Heights reserves the right to revoke bonding on the project until a final approved agreement is provided.

1170.09 PERFORMANCE STANDARDS

A. General: The stormwater system, including SCMs for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; to meet the requirements of the Construction General Permit; and to meet the following criteria:

1. Integrated SCMs that address degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the water resources receiving stormwater discharges from the site. Acceptable SCMs shall:

a. Not disturb riparian areas unless the disturbance is intended to support a watercourse restoration project and complies with *Chapter 1161*.

b. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable. Where feasible, bioretention, permeable pavement with infiltration, underground storage with infiltration, infiltration trenches, infiltration basins, and/or rainwater harvesting must be the water quality SCMs used. Separate SCMs may be used for peak discharge control and water quality treatment.

c. Only install new impervious surfaces and compact soils where necessary to support future land use.

d. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing stormwater peak flows to less than predevelopment levels.

e. Be designed according to the methodology included in the most current edition of Rainwater and Land Development Manual or another design manual acceptable for use by the City of Garfield Heights and Ohio EPA.

2. Practices designed for final use: SCMs shall be designed to achieve the stormwater management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with routine maintenance.

3. Stormwater management for all lots: Areas developed for a subdivision, as defined in Chapter Section 1100 of the Planning and Zoning Code shall provide stormwater management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from each lot.

4. Stormwater facilities in water resources: SCMs and related activities shall not be constructed in water resources unless the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1170.07 of this regulation, and the activity is in compliance with Chapter 1171 Erosion and Sediment Control, and Chapter 1161 Riparian Setbacks, all as determined by the City Engineer.

5. Stormwater ponds and surface conveyance channels: All stormwater pond and surface conveyance designs must provide a minimum of two (2) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing stormwater ponds and conveyance channels, the applicant shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.

6. Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1170.09 if it can be shown to the satisfaction of the City Engineer that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing SCM, or if the stormwater management requirements for the site are provided by SCMs defined in a regional or local stormwater management plan approved by the City Engineer.

7. Maintenance: All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the City Engineer.

8. Ownership: Unless otherwise required by the City of Garfield Heights, SCMs serving multiple lots in subdivisions shall be on a separate lot held and maintained by an entity of common ownership or, if compensated by the property owners, by the City of Garfield Heights as a dedicated public space. SCMs serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.

9. Preservation of Existing Natural Drainage: Practices that preserve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated stormwater runoff to and through these areas.

10. Post-Construction Soil Restoration: Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moistureholding capacity of areas that have been cleared and graded must be restored to that of the original, undisturbed soil to the maximum extent practicable. Areas that have been compacted or had the topsoil or duff layer removed should be amended using the soil profile restoration design criteria in the Rainwater and Land Development Manual.

B. Stormwater Conveyance Design Criteria: All SCMs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

1. Surface water protection: The City Engineer may allow modification to streams, rivers, lakes, wetlands or other surface waters only if the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1170.07 of this regulation, and the activity is in compliance with Section Chapter 1171 and Chapter 1172, all as determined by the City Engineer.

At a minimum, stream relocation designs must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property. Design modification to existing streams, rivers, lakes and wetlands within FEMA designated floodways will require the Owner to apply for the appropriate mapping modifications per FEMA regulations. The cost for such a plan modification shall be born by the land owner.

2. Off-site stormwater discharges: Off-site stormwater runoff that discharges to or across the applicant's development site shall be conveyed through the stormwater conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around stormwater quality control facilities, or the stormwater quality control facility shall be sized to treat the off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the City Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.

3. Sheet flow: The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. The sheet flow length shall not exceed 75 feet from impervious area or 150 feet from pervious areas. Flow shall be directed into an open channel, storm sewer, or other SCMs from areas too long and/or too large to maintain sheet flow, all as determined by the City Engineer.

4. Open channels: Unless otherwise allowed by the City Engineer, drainage tributary to SCMs shall be provided by an open channel with vegetated banks and designed to carry the 10-year, 24-hour stormwater runoff from upstream contributory areas.

5. Open drainage systems: Open drainage systems shall be preferred on all new development sites to convey stormwater where feasible. Storm sewer systems shall be allowed only when the site cannot be developed at densities allowed under City of Garfield Heights zoning or where the use of an open drainage system affects public health or safety, all as determined by the City Engineer. The following criteria shall be used to design storm sewer systems when necessary: NOTE: The following sections are typical stormwater conveyance design criteria. Either use these criteria or include the pertinent sections of your existing stormwater conveyance design criteria.

a. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 5-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 10-year, 24-hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributing drainage area within the proposed development and existing flows from offsite areas that are upstream from the development.

b. The minimum inside diameter of pipe to be used in public storm sewer systems is 12 inches. Smaller pipe sizes may be used in private systems, subject to the approval of the City Engineer.

c. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

d. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.

e. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes. *Designs where the open flow channel is steeper than or equal to 1% shall include a stone rip-wrap or other approved erosion control measure as approved by the City Engineer.*

6. Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource in the City of Garfield Heights:

a. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm.

b. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, coldwater habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high-water mark.

c. If a culvert or other closed bottom crossing is used, twenty-five (25) percent of the cross-sectional area or a minimum of 1 foot of box culverts and pipe arches must be embedded below the channel bed. The conduit or conveyance must be sized to carry the 25-year storm under these conditions.

d. The minimum inside diameter of pipes to be used for crossings shall be 12 inches.

e. The maximum slope allowable shall be a slope that produces a 10-fps velocity within the culvert barrel under design flow conditions. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

f. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.

g. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.

h. Streams with a drainage area of 5 square miles or larger shall incorporate floodplain culverts at the bankfull elevation to restrict head loss differences across the crossing so as to cause no rise in the 100-year storm event.

i. Bridges shall be designed such that the hydraulic profile through a bridge shall be a minimum of 1 foot below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.

7. Overland flooding: Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or SCM such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least two feet below the finished grade elevation of all structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

8. Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by the City of Garfield Heights must be compensated by providing an equivalent storage volume. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the *City of Garfield Heights*, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.

9. Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected

C. Stormwater Quality Control: The site shall be designed to direct runoff to one or more SCMs that meet or exceed the criteria in the Construction General Permit.

(1) Direct runoff to a BMP: The site shall be designed to direct runoff to one or more of the following storm water management practices. These practices are listed in Table 2 of this regulation and shall be designed to meet the following general performance standards:

A. Extended conveyance facilities that slow the rate of storm water runoff; filter and biodegrade pollutants in storm water; promote infiltration and evapotranspiration of storm water; and discharge the controlled runoff to a water resource.

- B. Extended detention facilities that detain storm water; settle or filter particulate pollutants; and release the controlled storm water to a water resource.
- C. Infiltration facilities that retain storm water; promote settling, filtering, and biodegradation of pollutants; and infiltrate captured storm water into the ground. The City Engineer may require a soil engineering report to be prepared for the site to demonstrate that any proposed infiltration facilities meet these performance standards.
- D. The City Engineer may approve other BMPs if the applicant demonstrates to the City Engineer satisfaction that these BMPs meet the objectives of this regulation as stated in Section 1170.09 (c)(6).

(2) Criteria applying to all storm water management practices. Practices chosen must be sized to treat the water quality volume (WQv) and to ensure compliance with Ohio Water Quality Standards (OAC Chapter 3745-1).

A. The WQv shall be equal to the volume of runoff from a 0.75 inch rainfall event and shall be determined according to one of the following methods:

1. Through a site hydrologic study approved by the City Engineer that uses continuous hydrologic simulation; site- specific hydrologic parameters, including impervious area, soil infiltration characteristics, slope, and surface routing characteristics; proposed best management practices controlling the amount and/or timing of runoff from the site; and local long-term hourly records, or
2. Using the following equation:

$$WQv = C \cdot P \cdot A / 12$$

where terms have the following meanings:

WQv = water quality volume in acre-feet

C = runoff coefficient appropriate for storms less than 1 in.

P = 0.75 inch precipitation depth

A = area draining into the storm water practice, in acres.

Runoff coefficients required by the Ohio Environmental Protection Agency (Ohio EPA) for use in determining the water quality volume are listed in Table 1. Alternatively, the City Engineer may consider use of the following equation to calculate the runoff coefficient if the applicant can demonstrate that appropriate controls are in place to limit the proposed impervious area of the development:

$$C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04, \text{ where:}$$

i = fraction of the drainage area that is impervious

Table 1: Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2
Where land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3)+(0.3)(0.5)+(0.1)(0.2) = (0.35)$	

B. An additional volume equal to 20% of the WQv shall be incorporated into the storm water practice for sediment storage.

C. Storm water quality management practices shall be designed such that the drain time is long enough to provide treatment and protect against downstream bank erosion, but short enough to provide storage available for successive rainfall events as defined in Table 2.

Table 2: Draw Down Times for Storm Water Management Practices

Best Management Practice	Drain Time of WQv
Infiltration Facilities	24 - 48 hours
Extended Conveyance Facilities (Vegetated Swales, Filter Strips) Extended Conveyance Detention Design Flow Through Design	24 hours *
Extended Detention Facilities Extended Dry Detention Basins	48 hours
Wet Detention Basins **	24 hours
Constructed Wetlands (above permanent pool)	24 hours
Media Filtration, Bioretention	40 hours
* Size to pass a hydrograph with a volume equal to the WQv, a duration of 2 hours, and peak rainfall intensity of 1 inch/hour at a depth of no more than 3 inches. The use of this criterion is limited to sites where the total area disturbed is 5 acres or less.	
**Provide both a permanent pool and an extended detention volume above the permanent pool, each sized with at least 0.75*WQv.	

D. Each practice shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection and Maintenance Agreement for the site.

(3) Additional criteria applying to infiltration facilities.

A. Infiltration facilities shall only be allowed if the soil of the facility falls within hydrologic soil groups A or B, and if the seasonal high water table and any underlying bedrock are at least six feet below the final grade elevation.

B. All runoff directed into an infiltration basin must first flow through an extended conveyance facility to remove coarser sediments that could cause a loss of infiltration capacity.

C. During construction, all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.

(4) Additional criteria applying to extended conveyance facilities.

A. Facilities shall be lined with fine turf-forming, flood tolerant grasses.

B. Facilities designed according to the extended conveyance detention design drain time shall:

1. Not be located in areas where the depth to bedrock and/or seasonal high-water table is less than 3 feet below the final grade elevation.

2. Only be allowed where the underlying soil consists of hydrologic soil group (HSG) A or B, unless the underlying soil is replaced by at least a 2.5-foot-deep layer of soil amendment with a permeability equivalent to a HSG A or B soil and an underdrain system is provided.

C. Facilities designed according to the flow through design drain time shall:

1. Only be allowed on sites where the total area disturbed is 5 acres or less.

2. Be designed to slow and filter runoff flowing through the turf grasses with a maximum depth of flow no greater than 3 inches.

D. Concentrated runoff shall be converted to sheet flow before entering an extended conveyance facility designed according to the flow through drain time.

(5) Additional criteria for extended detention facilities:

A. The outlet shall be designed to release the bottom 50 percent of the water quality volume in no less than 2/3rd of the drain time. A valve shall be provided to drain any permanent pool volume for removal of accumulated sediments. The outlet shall be designed to minimize clogging, vandalism, and maintenance. Methods of inspecting and testing shall be incorporated in the long term maintenance plan for the site and shall be required to be tested at least annually.

B. The basin design shall incorporate the following features to maximize multiple uses, aesthetics, safety, and maintainability:

1. Basin side slopes above the permanent pool shall have a run to rise ratio of 4:1 or flatter.

2. The perimeter of all permanent pool areas deeper than 4 feet shall be surrounded by an aquatic bench that extends at least 8 feet and no more than 15 feet outward from the normal water edge. The 8 feet wide portion of the aquatic bench closest to the shoreline shall have an average depth of 6 inches below the permanent pool to promote the growth of aquatic (non-invasive) vegetation. The remainder of the aquatic bench shall be no more than 15 inches below the permanent pool to minimize drowning risk to individuals who accidentally or intentionally enter the basin, and to limit growth of dense vegetation in a manner that allows waves and mosquito predators to pass through the vegetation. The maximum slope of the aquatic bench shall be 10 (H) to 1 (V). The aquatic bench shall be planted with hearty plants comparable to wetland vegetation that are able to withstand prolonged inundation.

3. A forebay designed to allow larger sediment particles to settle shall be placed at basin inlets. The forebay volume shall be equal to at least 10% of the water quality volume (WQv).

(6) Additional criteria applying to extended conveyance facilities.

A. Facilities shall be lined with fine turf-forming, flood tolerant grasses.

B. Facilities designed according to the extended detention design drain time shall:

1. Not be located in areas where the depth to bedrock and/or seasonal high water table is less than 3 feet below the final grade elevation.

2. Only be allowed where the underlying soil consists of hydrologic soil group (HSG) A or B, unless the underlying soil is replaced by at least a 2.5 foot deep layer of soil amendment with a permeability equivalent to a HSG A or B soil and an underdrain system is provided.

C. Swales and filter strips designed according to the flow through drain time shall:

1. Only be allowed on sites where the total area disturbed is 5 acres or less.

2. Be designed to slow and filter runoff flowing through the turf grasses with a maximum depth of flow no greater than 3 inches.

D. Concentrated runoff shall be converted to sheet flow before entering an extended conveyance facility designed according to the flow through drain time.

(7) Alternative post-construction BMPs: The applicant may request approval from the City Engineer for the use of alternative structural post-construction BMPs if the applicant shows, to the satisfaction of the City Engineer and with prior written approval from Ohio EPA, that these BMPs are equivalent in pollutant removal and runoff flow/volume reduction effectiveness to those listed in Table 2.

D. Stormwater Quantity Control: The Comprehensive Stormwater Management Plan shall describe how the proposed SCMs are designed to meet the following requirements for stormwater quantity control for each watershed in the development:

1. The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.

2. Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under predevelopment conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.

3. The Critical Storm for each specific development drainage area shall be determined as follows:

a. Determine, using a curve number-based hydrologic method or other hydrologic method approved by the City Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:

(1) Calculations shall include the lot coverage assumptions used for full build out as proposed.

(2) Calculations shall be based on the entire contributing watershed to the development area.

(3) Model pervious, directly connected impervious and disconnected impervious areas as separate subwatersheds.

(4) Drainage area maps shall include area, curve number, and time of concentrations. Time of concentration shall also show the flow path and the separation in flow type.

(5) Use the Precipitation-Frequency Atlas of the United States, NOAA Atlas 14, Vol 2(3). [available online: <http://hdsc.nws.noaa.gov/hdsc/pfds/>] for rainfall depth data for stormwater design.

(6) Use the SCS Type II rainfall distribution for all design events with a recurrence interval greater than 1 year. Include lot coverage assumptions used for full build out of the proposed condition.

(7) Curve numbers for the pre-development condition shall reflect the average type of land use over the past 10 years and not only the current land use.

i. Pre-development Curve Numbers – For wooded or brushy areas, use listed values from TR-55 NRCS USDA Urban Hydrology for Small Watersheds, 1986 in good hydrologic condition. For meadows, use listed values. For all other areas (including all types of agriculture), use pasture, grassland, or range in good hydrologic condition.

ii. Post-development Curve Numbers - Open space areas shall use post-construction hydrologic soil groups from Rainwater and Land Development unless the soil is amended using the soil profile restoration design criteria in Rainwater and Land Development Manual. All undisturbed areas or open space with amended soils shall be treated as “open space in good condition.”

(8) Time of Concentration - Use velocity-based methods from (TR-55 NRCS USDA Urban Hydrology in Small Watersheds, 1986) to estimate travel time (Tt) for overland (sheet) flow, shallow concentrated flow and channel flow.

i. Maximum sheet flow length is 100 ft.

ii. Use the appropriate “unpaved” velocity equation for shallow concentrated flow from Soil Conservation Service National Engineer Handbook Section 4 – Hydrology (NEH-4).

(9) The volume reduction provided by runoff reduction SCMs may be subtracted from the post-development stormwater volume. Volume reductions for these SCMs may be demonstrated using methods outlined in Rainwater and Land Development or a hydrologic model acceptable to the City Engineer.

b. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways except in instances of engineered permeable pavement systems. From the volume determined in Section 1170.09(D)(3)(a), determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 3. Table 3: 24-Hour Critical Storm If the Percentage of Increase in Volume of Runoff is: The Critical Storm will be: Equal to or Greater Than: and Less Than: ---- 10 1 year 10 20 2 year 20 50 5 year 50 100 10

year 100 250 25 year 250 500 50 year 500 --- 100 year For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.

E. Stormwater Management for Previously Developed Areas. SCMs on previously developed sites must meet the criteria in the Construction General Permit.

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
---	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	---	100 year

For example, if the percent increase between the pre- and post-development runoff volume for a 1- year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1- year frequency storm under pre-development conditions in the development drainage area. The post- development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.

1170.10 ALTERNATIVE ACTIONS

A. When the City of Garfield Heights determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of stormwater quantity. Such alternatives shall meet the standards in the Construction General Permit and shall achieve the same level of stormwater quantity control that would be achieved by the on-site controls required under this regulation. The City Engineer may require proof of Ohio EPA review and approval for any alternative action proposed.

B. Alternative actions may include, but are not limited to, the following. All alternative actions shall be approved by the City Engineer:

(1) Fees, in the amount specified by the City of Garfield Heights to be applied to community-wide storm water management practices.

(2) Implementation of off-site storm water management practices and/or the retrofit of an existing practice to increase quality and quantity control.

- (3) Stream, floodplain, or wetland restoration.
- (4) Acquisition or conservation easements on protected open space significantly contributing to storm water control such as wetland complexes.

1170.11 EASEMENTS

Access to SCMs as required by the City Engineer for inspections and maintenance shall be secured by easements. The following conditions shall apply to all easements:

- A. Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Stormwater Management Plan.
- B. Easements shall be approved by the *City of Garfield Heights* prior to approval of a final plat and shall be recorded with the Cuyahoga County Auditor and on all property deeds.
- C. Unless otherwise required by the City Engineer, access easements between a public right-of-way and all SCMs shall be no less than 25-feet wide. The easement shall also incorporate the entire SCM plus an additional 25-foot-wide band around the perimeter of the SCM.
- D. The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site. Easements shall include restrictions from the placement of permanent structures.
- E. Easements to SCMs shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of stormwater and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City Engineer. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Garfield Heights at the property owners' expense.

1170.12 MAINTENANCE AND FINAL INSPECTION APPROVAL

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed by the applicant and provided to the City Engineer:

- A. Final stabilization must be achieved and all permanent SCMs must be installed and made functional, as determined by the City Engineer and per the approved Comprehensive Stormwater Management Plan.
- B. An As-Built Certification, including As-Built Survey and Inspection, must be sealed, signed and dated by a Professional Engineer and a Professional Surveyor with a statement certifying that the SCMs, as designed and installed, meet the requirements of the Comprehensive Stormwater Management Plan approved by the City Engineer. In evaluating this certification, the City Engineer may require the submission of a new set of SCM calculations if he/she determines that the design was altered significantly from the approved Comprehensive Stormwater Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of

such SCMs and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.

C. A copy of the complete and recorded Inspection and Maintenance Plan and Inspection and Maintenance Agreement as specified in Section 1170.08 must be provided to the City Engineer.

1170.13 ON-GOING INSPECTIONS

The owner shall inspect SCMs regularly as described in the Inspection and Maintenance Plan and Inspection and Maintenance Agreement. The City of Garfield Heights has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation. Upon finding a malfunction or other need for maintenance or repair, the City of Garfield Heights shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have ten (10) working days, or other mutually agreed upon time, to make repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the City Engineer for these repairs not in place, the City of Garfield Heights may undertake the necessary repairs and assess the responsible party.

1170.14 FEES The Comprehensive Stormwater Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the *City of Garfield Heights* before the review process begins. The City Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services.

1170.15 BOND

A. If a Comprehensive Stormwater Management Plan is required by this regulation, soil disturbing activities shall not be permitted until a cash bond of 10% of the total project cost has been deposited with the *City of Garfield Heights* Finance Department. This bond shall be posted for the *City of Garfield Heights* to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The stormwater bond will be returned, less the *City of Garfield Heights* administrative fees as detailed in Chapter 1170 of the *City of Garfield Heights* Codified Ordinances, when the following three criteria are met:

1. The site has been stabilized, temporary BMPs have been removed, and the sediment settling basin has been converted to or replaced with post-construction SCM(s) and one of the following conditions are met:

a. 100% of the total project has achieved permanent stabilization.

- b. Less than one (1) acre of lots remain unbuilt.
- c. No development activities have occurred for one (1) year.

2. An As-Built Certification of all SCMs is approved by City of Engineer.
3. An Inspection and Maintenance Plan has been approved by the City of Garfield Heights and Inspection and Maintenance Agreement has been signed by the developer, the contractor, the City of Garfield Heights, and the private owner or homeowners' association who will take long term responsibility for these SCMs, is accepted by the City Engineer.

B. Once these criteria are met, the applicant shall be reimbursed all bond monies that were not used for any part of the project. If all these criteria are not met after three years of permanent stabilization of the site, the City of Garfield Heights may use the bond monies to fix any outstanding issues with all stormwater management structures on the site and the remainder of the bond shall be given to the private lot owner/ homeowners association for the purpose of long-term maintenance of the project.

1170.16 INSTALLATION OF WATER QUALITY STORMWATER CONTROL MEASURES

The applicant may not direct runoff through any water quality structures or portions thereof that would be degraded by construction site sediment until the entire area tributary to the structure has reached final stabilization as determined by the City Engineer. This occurs after the completion of the final grade at the site, after all the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the City Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these SCMs, all disturbed areas and/or exposed soils caused by the installation of these practices must be stabilized within two (2) days.

1170.17 VIOLATIONS

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

1170.18 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the *City of Garfield Heights* in relation to this regulation may appeal to the Court of Common Pleas. Such an appeal shall be made in conformity with Ohio Revised Code Section 2506. Written notice of appeal shall be served on the City of Garfield Heights.

1170.19 PENALTY

A. Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

B. The imposition of any other penalties provided herein shall not preclude the City of Garfield Heights instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Garfield Heights.

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Math A. B. C.
MAYOR

Thom Vayda
PRESIDENT OF COUNCIL

ATTEST: Lottie Ovelley
CLERK OF COUNCIL

EFFECTIVE DATE: 9-13-2023

ORDINANCE NO.: 61-2023

Passed: 6-0
Adopted 8-14-2023
eff: 9-13-2023

SPONSORED BY:
Cosponsor!

MAYOR MATTHEW A. BURKE

Vaughn, Donahue, Sether, Collier, Johnson, Tonsing
AN ORDINANCE AMENDING AND UPDATING CHAPTER 1171
EROSION AND SEDIMENT CONTROL OF THE GARFIELD
HEIGHTS ZONING CODE

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources by reducing water quality; and causes the siltation of aquatic habitat; and

WHEREAS, communities throughout the watershed(s) in which the City of Garfield Heights is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation; and

WHEREAS, there are watershed-wide efforts to reduce sedimentation in the Cuyahoga River and to protect and enhance the unique water resources of the Lake Erie Watershed;

WHEREAS, the City of Garfield Heights is a member of the Northeast Ohio Public Involvement Public Education committee (a.k.a. NEOPipe) and recognizes its obligation as a part of these watersheds/organizations to reduce sedimentation and to protect water quality by controlling soil disturbing activities within its borders; and WHEREAS, 40 C.F.R. Parts 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Garfield Heights to develop a Stormwater Management Program that, among other components, requires the City to address, among other components, erosion and sediment control during soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and

NOW, THEREFORE BE IT ORDAINED by the Council of The City of Garfield Heights, county of Cuyahoga, State of Ohio, that:

SECTION 1. Codified Ordinance Chapter 1171 Erosion and Sediment Control, is hereby amended to read in total as follows:

CHAPTER 1171

EROSION AND SEDIMENT CONTROL

1171.01 PURPOSE AND SCOPE

- A. The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources, and will promote and maintain the health and safety of the citizens of the City of Garfield Heights:
- B. This regulation will:

- (1) Allow development while minimizing increases in erosion and sedimentation.
- (2) Reduce water quality impacts to receiving water resources that may be caused by new development, redevelopment, grading, or clearing activities.
- C. This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing, regrading, construction staging, and all other uses not specifically exempted in Section 1171.01(d).
- D. This chapter does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code as amended.

1171.02 DEFINITIONS

The definitions contained in Ohio Environmental Protection Agency (“Ohio EPA”)’s Construction General Permit entitled “Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System” in effect at the time a permit is applied for under this chapter shall apply to this chapter, and the following definitions shall also apply:

For purpose of this regulation, the following terms shall have the meaning herein indicated:

- A. ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation for sites disturbing 0.1 (one-tenth) to one (1) acre of land.
- B. ACRE: A measurement of area equaling 43,560 square feet.
- C. ADMINISTRATOR: The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.
- D. BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- E. COMMUNITY: Throughout this regulation, this shall refer to The City of Garfield Heights, its designated representatives, boards, or commissions.
- F. CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this regulation.
- G. CONSTRUCTION GENERAL PERMIT: The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit #OHC000005 and its successors).

- H. CRITICAL AREA: Any area the disturbance to which would cause soil erosion and sediment runoff and damage to private properties, water courses, storm sewers or public lands due to topography, soil type, hydrology, or proximity to a water course. These areas include, but are not limited to, riparian areas, wetlands, and highly erodible soils.
- I. DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- J. DEWATERING VOLUME: See current *Ohio Rainwater and Land Development Manual*.
- K. DISCHARGE: The addition of any pollutant to surface waters of the state from a point source.
- L. DISTURBANCE: Any clearing, grading, grubbing, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- M. DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.
- N. DRAINAGE: (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- O. DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.
- P. EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- Q. EROSION AND SEDIMENT CONTROL: The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- R. EROSION AND SEDIMENT CONTROL PLAN: The written document meeting the requirements of this regulation which sets forth the plans and practices to be used to minimize soil erosion and prevent off-site disposal of soil sediment by containing sediment on-site or bypassing sediment laden runoff through a sediment control measure during and after land development.
- S. GRADING: The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
- T. GRUBBING: removing or grinding of roots, stumps, and other unwanted material below existing grade.
- U. IMPERVIOUS: That which does not allow infiltration.
- V. LANDSCAPE ARCHITECT: A Professional Landscape Architect registered in the State of Ohio.

W. **Stormwater Program Manager** provides oversight of the City's compliance with applicable federal and state stormwater laws, rules, and permits in support of the Municipal Separate Storm Sewer System (MS4) program, National Pollutant Discharge Elimination System (NPDES) permit, and support of the overall Stormwater Program, including policy development and program coordination. Said person for the City of Garfield heights shall be the Building Commissioner.

X. **SUBDIVISIONS, MAJOR AND MINOR:** See Ohio Administrative Code 711.001 for definition.

Y. **PARCEL:** Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the [county] County Auditor's Office.

Z. **PERCENT IMPERVIOUSNESS:** The impervious area created divided by the total area of the project site.

AA. **PERSON:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.

BB. **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

CC. **PRE-CONSTRUCTION MEETING:** Prior to any work on the site. A meeting between the City of Garfield Heights and all principal parties, prior to the start of any construction, at a site that requires a Stormwater Pollution Prevention Plan.

DD. **PRE-WINTER STABILIZATION MEETING:** A meeting between the City of Garfield Heights and all principal parties, prior to October 1, to plan winter erosion and sediment controls for a site that requires a Stormwater Pollution Prevention Plan.

EE. **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

FF. **SEDIMENT:** The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

GG. **SEDIMENTATION:** The deposition or settling of sediment.

HH. **SEDIMENT STORAGE VOLUME:** See current edition of Rainwater and Land Development.

II. **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

- JJ. SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 940 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Cuyahoga County SWCD.
- KK. STABILIZATION: The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- LL. STORMWATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation. This typically contains the erosion and sediment control plan for the site.
- MM. STORMWATER: Stormwater runoff, snow melt and surface runoff and drainage.
- NN. SURFACE OUTLET: A dewatering device that only draws water from the surface of the water.
- OO. TEMPORARY STABILIZATION: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- PP. TOPSOIL: The upper layer of the soil is usually darker in color and richer in organic matter and nutrients than subsoil.
- QQ. UNSTABLE SOILS: A portion of land that is identified by the City Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.
- RR. WATER RESOURCE Also SURFACE WATER OF THE STATE: Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- SS. WATERSHED: The total drainage area contributing runoff to a single point.
- TT. WETLAND: Those areas, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1171.03 DISCLAIMER OF LIABILITY

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

1171.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

- A. Where this regulation conflicts with other provisions of law or ordinance or requirements in the Construction General Permit, the most restrictive provisions shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- D. Failure of the City of Garfield Heights to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Garfield Heights, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1171.05 DEVELOPMENT OF STORMWATER POLLUTION PREVENTION PLANS

- A. This regulation requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land. The *City Engineer and Stormwater Program Manager* may require a SWP3 for sites disturbing less than one (1) acre. *Sediment controls shall be required on all construction sites as deemed necessary by the City based on upstream and downstream flows in and out of the site.*
- B. The following activities shall submit an Abbreviated SWP3:
 - (1) New single-family residential construction that disturbs 0.1 (one tenth) up to one (1) acre of land.
 - (2) Additions or accessory buildings for single-family residential construction that disturb 0.1 (one tenth) up to one (1) acre of land.
 - (3) All non-residential construction that disturb 0.1 (one tenth) - up to one (1) acre of land.
 - (4) General clearing activities not related to construction that disturb 0.1 (one tenth) up to one (1) acre of land.
 - (5) Activities disturbing 0.1 (one tenth) or less of an acre are not required to submit a SWP3, unless required by the *City Engineer and/or Stormwater Program Manager*. These activities must comply with all other provisions of this regulation.
- C. Signatures of the responsible parties for all phases of development must be listed on the Storm Water Pollution Prevention Plan and Abbreviated Stormwater Pollution Plans. The responsible parties need to provide after-hours phone numbers and email addresses. The responsible parties shall accept responsibilities for maintaining all Best Management Practices until issuance of the Notice of Termination (N.O.T.) unless a transfer of responsibility is applied for and accepted by the City Engineer and the City of Garfield Heights, in writing.

1171.06 APPLICATION PROCEDURES

- A. SOIL DISTURBING ACTIVITIES SUBMITTING A STORMWATER POLLUTION PREVENTION PLAN (SWP3):** The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the City of Garfield Heights and two (2) sets of the SWP3 and the applicable fees to the Cuyahoga County SWCD as follows:
 - (1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
 - (2) For other construction projects: Before issuance of a building permit by the Building Commissioner.
 - (3) For general clearing projects: Prior to issuance of a zoning permit by the Zoning Administrator.
- B. SOIL DISTURBING ACTIVITIES SUBMITTING AN ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (SWP3):** The applicant shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City Engineer and/or Stormwater Program Manager and two (2) sets of the Abbreviated SWP3 and the applicable fees to the Cuyahoga County SWCD as follows: (1) For single-family home construction: Before issuance of Zoning permit, building permit, or grading permit, as appropriate by the Zoning Inspector or Building Official. (2) For other construction projects: Before issuance of a Zoning permit and/or grading permit]by the Zoning Inspector or Building Official. (3) For general clearing projects: Before issuance of a Zoning permit by the Zoning Administrator.
- C.** The City Engineer and/or Stormwater Program Manager and the Cuyahoga County SWCD shall review the plans submitted under 1171.06 (A) or (B) for conformance with this regulation and approve or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a checklist or narrative report stating specific problems and the procedures for filing a revised plan.
- D.** Soil disturbing activities (including mechanized clearing) shall not begin and zoning, building, or grading permits shall not be issued without:
 - (1) Approved SWP3 or Abbreviated SWP3;
 - (2) NOI submittal to Ohio EPA and NPDES permit covered issued;
 - (3) Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas; and
 - (4) Installation of construction entrances, perimeter sediment barriers and other erosion and sediment controls that must be in place to address initial site conditions.
- E.** SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

- F. The developer, engineer and contractor, and other principal parties, shall meet with the City Engineer and/or Stormwater Program Manager for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site to ensure that erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated and construction personnel are aware of such devices and areas. Pre-Construction Meetings for Abbreviated SWP3s may be waived at the discretion of the City Engineer.
- G. Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

1171.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with SWP3s or Abbreviated SWP3s. The City of Garfield Heights reserves the right to be provided with copies of any/all applicable permits from other agencies prior to issuing the Notice to Proceed and final approval of the project.

- A. Ohio EPA Construction General Permit: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI), a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit including the NPDES Facility Permit number assigned by Ohio EPA, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable. Please note that when a separate SWP3 shall be prepared for a separate phase or stage of development, a separate NOI or NPDES Facility Permit number must be provided.
- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable because there are no wetlands on site. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- C. Ohio EPA Isolated Wetland or Ephemeral Stream Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit or Ephemeral Stream application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit or Ephemeral Stream Permit is not applicable because there are no wetlands or ephemeral streams on the site. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- D. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual

Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

- (1) A letter from the site owner certifying that a qualified professional has evaluated the site and determined that Section 404 of the Clean Water Act is not applicable because there are no wetlands on site.
- (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1171.08 STORMWATER POLLUTION PREVENTION PLAN (SWP3)

The applicant shall submit an SWP3 that meets the requirements of the Construction General Permit and the following additional requirements. The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect. The SWP3 shall include control measures to ensure that discharges from the construction site and construction support activities comply with the nonnumeric effluent limitations contained in the Construction General Permit.

In addition to all information required by the Construction General Permit, the SWP3 shall also include completed design tools found on Ohio EPA's website such as the Sediment Basin Compliance Spreadsheet.

Before any off-site support areas such as borrow or spoil areas, concrete or asphalt batch plants, equipment staging yards or material storage areas are utilized, a SWP3 for the off-site support area must be submitted and approved by the City Engineer and/or Stormwater Program Manager. The applicant shall ensure appropriate permits have been obtained to operate the off-site support area. Failure to do so can lead to enforcement action under Sections 1171.13 and 1171.14 of this code. Off-site fill and borrow areas shall require separate SWP3 permitting depending on local regulations. The contractor is responsible for obtaining all necessary approvals and the City of Garfield Heights reserves the right to ask for copies of the approval letters for the sites being used.

The City Engineer and/or Stormwater Program Manager may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings and shall contain all the information listed below. Recommendations included in the report and approved by the City Engineer and/or Stormwater Program Manager shall be incorporated in the grading plans and/or other specifications for site development.

- A. Data regarding the nature, distribution, strength, and erodibility of existing soils.
- B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
- C. Conclusions and recommendations for grading procedures.
- D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
- E. Design criteria for corrective measures when necessary.
- F. Opinions and recommendations covering the stability of the site.
- G. Delineations of surface waters of the state located on the site. Affirmation by the U.S. Army Corps of Engineers may be required.
- H. Location and maintenance plan for sedimentation basins either long term or short term.
- I. Phasing plan to minimize soil disturbing activities on site.
- J. Plan of action for processes and corrective actions, if needed, during construction.

1171.09 PERFORMANCE STANDARDS

The SWP3 must contain a description of the controls appropriate for each stage of construction operation and the applicant must implement such controls. BMP selection and design must meet criteria established within the current Construction General Permit. BMPs must be designed, constructed, and installed to meet the specifications in Rainwater and Land Development or another design manual acceptable to the City of Garfield Heights. The approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented, and maintained according to the requirements in the Construction General Permit. Site operators must conduct site inspections as described in the Construction General Permit.

Certified inspection reports shall be submitted to the City Engineer and/or Stormwater Program Manager within seven (7) working days from the inspection and retained at the development site. The following standards will also apply:

- A. **BMP Design**
BMPs must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These BMPs must include, but are not limited to, the following:
 - (1) Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete, or cement sized greater than 2" in diameter placed over a geotextile. Culverts shall be provided where construction entrances cross drainage ditches and water bars shall be provided to divert sediment-laden runoff away from connected roadways.
 - (2) Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove

sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.

(3) Based on site conditions, City Engineer and/or Stormwater Program Manager and/or the Cuyahoga County SWCD may require additional best management practices to control off site tracking and dust. These additional BMPs may include:

- (a) Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
- (b) Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The City Engineer and/or Stormwater Program Manager and/or the Cuyahoga County SWCD may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.
- (c) *Sediment ponds shall be maintained, and skimmers shall be inspected as part of the regular inspection schedule and condition noted. It is important to the function of this sediment control feature to minimize downstream impacts of construction.*

B. Stream Protection During Construction

Construction vehicles shall avoid water resources. If it is infeasible to provide and maintain an undisturbed natural buffer around water resources, the SWP3 shall comply with all the following additional requirements:

- (1) All stream crossings shall be designed as specified in the most recent edition of Rainwater and Land Development Manual.
- (2) Temporary stream crossings shall be constructed if water resources or wetlands are crossed by construction vehicles during construction. Construction activities cannot cause the upstream ponding of water without specific approval of the City.
- (3) Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.
- (4) Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.
- (5) Stream Protection. The requirements of Chapter 1161 Riparian Setbacks of the Codified Ordinances of the City of Garfield Heights shall be followed.

C. For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the landowner and the developer, engineer and contractor of the project

and the City of Garfield Heights prior to October 1, to plan and approve winter erosion and sediment controls as defined in the most current online edition of Rainwater and Land Development.

D. Post construction water quality practices

- (1) Non-structural water quality practices. Non-structural post construction best management practices include preservation, planning, or procedures that direct development away from water resources, or limit creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are all non-structural controls.
- (2) All non-structural water quality practices must be protected from disturbance through the construction phase of the project.
- (3) All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas, included identified riparian setbacks, must appear on the final plat and be disclosed to potential buyers.
- (4) Structural water quality practices. Structural post construction best management practices are permanent features constructed to provide treatment of storm water runoff either through storage, filtration, or infiltration.
- (5) All structural water quality practices must be established prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during the development sediments must be removed prior to the basin being used for post construction storm water quality.
- (6) Maintenance. The post construction water quality practice must be maintained in perpetuity by those parties identified in the SWP3 or the Storm Water Management Maintenance Agreement.
- (7) The City of Garfield Heights shall be provided with a copy of the post-construction stormwater management plan for review and approval. Such approved plan shall be recorded at the Cuyahoga County Recorder's office. Subsequent revisions to the document must be approved by the City Engineer prior to adoption. Also see Chapter 1170, Comprehensive Stormwater Management, for additional requirements for Post-Construction Management.

1171.10 ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (SWP3)

- A. In order to control sediment pollution of water resources, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
- B. The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

C. The Abbreviated SWP3 shall include a minimum of the following BMPs. The Village of Boston Heights may require other BMPs as site conditions warrant.

- (1) Construction Entrances: Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete, or cement sized greater than 2" in diameter and placed over a geotextile fabric.
- (2) Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be indicated on the plan with proper signage. Use for other waste and wastewater is prohibited.
- (3) Street Sweeping: Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
- (4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area requiring stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a surface water of the state and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area
Disturbed areas that will be idle over winter	Prior to November 1
Areas at final grade	Within 7 days of reaching final grade or within 2 days of reaching final grade for areas within 50 feet of a surface water of the state
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

- (5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed on storm water catch basins located on the subject property and, if there is no threat to public safety, on curb inlets closest to the construction entrance, to minimize sediment-laden water entering active storm drain systems, including rear yard inlets.
- (6) Silt Fence and Other Perimeter Controls. Silt fence and other perimeter controls approved by the Village Engineer shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in the Construction General Permit.

(7) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24- hour period. Maintenance shall occur as detailed below:

- (a) When BMPs require repair or maintenance. If the internal inspection reveals that a BMP needs repair or maintenance, except for a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
- (b) When BMPs fail to provide their intended function. If the internal inspection reveals that a BMP fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended, and the new control practice must be installed within ten (10) days of the inspection.
- (c) When BMPs depicted on the Abbreviated SWP3 are not installed. If the Internal inspection reveals that a BMP has not been implemented in accordance with the schedule, the BMP must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(8) Final Stabilization: Final stabilization is achieved when the site has reached 70% cover and when the Village Engineer approves the site condition.

(9) Notice of Termination (NOT): Once completed and inspected the contractor shall be responsible for submitting the NOT to OhioEPA for final closure.

1171.11 FEES

The SWP3 and Abbreviated SWP3 review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Garfield Heights and the Cuyahoga County SWCD before the review process begins. Please consult with City Engineer and/or Stormwater Program Manager for current fee schedule. Applicants will be charged \$250 for each additional inspection that Cuyahoga County SWCD must conduct if a site has one of the following compliance issues:

- A. Construction activities have started at the site with no SWP3 completed;
- B. Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (within 7 days prior to grading and within 7 days of grubbing)
- C. Failure to implement any sediment/erosion controls; or
- D. Dewatering activities resulting in turbid discharges.

1171.12 BOND

- A. If a SWP3 or abbreviated SWP3 is required by this regulation, soil disturbing activities shall not be permitted until a cash bond or deposit has been deposited with the City of

Garfield Heights. The amount shall be a \$1,500 minimum, and an additional \$1,500 paid for each subsequent acre or fraction thereof or the cost of stabilizing disturbed areas based on a fee schedule established by the City of Garfield Heights. The bond will be used for the City of Garfield Heights to perform the plan reviews, inspections, and other obligations to otherwise be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less administrative fees as detailed in the Codified Ordinances, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City of Garfield Heights.

- B. A portion of bond (equivalent of cost to apply final stabilization) will be retained until all areas disturbed by construction activity are permanently stabilized and a Notice of Termination (a.k.a. N.O.T.) has been submitted to Ohio EPA and copied to the City of Garfield Heights. Where vegetative growth is used to achieve permanent stabilization, the area shall comply with final stabilization requirements of the Construction General Permit.
- C. No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved and signed by the City Engineer.

1171.13 ENFORCEMENT

- A. If the City of Garfield Heights and/or the Cuyahoga County SWCD determines that a violation of the rules adopted under this code exist, the City of Garfield Heights or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.
- B. All development areas may be subject to external inspections by the City and/or the Cuyahoga County SWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.
- C. After each external inspection, the City of Garfield Heights and/or the Cuyahoga County SWCD shall prepare and distribute a status report to the applicant.
- D. If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the City of Garfield Heights and/or the Cuyahoga County SWCD may take action as detailed in Sections 1171.13 and 1171.14 of this regulation.
- E. Failure to maintain and repair erosion and sediment controls per the approved SWP3 plan may result in the following escalation. The penalty is determined by the total number of violations per site even if the violations are for different BMPs.
 - (1) First Violation: The City Engineer will issue a Notice of Deficiency to the owner or operator. All controls are to be repaired or maintained per the SWP3 plan within three (3) days of the notification. If controls have not been corrected after

this time, the City Engineer may issue a Stop Work Order for all activities until corrections have been made.

- (2) Second Violation: The City Engineer may issue a formal Notice of Violation which includes a \$500 administrative fee against the SWP3 Bond or site plan deposit. All controls are to be repaired or maintained per the approved SWP3 plan within three (3) days of the Notice of Violation. If controls have not been corrected after this time, the City Engineer may issue a Stop Work Order for all activities until corrections have been made.
- (3) Third and subsequent violations: The City Engineer may issue a Stop Work Order for all construction activities and charge a \$1,000 administrative fee against the SWP3 bond or site plan deposit. The Stop Work Order will be lifted once all controls follow the approved SWP3 plan.
- (4) Penalties and fines shall be applied per day per violation until corrected.

- F. The City Engineer shall have the authority to make immediate on-site adjustments to the SWP3 in order to achieve compliance with this ordinance.
- G. A final inspection will be made to determine if the criteria of this code has been satisfied and a report will be presented to the City of Garfield Heights and the site operator on the site's compliance status.
- H. The City Engineer will monitor soil-disturbing activities for non-farm residential, commercial, industrial, or other non-farm purposes on land of less than one contiguous acre to ensure compliance required by these Rules.
- I. The City Engineer shall notify the U.S. Army Corps of Engineers when a violation on a development project covered by an Individual or Nationwide Permit is identified. The City Engineer shall notify the Ohio Environmental Protection Agency when a violation on a development project covered by a Section 401 Water Quality Certification and/or Isolated Wetland Permit is identified.
- J. The City of Garfield Heights shall not issue building permits for projects regulated under this code without approved SWP3s.

1171.14 VIOLATIONS

- A. No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
- B. Upon notice, the Mayor and/or designee may suspend any active soil disturbing activity for a period not to exceed ninety (90) days and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances,

however, where the Mayor and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

1171.15 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Garfield Heights in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with the Ohio Revised Code. Written notice of appeal shall be served on the City of Garfield Heights and a copy shall be provided to the Cuyahoga County SWCD.

1171.99 PENALTY

- A. Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- B. The imposition of any other penalties provided herein shall not preclude the City of Garfield Heights instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Garfield Heights.

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. B.C.
MAYOR

ATTEST: Lottie Overly
CLERK OF COUNCIL

Theresa V. Vargas
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 9-13-2023

ORDINANCE NO.: 62-2023

passed 6-0
adopted 8-14-2023
eff: 9-13-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN ORDINANCE AMENDING AND UPDATING CHAPTER 1172
ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL
OF THE GARFIELD HEIGHTS ZONING CODE

WHEREAS, illicit discharges to the City of Garfield Heights separate storm sewer system create water quality risks to public health, safety, and general welfare; and,

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage to public and private property; and may damage water resources by reducing water quality; and,

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Cuyahoga River and to protect and enhance the unique water resources of the Cuyahoga River and ultimately, Lake Erie watershed(s); and,

WHEREAS, the City of Garfield Heights is a member of the Northeast Ohio Public Involvement Public Education a.k.a. NEOPIPE group and recognizes its obligation as a part of these watersheds/organizations to control illicit discharges and to protect water quality within its borders; and,

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Garfield Heights, to develop a Storm Water Management Program that, among other components, requires the City of Garfield Heights to prohibit illicit discharges to their storm water system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws. NOW, THEREFORE BE IT ORDAINED by the Council of City of Garfield Heights, county of Cuyahoga State of Ohio, that: SECTION 1: Codified Ordinance Chapter 1172 Illicit Discharge and Illegal Connection.

CHAPTER 1172

1172.01 PURPOSE AND SCOPE The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Garfield Heights through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

- A. To prohibit illicit discharges and illegal connections to the MS4.
- B. To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

1172.02 APPLICABILITY This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in *the City of Garfield Heights*, except for those discharges generated by the activities detailed in Section 1172.07 (A)(1) to (A)(3) of this regulation.

1172.03 DEFINITIONS The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- A. Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. Community: means the City of Garfield Heights, its designated representatives, boards, or commissions.
- C. Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.
- D. Floatable Material: in general, this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- E. Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- F. Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 1172.07 of this regulation.
- G. Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- H. Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - 1. Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
 - 2. Designed or used for collecting or conveying storm water;
 - 3. Which is not a combined sewer; and
 - 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.
- I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.
- J. Off-Lot Discharging Household Sewage Treatment System (HSTS): means a system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- K. Owner/Operator: means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or on the owner's behalf.
- L. Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
- M. Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation resulting from such precipitation.
- N. Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

1172.04 DISCLAIMER OF LIABILITY Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

1172.05 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

A. Where this regulation conflicts with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Garfield Heights, shall prevail.

B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

D. Failure of the City of Garfield Heights to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Garfield Heights, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1172.06 RESPONSIBILITY FOR ADMINISTRATION The City of Garfield Heights shall administer, implement, and enforce the provisions of this regulation. The City of Garfield Heights may contract with the Cuyahoga County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

1172.07 DISCHARGE AND CONNECTION PROHIBITIONS

A. Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

1. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated/debrominated/ desalinated swimming pool discharges; street wash water with dry cleanup method and no detergents to minimize pollutants; discharges or flows from fire-fighting activities (not planned exercises); dye tests. These discharges are exempt until such time as they are determined by the City of Garfield Heights or Ohio EPA to be significant contributors of pollutants to the MS4.

Community charity car washes are considered an occasional event and must follow the following criteria:

- (a) Applicants are requested to register with the City of Garfield Heights as to the charity being served and location such event shall take place;
- (b) The event cannot be held more than twice a year per charity;
- (c) Biodegradable soaps are encouraged; and
- (d) Any stormwater related literature, provided by the City of Garfield Heights, is requested to be distributed during the event and tracked as to the number of fliers distributed.

Charity car washes are not considered to be a significant contributor to pollutants in the storm sewer system due to the nature of the event and infrequency of the events.

2. Discharges specified in writing by the City of Garfield Heights as being necessary to protect public health and safety.

3. Discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 and permitted by the Cuyahoga County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Cuyahoga County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for household sewage treatment systems existing prior to January 1, 2007. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by

the Cuyahoga County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation. In compliance with the *City of Garfield Heights* Storm Water Management Program, discharges from all off-lot discharging household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available for systems existing prior to January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

B. Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

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

2. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4 or allows such a connection to continue.

1172.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS

A. Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: *The City of Garfield Heights* shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and household sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

B. Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

1. The City of Garfield Heights shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

2. The City of Garfield Heights shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Garfield Heights.

3. The City of Garfield Heights shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City of Garfield Heights to ensure their accuracy. The City of Garfield Heights shall keep a record of the monitoring equipment locations through the year and make recommendations for wany to remedy non stormwater flows encountered.

4. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Garfield Heights and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

5. Unreasonable delays in allowing the City of Garfield Heights access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

6. If the City of Garfield Heights/ or its designated inspection agent is refused access to any part of the facility from which storm water is discharged, and the City of Garfield Heights demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Garfield Heights may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

7. Any costs associated with these inspections shall be assessed to the facility owner/operator.

1172.09 ENFORCEMENT

A. Notice of Violation. When the City of Garfield Heights finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Garfield Heights may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit discharges or illegal connections;
3. That violating discharges, practices, or operations cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
5. The implementation of source control or treatment BMPs; or
6. Penalties and fines.

B. If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, not to exceed 30 days, a legal action for enforcement may be initiated. A time extension shall be granted by the City of Garfield Heights if the owner/operator and City mutually agree to the terms and conditions necessary to remove the discharge from the system and such agreement shall be provided in the Ohio EPA Annual Report.

C. Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

D. Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Garfield Heights shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail. The Board of Zoning Appeals shall be the review board responsible for hearing an appeal through an Administrative Hearing. The Board shall schedule the hearing at their convenience and shall permit the City and accused to make their statements of facts and make an appropriate decision on the final outcome.

E. Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Garfield Heights may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

1172.10 REMEDIES NOT EXCLUSIVE The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state, or local law and it is in the discretion of the *City of Garfield Heights* to seek cumulative remedies.

1172.19 PENALTY

A. Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined up to five hundred dollars (\$500) per day per occurrence or imprisoned for no more than sixty (60) days, or both, for each offense until the corrective action is resolved to the satisfaction of the City of Garfield Heights. A separate offense shall be deemed committed each day during or on which the violation or noncompliance occurs or continues.

B. The imposition of any other penalties herein shall not preclude the City of Garfield Heights instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Garfield Heights.

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Mark A. Bell
MAYOR

ATTEST: Lottie Overly
CLERK OF COUNCIL

Tracy Vayghan
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 9-13-2023

ORDINANCE NO.: 64-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

Passed 6-0
eff 9-13-2023
adopted 8-14-2023

AN ORDINANCE AUTHORIZING THE SALE AND DISPOSAL OF MUNICIPALLY OWNED PROPERTY WHICH HAS BEEN DETERMINED TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 129.02 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS.

WHEREAS, pursuant to Section 129.02 of the Codified Ordinances of the City of Garfield Heights, various departmental Directors of the City have determined that certain municipally owned properties are no longer needed for municipal uses or have become unsuitable for such uses; and

WHEREAS, the Mayor of the City of Garfield Heights, also pursuant to Section 129.02 of the Codified Ordinances, has approved this determination in writing, and

WHEREAS, the City of Garfield Heights intends to utilize the GovDeals Online Auction Site for the disposal of the various items identified herein as authorized pursuant to Ordinance 81-2010.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. Pursuant to Section 129.02 of the Codified Ordinances of the City of Garfield Heights, this Council hereby approves the sale of the following municipally owned properties which have been determined by the various Directors to be no longer needed for municipal uses or have become unsuitable for such uses, and such determination being approved by the Mayor in writing:

EQUIPMENT

1. Service Dept various equipment – Exhibit A
2. Service #19 – 1999 Freightliner FL-80 Jet/Vac VIN#1FV67FAB6XHB60136
3. Police #3418 - Ford Taurus 1FAHP2M8XDG126864
4. Police #3495 - Ford (JAIL Van) VIN#1FMRE11W06HB08738 – scrap for parts only
5. Police #3452 - Ford Crown Vic Detective Car VIN#2FAHP71W07X149620

SECTION 2. The Finance Director is hereby authorized and directed to post the items identified herein for disposal/sale through the GovDeals Public Auction on-line system pursuant to the agreement entered into with GovDeals under Ordinance 81-2010 and in accordance with Section 129.02 of the Codified Ordinances.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke
MAYOR

ATTEST: Lottie Overly
CLERK OF COUNCIL

Theresa V. Augh
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 9-13-2023

Exhibit "A"

ITEMS FOR AUCTION

1995 HOTSY PRESSURE WASHER

2010 EXMARK VIKING WALK BEHIND MOWER

2007 COATS 7065EX RIM CLAMP TIRE MACHINE

1997 COATS 1055 TIRE BALANCER

2004 SCAG WALK BEHIND MOWER

1988 HEDERSON CHIEF 7 YARD SALT GONDOLA WITH
FLIGHT CHAIN

ORDINANCE NO.:

65-2023

SPONSORED BY:

MAYOR MATTHEW A. BURKE

Passed 6-0
eff. 8-14-2023
adopted 8-14-2023

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO DO ALL THINGS NECESSARY TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), FOR THE 2024 ROAD RECONSTRUCTION PROJECT, INCLUDING, BUT NOT LIMITED TO EXECUTING ANY AND ALL APPLICATIONS, AGREEMENTS AND /OR CONTRACTS AS MAY BE REQUIRED BY THE OPWC IN ORDER TO SECURE THE GRANT FUNDS REQUESTED, PER THE OPWC APPLICATION AS PREPARED BY CITY ENGINEER DAVID KROCK.

WHEREAS, this 2024 road reconstruction project will improve the health and safety of the residents and businesses in the area, and

WHEREAS, this reconstruction project is eligible for funding through the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Grant Program(s), and

WHEREAS, the City of Garfield Heights wishes to make an application for grant funding for this project to the Ohio Public Works Commission, and

WHEREAS, the City of Garfield Heights' share of this project will be funded through the issuance of notes or bonds.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized and directed to do all things necessary to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s), for the 2024 Road Reconstruction Project, including, but not limited to executing any and all applications, agreements and/or contracts as may be required by the OPWC, in order to secure the grant funds requested, per the attached fact sheet, as prepared by City Engineer, David Krock.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke
MAYOR

Thomas Varga
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

Passed 6-0
Adopted 8-14-23
Eff. 8-14-2023

ORDINANCE NO.: 66-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO DO ALL THINGS NECESSARY TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), FOR THE MARTIN LUTHER KING JR. BOULEVARD SEWER SEPARATION PROJECT, INCLUDING, BUT NOT LIMITED TO EXECUTING ANY AND ALL APPLICATIONS, AGREEMENTS AND/OR CONTRACTS AS MAY BE REQUIRED BY THE OPWC IN ORDER TO SECURE THE GRANT FUNDS REQUESTED, PER THE APPLICATION AS PREPARED BY CITY ENGINEER DAVID KROCK.

WHEREAS, the current condition of the sanitary sewer and storm sewer lines, located at Martin Luther King Jr. Boulevard, are undersized and have deteriorated to a point that it has been determined to cause flooding of the resident's basements, and

WHEREAS, Martin Luther King Jr. Boulevard will have the sanitary and storm sewer lines repaired and replaced as needed, and

WHEREAS, the sanitary and storm sewer repair, will improve the health and safety of the residents in the area and is eligible for funding through the Ohio Public Works Commission State Capital Improvement and/or local Transportation Improvement Program(s), and

WHEREAS, the City of Garfield Heights wishes to make an application for grant funding for this project to the Ohio Public Works Commission.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized and directed to do all things necessary to participate in the Ohio Public Works Commission Program(s), for the Martin Luther King Jr. Boulevard Sewer Separation Project, including, but not limited to executing any and all applications, agreements and/or contracts as may be required by the Ohio Public Works Commission, in order to secure the funds requested, as prepared by City Engineer, David Krock.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke
MAYOR

ATTEST: Lottie Overly
CLERK OF COUNCIL

Thom J. Vayl
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 8-14-2023



PROJECT FACT SHEET

Name: MLK Boulevard Sewer Separation

Limits: PHASE LOCATION FROM TO LENGTH

Scope: MLK Boulevard Cul-de-sac Thornhurst 1800 LF

The purpose of this project is to eliminate residential basement flooding and property damage, reduce flows to District infrastructure for conveyance and treatment by removing storm water from the currently combined sewer system. Reduce downstream overland flooding of contaminated water and improve water quality in area waterways. Thereby, reducing or eliminating property damage to both public infrastructure and private property.

Costs:
\$ 2,000,000 Construction
\$ 217,000 Engineering & Design & Evaluation
\$ 150,000 Inspection & Testing
\$ 2,357,000 Total Project Cost

Funding:
\$ 162,900 Received Funding by NEORSD MCIP - Engineering Design only
\$ 1,000,000 Received State Budget 2023/2024
\$ 471,400 OPWC
\$ 722,700 NEORSD MCIP Construction – Apply in the future
\$ 0 NEORSD /Community Cost Share Program Construction (if needed)
\$ 2,357,000 Total Project Funding

Schedule:
Feb 2023 - Nov 2023 Engineering Design & Approvals and PTI application Complete
Dec 2024 - Feb 2025 Bid Award
Mar 2025 - Sept 2025 Construction

Other: Streets will be closed – with access maintained for Local Traffic.

ORDINANCE NO.: 67-2021

SPONSORED BY: MAYOR MATTHEW BURKE
CO-SPONSORED BY: COUNCILMAN MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A AND INCORPORATED HEREIN (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS MADE BY THE FINANCE DIRECTOR OR THE BUILDING COMMISSIONER), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF CODIFIED ORDINANCES CHAPTER 551: LOT MAINTENANCE.

Whereas, On July 9, 2001 this Council adopted Ordinance 36-2001 which placed into effect Codified Ordinances Chapter 551: Weeds; and on July 11, 2005 this Council amended Section 551.05 Charges for Cutting of Weeds; and on July 11, 2016 this Council amended Chapter 551: Lot Maintenance, and

Whereas, the various City Departments involved have performed their respective duties as identified in the provisions of this Chapter, and

Whereas, pursuant to Chapter 551: Weeds – Section 551.03 the Finance department has developed a listing of unpaid invoices, as identified in Attachment A, incorporated herein, and

Whereas, pursuant to Chapter 551: Weeds – Section 551.04, the total cost for all residents shall be presented to City Council by ordinance, and

Whereas, once approved by the City Council, the total cost of the assessments remaining unpaid may then be certified to the County Auditor to be placed on the tax duplicate to be assessed and collected on the next tax collection, and

Whereas, the last day to certify assessments to the County Auditor for collection on the next tax duplicate is September 13, 2021 and

Whereas, any payments received or corrections to individual parcels authorized by the Finance Director or the Building Commissioner, may be amended from the amounts listed in Attachment A.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Finance Director is hereby authorized and directed to levy special assessments to the County Auditor, as identified in Attachment A and incorporated herein (less any payments received or any corrections made by the Finance Director or the Building Commissioner), to be assessed and collected on the next tax collection, pursuant to the requirements of Codified Ordinances Chapter 551: Lot Maintenance.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the immediate preservation and protection of the public peace, health, safety, and general welfare of the inhabitants of the City of Garfield Heights and shall take effect and be in full force immediately upon its adoption by this Council and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Sept. 8, 2021

APPROVED: Matthew A. Burke

MAYOR

Matthew A. Burke
PRESIDENT OF COUNCIL

ATTEST: Debra Janowski
CLERK OF COUNCIL

EFFECTIVE DATE: Sept. 8, 2021

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
8212	Garfield Blvd	541-05-014	1,200.00			
4794	Rockwood	541-05-030	1,200.00			
4793	Rockwood	541-05-047	800.00			
4801	Rockwood	541-05-049	800.00			
8310	Vista	541-05-082	800.00			
		Total page	4,800.00			
8100	Garfield Blvd	541-06-037	600.00			
8104	Garfield Blvd	541-06-038	1,000.00			
		Total page	1,600.00			
4642	Horton	541-07-026	400.00			
	Blythin	541-07-038	400.00			
7709	Avondale	541-07-058	1,600.00			
4666	Warner	541-07-070	400.00			
4656	Blythin	541-07-101	400.00			
4638	Blythin	541-07-105	800.00			
4634	Blythin	541-07-106	600.00			
		Total page	4,600.00			
8212	Grand Div	541-08-003	400.00			
4628	Burleigh	541-08-069	800.00			
4636	Burleigh	541-08-071	400.00			
4650	Burleigh	541-08-074	400.00			
		Total page	2,000.00			
4622	E 88	541-09-014	400.00			
4654	E 86	541-09-068	800.00			
4670	E 86	541-09-072	800.00			
		Total page	2,000.00			
9500	Sladden	541-11-060	800.00			
9402	Bohning Dr	541-11-089	1,600.00			
		Total page	2,400.00			
8401	Garfield Blvd	541-12-028	400.00			
8337	Garfield Blvd	541-12-030	800.00			
8233	Garfield Blvd	541-12-038	1,000.00			
4713	Birchwood	541-12-057	400.00			
4693	Birchwood	541-12-062	1,600.00			
4752	E 85	541-12-076	400.00			
4705	E 85	541-12-092	600.00			
4712	E 86	541-12-095	600.00			
4765	E 86	541-12-109	1,800.00			
		Total page	7,600.00			
4733	E 88	541-13-008	1,000.00			
4745	E 88	541-13-011	600.00			

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
4764	E 94	541-13-038	1,200.00			
4721	E 90	541-13-097	600.00			
		Total page		3,400.00		
4708	Turney	541-14-003	1,800.00			
		Total page		1,800.00		
4856	E 86	541-15-068	800.00			
5087	E 86	541-15-071	200.00			
4833	E 84	541-15-133	400.00			
4824	E 84	541-15-151	600.00			
4832	E 84	541-15-153	1,600.00			
4840	E 84	541-15-155	400.00			
4864	E 84	541-15-161	800.00			
		Total page		4,800.00		
4878	E 94	541-16-032	1,800.00			
4828	E 90	541-16-088	400.00			
		Total page		2,200.00		
9508	Garfield Blvd	541-17-006	200.00			
9516	Garfield Blvd	541-17-008	800.00			
4847	E 94	541-17-147	1,000.00			
		Total page		2,000.00		
4889	E 84	541-20-046	400.00			
4932	E 85	541-20-058	400.00			
4909	E 85	541-20-087	1,000.00			
4964	E 88	541-20-152	400.00			
4970	E 88	541-20-153	800.00			
		Total page		3,000.00		
8803	Plymouth	541-21-023	400.00			
4953	E 90	541-21-088	600.00			
4978	E 90	541-21-101	1,000.00			
		Total page		2,000.00		
9719	Plymouth	541-22-008	600.00			
9707	Plymouth	541-22-011	400.00			
9520	Alexander	541-22-039	200.00			
9513	David	541-22-119	1,400.00			
		Total page		2,600.00		
5064	E 88	541-24-012	800.00			
5124	E 88	541-24-019	800.00			
9206	Park Hts	541-24-099	1,600.00			
		Total page		3,200.00		
9500	S Highland	541-25-132	200.00			
9526	S Highland	541-25-138	400.00			

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total		
		Total page	600.00		
9818	Plymouth	541-26-014	1,600.00		
10000	Plymouth	541-26-018	200.00		
9902	Park Hts	541-26-048	1,000.00		
9815	McCracken	541-26-063	600.00		
9713	McCracken	541-26-069	200.00		
9626	McCracken	541-26-077	1,600.00		
9709	S Highland	541-26-114	200.00		
		Total page	5,400.00		
10312	Plymouth	541-27-013	200.00		
10315	McCracken	541-27-043	400.00		
10105	McCracken	541-27-051	400.00		
		Total page	1,000.00		
10411	Park Hts	541-28-079	1,600.00		
10501	Park Hts	541-28-080	1,200.00		
10503	Park Hts	541-28-080	400.00		
10605	Park Hts	541-28-091	200.00		
		Total page	3,400.00		
4972	E 81	541-32-037	1,000.00		
		Total page	1,000.00		
		Total Book	61,400.00		
8446	Doll	542-06-026	1,400.00		
5075	E 86	542-06-037	400.00		
		Total page	1,800.00		
10602	Grace	542-20-028	600.00		
10400	Grace	542-20-032	400.00		
10416	Grace	542-20-075	400.00		
	Grace & E 105	542-20-075	600.00		
10805	Granger	542-20-144	1,600.00		
		Total page	3,600.00		
5398	E 111	542-29-026	200.00		
11004	Mountview	542-29-084	1,400.00		
		Total page	1,600.00		
11213	Mountview	542-30-080	1,400.00		
11202	Danbury	542-30-086	400.00		
		Total page	1,800.00		
5566	Turney	542-32-008	200.00		
11505	Chester	542-32-023	1,000.00		
5545	Cumberland	542-32-078	200.00		
		Total page	1,400.00		
5654	Turney	542-33-005	400.00		

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
		Total page		400.00		
5597	Briarcliff	542-34-040	200.00			
		Total page		200.00		
5540	Briarcliff	542-39-007	200.00			
5540	Carol Jean	542-39-031	400.00			
		Total page		600.00		
			Total Book		11,400.00	
6068	Turney	543-15-003	400.00			
		Total page		400.00		
6061	Andover	543-19-010	1,000.00			
		Total page		1,000.00		
12213	Grannis	543-20-078	200.00			
12117	Thraves	543-20-104	1,000.00			
		Total page		1,200.00		
5919	Turney	543-22-014	600.00			
12918	Orme	543-22-035	600.00			
12820	Littleton	543-22-092	200.00			
		Total page		1,400.00		
12500	Thraves	543-23-055	1,600.00			
		Total page		1,600.00		
13104	Littleton	543-24-031	200.00			
13100	Littleton	543-24-032	600.00			
		Total page		800.00		
12927	Orme	543-25-008	400.00			
12908	Thraves	543-25-107	1,200.00			
		Total page		1,600.00		
5913	E 135	543-26-008	400.00			
		Total page		400.00		
13705	Thraves	543-27-035	1,400.00			
		Total page		1,400.00		
13485	Hathaway	543-29-064	1,000.00			
		Total page		1,000.00		
13985	Hathaway	543-30-070	600.00			
13925	Hathaway	543-30-073	1,000.00			
		Total page		1,600.00		
6269	Turney Rd	543-32-002	200.00			
		Total page		200.00		
6104	Turney	543-33-006	200.00			
		Total page		200.00		
	meadowbrook	543-34-031	1,800.00			
		Total page		1,800.00		

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
	Creekside	543-39-001	1,800.00			
		Total page		1,800.00		
			Total Book		16,400.00	
10604	Broadway	544-02-003	1,900.00			
		Total page		1,900.00		
4691	Turney	544-03-009	1,900.00			
9725	Parkview	544-03-013	400.00			
9816	Robinson	544-03-021	1,200.00			
9605	Sladden	544-03-061	400.00			
		Total page		3,900.00		
9914	Cardwell	544-04-004	1,200.00			
10009	Robinson	544-04-057	400.00			
10016	Robinson	544-04-076	800.00			
10211	Parkview	544-04-099	400.00			
		Total page		2,800.00		
4704	E 104	544-05-001	1,800.00			
4706	E 104	544-05-002	800.00			
4741	Turney	544-05-027	1,000.00			
4723	Turney	544-05-029	800.00			
10203	Greenview	544-05-059	400.00			
		Total page		4,800.00		
10217	Russell	544-06-007	1,800.00			
10214	Russell	544-06-029	400.00			
4846	Edgepark	544-06-107	600.00			
		Total page		2,800.00		
10306	Runnymede	544-07-017	800.00			
10402	Homeworth	544-07-048	1,000.00			
4876	E 106	544-07-061	400.00			
4949	E 106	544-07-076	1,200.00			
4885	E 107	544-07-123	1,200.00			
4921	E 108	544-07-151	800.00			
4914	E 109	544-07-166	400.00			
		Total page		5,800.00		
5028	E 110	544-08-014	1,000.00			
10821	Vernon	544-08-114	1,800.00			
10805	Vernon	544-08-118	800.00			
		Total page		3,600.00		
11008	Park Hts	544-09-059	600.00			
10901	Park Hts	544-09-082	400.00			
11103	Park Hts	544-09-093	200.00			
		Total page		1,200.00		

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
4915	E 111	544-10-020	600.00			
4912	E 111	544-10-028	800.00			
11018	Edgepark	544-10-087	1,800.00			
11109	Langton	544-10-106	200.00			
		Total page		3,400.00		
11211	Plymouth	544-11-017	1,000.00			
11020	Lamgton	544-11-043	600.00			
		Total page		1,600.00		
5042	E 115	544-12-067	1,000.00			
5030	E 114	544-12-084	600.00			
5015	E 113	544-12-089	400.00			
		Total page		2,000.00		
12330	Garland	544-14-086	1,800.00			
12326	Reindeer	544-14-109	400.00			
		Total page		2,200.00		
12834	Park Knoll	544-15-012	1,000.00			
12914	Park Knoll	544-15-015	400.00			
12900	Garland	544-15-032	1,600.00			
13007	Southern	544-15-064	400.00			
5001	Claremont	544-15-119	600.00			
		Total page		4,000.00		
12003	Marguerite	544-16-001	1,000.00			
4901	Parkway	544-16-007	1,400.00			
4901	Parkway	544-16-007	400.00			
4948	Henry	544-16-033	1,400.00			
12112	Center	544-16-054	1,800.00			
		Total page		6,000.00		
12323	Park Knoll	544-19-010	1,000.00			
12325	Park Knoll	544-19-011	1,400.00			
12417	Park knoll	544-19-017	400.00			
4949	Henry	544-19-058	1,400.00			
		Total page		4,200.00		
13950	Broadway	544-27-008	1,200.00			
		Total page		1,200.00		
		Total Book		51,400.00		
11100	Lincoln	545-02-022	1,400.00			
11107	Lincoln	545-02-027	1,600.00			
		Total page		3,000.00		
5234	E 113	545-03-113	1,200.00			
5127	E 113	545-03-116	600.00			
		Total page		1,800.00		
5305	E 117	545-04-046	600.00			
		Total page		600.00		
11802	McCracken	545-05-029	600.00			
5136	E 117	545-05-098	400.00			

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
5221	E 119	545-05-108	1,000.00			
		Total page		2,000.00		
5168	E 128	545-09-004	400.00			
5160	E 128	545-09-006	1,800.00			
12913	Silver	545-09-056	1,800.00			
13200	Silver	545-09-076	800.00			
		Total page		4,800.00		
13629	Granger Rd	545-10-071	400.00			
		Total page		400.00		
13727	Granger	545-13-024	600.00			
13813	Granger	545-13-026	400.00			
		Total page		1,000.00		
	Turney	545-14-019	1,400.00			
		Total page		1,400.00		
12025	Tonsing	545-15-033	1,200.00			
		Total page		1,200.00		
12327	Tonsing	545-16-075	400.00			
		Total page		400.00		
	E 129	545-17-049	1,600.00			
		Total page		1,600.00		
13605	Royal	545-19-043	400.00			
13712	Royal	545-19-070	600.00			
		Total page		1,000.00		
13818	Shady Oak	545-21-036	1,000.00			
13628	Woodward	545-21-092	800.00			
		Total page		1,800.00		
11711	Darlington	545-22-064	1,400.00			
		Total page		1,400.00		
13132	Willard	545-25-087	1,200.00			
		Total page		1,200.00		
5641	Turney	545-26-025	400.00			
12025	Shadyoak	545-26-082	400.00			
		Total page		800.00		
12426	Shady Oak	545-27-070	1,000.00			
		Total page		1,000.00		
13001	Shady Oak	545-28-026	1,600.00			
13000	Shady Oak	545-28-061	1,600.00			
13555	Shady Oak	545-28-066	600.00			
		Total page		3,800.00		
5755	Turney	545-29-074	800.00			
		Total page		800.00		
12600	Eastwood	545-30-001	800.00			
		Total page		800.00		
13404	Oakview	545-31-081	400.00			
12919	Oakview	545-31-098	600.00			
		Total page		1,000.00		
13709	Oakview	545-32-075	1,600.00			
		Total page		1,600.00		
5695	E 139	545-33-044	1,000.00			

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
13924	Mapleleaf	545-33-122	400.00			
		Total page		1,400.00		
5404	Roland	545-34-034	1,200.00			
		Total page		1,200.00		
		Total Book		36,000.00		
13709	Cranwood Pk	546-09-017	2,000.00			
		Total page		2,000.00		
13455	Dressler	546-11-012	1,800.00			
		Total page		1,800.00		
13903	Dressler	546-12-023	1,400.00			
	Dressler	546-12-024	1,800.00			
13705	Dressler	546-12-030	800.00			
4735	Bartlam	546-12-090	1,000.00			
		Total page		5,000.00		
13506	Dressler	546-14-025	1,600.00			
13506	Dressler	546-14-025	200.00			
		Total page		1,800.00		
	E 141	546-16-024	1,600.00			
14001	Broadway	546-16-041	400.00			
		Total page		2,000.00		
4947	Osborn	546-17-094	800.00			
		Total page		800.00		
4916	Orchard	546-18-098	1,400.00			
		Total page		1,400.00		
4672	E 142	546-20-015	1,600.00			
	E 142	546-20-027	1,600.00			
		Total page		3,200.00		
14111	Cranwood Pk	546-21-013	1,800.00			
4655	Osborn	546-21-031	1,000.00			
	E 144	546-21-045	1,400.00			
		Total page		4,200.00		
4763	Orchard	546-23-009	600.00			
		Total page		600.00		
4356	MLK	546-30-002	400.00			
12701	Maplerow	546-30-044	1,000.00			
12705	Maplerow	546-30-045	400.00			
12709	S Pkwy	546-30-058	1,800.00			
		Total page		3,600.00		
12807	N Pkwy	546-31-006	2,000.00			
4402	E 131	546-31-016	1,000.00			
13001	Maplerow	546-31-029	1,400.00			
12802	Thornhurst	546-31-048	1,800.00			
13005	Thornhurst	546-31-059	400.00			
12917	Thornhurst	546-31-061	1,200.00			
12900	S Pkwy	546-31-075	2,000.00			
13016	S Pkwy	546-31-084	1,000.00			
12801	S Pkwy	546-31-086	2,000.00			

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
		Total page	12,800.00			
4391	E 131	546-32-008	1,800.00			
13311	Maplerow	546-32-030	400.00			
13409	Thornhurst	546-32-068	1,000.00			
13302	S Pkwy	546-32-085	600.00			
13513	S Pkwy	546-32-107	2,000.00			
		Total page	5,800.00			
	E 136	546-33-001	1,800.00			
	E 136	546-33-002	1,800.00			
13719	North	546-33-013	1,000.00			
13824	North	546-33-022	2,000.00			
13624	North	546-33-035	200.00			
13719	Cranwood Dr	546-33-044	1,600.00			
13819	Cranwood Dr	546-33-050	1,400.00			
13823	Cranwood Dr	546-33-051	1,800.00			
13816	Cranwood Dr	546-33-055	2,000.00			
13616	Cranwood Dr	546-33-068	1,400.00			
13612	Cranwood Dr	546-33-069	1,000.00			
13625	S Pkwy	546-33-077	400.00			
13718	S Pkwy	546-33-099	600.00			
13623	Thornhurst	546-33-114	1,800.00			
13602	Thornhurst	546-33-147	1,000.00			
13615	Maplerow	546-33-150	1,000.00			
13707	Maplerow	546-33-155	1,000.00			
13717	Maplerow	546-33-157	800.00			
13811	Maplerow	546-33-162	1,800.00			
4425	E 139	546-33-176	2,000.00			
4391	E 139	546-33-184	1,400.00			
4389	E 139	546-33-185	2,000.00			
4347	E 139	546-33-194	1,400.00			
		Total page	31,200.00			
4467	MLK	546-34-044	1,200.00			
12616	Christine	546-34-060	400.00			
12700	Christine	546-34-061	800.00			
4523	E 126	546-34-067	800.00			
12613	Melgrove	546-34-077	1,000.00			
12612	Melgrove	546-34-082	1,800.00			
4506	E 126	546-34-099	1,000.00			
		Total page	7,000.00			
12714	Maplerow	546-35-002	600.00			
12716	Christine	546-35-003	1,200.00			
12912	Maplerow	546-35-012	800.00			
12915	Christine	546-35-019	1,400.00			
12810	Christine	546-35-036	800.00			

Exhibit A - Lot Maintenance List 2022

Address	Street	Parcel #	Total			
13005	Rexwood	546-35-047	2,000.00			
12917	Rexwood	546-35-049	2,000.00			
12817	Rexwood	546-35-054	1,600.00			
12904	Melgrove	546-35-092	1,800.00			
12910	Melgrove	546-35-093	1,800.00			
4512	E 131	546-35-112	1,400.00			
		Total page	15,400.00			
13406	Alvin	546-36-024	1,400.00			
13513	Alvin	546-36-035	1,600.00			
13405	Alvin	546-36-043	600.00			
13302	Saybrook	546-36-062	400.00			
13420	Saybrook	546-36-071	2,000.00			
13512	Saybrook	546-36-074	1,800.00			
13311	Saybrook	546-36-085	400.00			
13400	Rexwood	546-36-102	400.00			
13211	Rexwood	546-36-123	600.00			
13115	Rexwood	546-36-126	2,000.00			
13414	Christine	546-36-139	1,200.00			
13310	Maplerow	546-36-168	1,200.00			
13512	Maplerow	546-36-177	800.00			
		Total page	14,400.00			
13810	Maplerow	546-37-015	1,400.00			
13715	Christine	546-37-028	1,800.00			
13603	Christine	546-37-038	1,800.00			
13819	Saybrook	546-37-059	600.00			
13716	Saybrook	546-37-088	2,000.00			
13818	Saybrook	546-37-094	2,000.00			
13602	Alvin	546-37-112	1,800.00			
		Total page	11,400.00			
7611	Bancroft	546-38-020	1,800.00			
	Vineyard	546-38-028	1,800.00			
7601	Vineyard	546-38-029	600.00			
		Total page	4,200.00			
4730	E 142	546-60-022	600.00			
		Total page	600.00			
		Total Book	129,200.00			
	Total Assessment					305,800.00

eff: 8-14-2023
adopted 8-14-2023
Passed 6-0

ORDINANCE NO.: 67-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH ANAGO CLEANING SYSTEMS FOR THE REGULAR CLEANING OF THE GARFIELD HEIGHTS POLICE DEPARTMENT / CIVIC CENTER

WHEREAS, Beginning in 2018, the City of Garfield Heights has annually entered into an agreement with System 4 for the after-hours cleaning of the Garfield Heights Police Department and Civic Center, and

WHEREAS, with the agreement set to expire, the City has notified System 4 that the City intended not to resign for an additional year of service, and

WHEREAS, after an extensive search for a new cleaning company, the City wishes to enter into an agreement with Anago Cleaning Systems for the purpose of providing cleaning services for the Garfield Heights Police Department and Civic Center, and

WHEREAS, the yearly amount for cleaning services at both the Police Department and Civic Center will cost approximately \$22,680.00.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor, or his Designee, is hereby authorized and directed to enter into an agreement with Anago Cleaning Systems (attached hereto at Exhibit A and included as if fully written within) for the purpose of cleaning the Garfield Heights Police Department / Civic Center for cost not to exceed \$23,000.00.

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers of the City for the purposes stated in Section 1. hereof, said vouchers to be charged to the appropriate fund.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke

MAYOR

Theresa Vass
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023



Janitorial Services Proposal



Anago of Cleveland

Garfield Hts. Police Department
5555 Turney Rd, Garfield Heights, OH 44125

Prepared for: Richard Matey - Foreman

Prepared by: Angilene Markus - Outside Sales Representative

Valid Through: 10/4/2023

INTRODUCTION



July 6, 2023

Dear Richard

We are pleased to have you as a potential client at Anago® and are confident our franchisees can provide you with an exceptional service. We understand that the cleanliness and disinfection of your facility are very important because people are simply more comfortable and productive in an environment where they feel safe. Selecting the right partner for your janitorial needs is the first line of defense in employee healthcare.

With Anago's proven program, you receive a customized schedule of cleaning based on your priorities and budget. Our rotational, systematic service ensures the highest level of cleanliness for the health of your employees and clients and also provides an unbeatable first impression!

Your business benefits from unique features that set Anago franchisees apart from other janitorial services including the use of Anago CleanCom® for instant communications, the Anago Protection+ Disinfection plans for infection prevention, our budget-friendly SmartClean™ program, solid client support, advanced cleaning methods and equipment, EPA-registered disinfectants, and commitment to cleaning green. You can focus on your business, while our franchise owners keep your working environment safe and clean at a price you can afford.

The following information was prepared to help guide you in your decision about a janitorial service procurement agreement with us. Please feel free to reach out to me directly or to our Regional Office.

Sincerely,



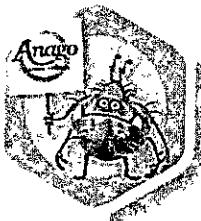
Angilene Markus
Outside Sales Representative

Anago of Cleveland
(440) 546-5700
175 Ken Mar Industrial Parkway
Broadview Heights, OH 44147



THE SUPERIOR CHOICE FOR COMMERCIAL CLEANING.

Our quote is based on time values outlined by the Building Service Contractors Association International and the International Sanitary Standards Association. These time values are standards within our industry utilized in estimating Housekeeping Tasks. In the summary that follows, a custom-tailored program has been compiled for your facility. All supervision, labor, supplies and equipment, payroll taxes, and insurance have been included in the pricing schedule.



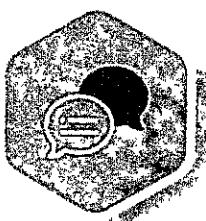
Protection+ Disinfection®

Using EPA approved disinfectants, Anago franchisees provide a germ-busting clean that looks great but disinfects and sanitizes, which helps to minimize the spread of illnesses and limits sick-time.



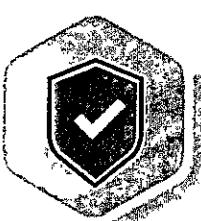
2-Hour Response Guarantee

Because of our commitment to your custom-tailored cleaning needs we offer our 2-Hour Response Guarantee following the reporting of any items not completed to your satisfaction.



Instant Communications

Anago provides a direct communication platform to stay in close contact with franchise owners regarding all services performed, through Anago CleanCom®.



Insurance & Bonding

Our franchisees' services are covered under an insurance policy for bodily injury, property damage, public liability, and workers compensation (where required).



The Third Pass

Anago's franchise owners take extra measures with nightly checklists to ensure your facility is properly secured upon completion of duties to give you peace of mind.



Franchising Concept

The franchising concept works because of the simple principle that the owner of the business is the supervisor of, and participant in, the actual cleaning and maintenance of your facility.

We look forward to working with you in the near future!



AREA SPECIFICATIONS

We are pleased to submit this Proposal to procure Janitorial Services for the following location:

Garfield Hts. Police Department
5555 Turney Rd
Garfield Heights, OH 44125

Service Areas

- 1. Office(s)
- 2. Restroom(s)
- 3. Common Area(s)
- 4. Stairwell(s)
- 5. Break Area(s)
- 6. Conference Room(s)

The specifications and the terms as set forth describe the Services to be performed, frequency, and conditions of the Agreement. The Client requests that products, equipment, and materials used are those that are recommended by Anago of Cleveland.

**CLEANING SPECIFICATIONS****Nightly Cleaning*****General Facility***

1. All trash receptacles will be emptied, wiped as needed, and trash removed to the dumpster area.
2. Break down boxes marked "Trash" for recycling and remove to recycling dumpster area.
3. Wipe clean Conference Room tables and properly arrange chairs.
4. Dust printers.
5. Spot clean partition glass, as needed.
6. Disinfect and polish drinking fountains and water coolers.
7. Vacuum all areas of carpeting, including mats and runners.
8. Dust mop and spot mop all hard surface floors.
9. Clean entrance area, including windows and door glass.
10. Remove debris from the stairwell and spot mop as needed.
11. Dust railings, banisters, ledges, moldings, and light fixtures.
12. Wipe clean coffee stations and coffee stations. Restock and arrange coffee condiments. Check to be sure coffee machines have been turned off.
13. Clean exterior of refrigerator with an stainless steel cleaner.
14. Wipe clean exterior of all countertop appliances in Kitchen with disinfectant, including the interior of microwaves.

Restrooms and Lockers

1. Fill dispensers with towels, tissue, and hand soap. Wipe dispenser fronts.

2. Empty sanitary napkin receptacles, disinfect, and re-line from stock.
3. Empty trash receptacles and wipe, if needed.
4. Wipe clean exposed pipes, tops of dispensers, counters, ledges, mirrors, and air grills.
5. Dust mop all hard surface floors.
6. Disinfect interior and exterior of toilets and toilet seats. Polish all chrome fittings.
7. Disinfect interior and exterior of urinals. Polish all chrome fittings.
8. Change urinal deodorizers as needed.
9. Spot clean toilet partitions and dust tops.
10. Clean sinks, disinfect counters, and polish chrome fittings.
11. Remove splash marks from walls around sinks.
12. Clean and polish mirrors.
13. Dust top of lockers.
14. Wipe clean benches.
15. Damp mop restroom floors, including corners and edges, with disinfectant, pouring water down drains to eliminate odors.

Weekly Cleaning

General Office

1. Collect all recycling from containers and remove to recycle dumpster area.
2. Wipe clean all vertical surfaces of file cabinets, and other office furniture per Client.
3. Dust picture frames and awards.
4. Detail vacuum all carpet areas including edges, corners, and beneath furniture.
5. Dust mop and damp mop hard surface floors, including corners, edges, and under office furniture.
6. Dust furniture and other surfaces per client.
7. Spot clean carpets to remove any new spills.
8. Dust and spot clean TVs.

Monthly Cleaning

General Office

1. Spot clean and disinfect light switches.
2. Spot clean door frames.
3. Disinfect telephones.
4. Dust baseboards.
5. Dust lights and lamps.
6. Dust window sills.
7. Dust all blinds and verticals.
8. High dust HVAC vents and louvers.
9. Dust ceiling corners and remove cobwebs.

Miscellaneous Cleaning

Exit Procedures

1. Keep the janitorial closet and all stock, including janitorial equipment, clean, neat, and orderly. Empty and rinse mop buckets nightly.
2. Turn off designated lights, re-secure all previously locked doors and areas, and set alarms per Client's instructions.
3. Complete a final walk through of the facility to ensure specifications have been completed.

Exclusions

1. Changing A/C filters or burn light bulbs.
2. Washing windows above eight feet.

Special Notes

Service Providers to report any maintenance and/or security issues to the building manager.

Do not clean desks per client guidelines.

Client will be supplying chemicals and supplies.

Do NOT clean dispatch room if they are on a call. Come back later.

All trash liners to be furnished by the Client.

All Restroom supplies (towels, tissue, hand soap) to be furnished by the Client.

Initial

MONTHLY SERVICE PRICING*Quote 1: 3x Weekly Service*

Initial	Frequency	Days Serviced	Time Window	Monthly Price ^t
<i>Initial</i>	3x Weekly	Mon, Wed, Fri	After 7PM	\$650.00

^t Plus Applicable Sales Tax.

SERVICE PROCUREMENT AGREEMENT

JFS, Corp. d/b/a Anago® of Cleveland ("Company") is a subfranchisee of Anago Franchising, Inc. and, as such, is in the business of procuring independently owned and operated franchise owners and contractors ("Service Providers") to provide its clients with maintenance and janitorial services under the trade name and operating style unique to the Anago® brand as described herein (the "Services"). Garfield Hts. Police Department ("Client") desires to contract with Company to arrange for Service Providers to provide the Services for Client's premises. In consideration of the foregoing, the covenants contained herein, and other valuable consideration, receipt and sufficiency of which are acknowledged, Company and Client agree as follows:

I. Company agrees to arrange for Service Providers to provide the Services as described herein, with each Service Provider to furnish all tools and equipment necessary to provide the Services as outlined in the Cleaning Specifications attached hereto and made a part hereof.

II. Company will require Service Providers to render the Services as described in the Cleaning Specifications to the areas listed in Area Specifications at the set frequency and days selected by Client in the Monthly Service Pricing and Specialty Service(s) sections, respectively. Holidays excluded shall be New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

III. Client agrees to pay Company each month the total sum stated in attached Monthly Service Pricing. Payment shall be due on or before the TENTH day of each month for that month's Services. A late charge of 1.5% per month will be assessed on all invoices that are 30 days past due. Requests to adjust pricing to reflect additions to or deletions from the Services or for change in frequency of Services shall be made in writing and shall only be binding if signed by both parties. Upon prior written notice to Client, Company may increase the Monthly Service Pricing annually by a percentage not to exceed the annual increase of the Consumer Price Index as most recently published in the Wall Street Journal or to allow Service Providers to adhere to local wage regulations applicable to their employees.

IV. It is expressly agreed that Company, the Service Providers, and their respective employees and contractors will not, by virtue of providing the Services under this Agreement, be employees of Client, but are independent contractors and no withholding of Social Security, Federal, or State Income Tax or other deductions shall be made from the sums agreed to be paid by Client to Company herein. All such payments are contract payments and not wages.

V. Client agrees that Company will have the sole discretion to select the Service Providers who will perform the Services. Client agrees that during the term of this Agreement and for 180 days after expiration or termination, it will not employ any Service Provider or any employee, agent, or associate of a Service Provider to perform the same or substantially the same type of Services. Company agrees that during the term of this Agreement and for 180 days after expiration or termination, it will not employ any employee, agent, or associate of Client. Client acknowledges and agrees that this Agreement may be assigned by Company to the Service Provider performing the Services, but, in that event, all payments to be made under this Agreement shall continue to be made to Company, as described herein, as the collection servicing agent of the Service Provider.

VI. The term of this Agreement shall be for one (1) year from the Service Commencement Date, and thereafter shall automatically be extended under the same terms and conditions for successive 1-year periods, unless either party gives written notice of non-renewal at least 60 days prior to expiration of the then-expiring term. Otherwise, Client may terminate this Agreement only for non-performance as set out herein. Before any such termination is effective, Client agrees to notify Company in writing of the non-performance items and to give Company fifteen (15) days to cure said items. If satisfaction is not achieved after the fifteenth day, Client must give Company a sixty (60) day written notice via certified mail with return receipt requested, stating the non-performance items.

VII. Client agrees and understands that it is impossible to determine the actual damages caused by its breach of this Agreement. Therefore, any amount due and owed under this Agreement for any remaining part of the term of this Agreement (as though the Agreement had not been terminated) shall be accelerated liquidated damages.

VIII. Client agrees not to withhold any portion of the monthly Agreement amount for any reason, unless prior written permission is obtained from Company, as the obligation to make payments hereunder is an independent obligation. In the event that enforcement of any obligation owed to Company, is placed in the hands of an attorney for collection, compromise or any other action, Client agrees to pay the reasonable attorney's fees, cost and necessary disbursements, in addition to any other relief that may be granted.

IX. This Agreement will be governed by the laws of the state of Ohio. The parties hereto submit to jurisdiction in Cuyahoga County, Ohio. All actions brought pursuant to this Agreement shall be brought in Cuyahoga County, Ohio. The parties further agree to service of any action filed in Cuyahoga County, Ohio, via certified mail.

By signing this agreement I represent and warrant that I am duly authorized and have the legal capacity to execute and deliver this agreement.

Company Representative



Angilene Markus
Outside Sales Representative

Authorized Client Representative

Richard Matey
Foreman

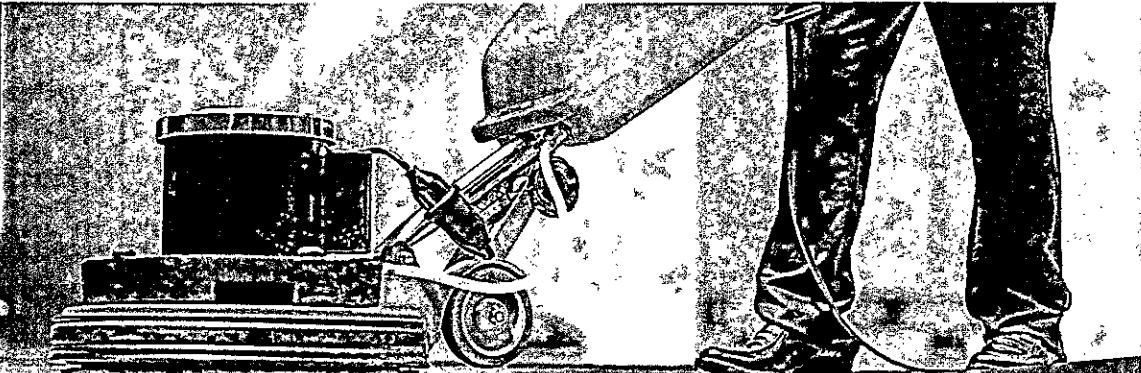
Date

SPECIALTY SERVICES

Below are some of the many services our Franchisees offer in addition to regular janitorial maintenance

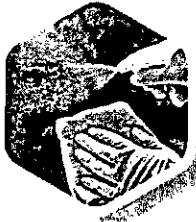


**TOTAL
SATISFACTION
GUARANTEE**



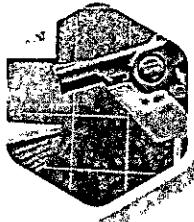
WE OFFER THE FOLLOWING SERVICES AND MANY MORE

High-Touch Disinfection



Anago's franchise owners offer disinfection application for high-frequency touch areas such as doorknobs, light switches, elevator buttons, phones, and keyboards.

Electrostatic Disinfection



Our franchisees use hospital-grade, EPA approved cleaning products and a CDC compliant disinfection spray process to disinfect up to 99.9% of your workspace.

Comprehensive Detail Cleaning



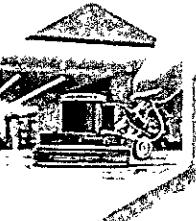
Whether it's one specific area or your entire office that needs a thorough, in-depth cleaning, Anago's franchisees can be there to get it done.



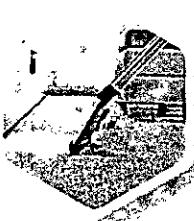
Ceramic Tile & Grout Cleaning

Our franchise owners are versed in the latest methods such as machine scrubbing and acid washing, for bringing back the luster to your ceramic tile and grout.

Hard Surface Floor Care



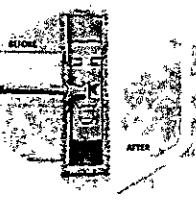
Our franchisees offer cleaning solutions for all types of hard surface flooring, such as vinyl composite tile, linoleum, concrete, and marble floors.



Carpet Cleaning

Our franchisees' professional carpet and upholstery cleaning services, such as spot cleaning, extraction, and bonnet cleaning help your facility maintain a clean image.

Hardwood Floor Care



Anago's franchise owners keep your hardwood floors looking great using specialized cleaning processes and commercial grade products to ensure superior durability.



Emergency Services

Anago's highly skilled janitorial franchise owners are available 24/7 for any emergency clean-up needed at your office, including water damage.

SUMMARY

GARFIELDPD
PID SID Control # Angilene Markus
Richard Matey
Garfield Hts. Police Department
5555 Turney Rd
Garfield Heights, OH 44125
C. (213) 475-1107
servicegarage@garfieldhts.org

**BILLING INFORMATION****Billing Address** Same as above

Address 1

Address 2

City

State or Province

Postal Code

Email

Accounts Payable Contact Same as above

Name

Email

Phone

 Cell Work Other**EMERGENCY CONTACT** Same as above

Name

Phone

Extension

 Cell Work Other

Email

TAX EXEMPT No Yes

If yes, please provide your Tax-Exemption number.

SERVICE COMMENCEMENT DATE**Please enter the date you would like service to begin**

Please ensure the date you select falls on one of the Days Serviced

ORDINANCE NO. 68-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

Passed 6-0
eff. 8-14-2023
adopted 8-14-2023

AN EMERGENCY ORDINANCE TO ESTABLISH A MAXIMUM AMOUNT FOR BLANKET CERTIFICATES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

WHEREAS, Ohio Rev. Code § 5705.41(D) states that fiscal officers may prepare so-called "blanket" certificates for a certain sum of money not in excess of an amount established by resolution or ordinance adopted by a majority of the members of the legislative authority against any specific line item account over a period not running beyond the end of the current fiscal year. The blanket certificates may, but need not, be limited to a specific vendor. Only one blanket certificate may be outstanding at one particular time for any one particular line item appropriation, and

WHEREAS, the City of Garfield Heights uses blanket certificates, also referenced as blanket purchase orders, throughout the year, and

WHEREAS, the City does not have an ordinance or resolution approved by the legislative authority stating the maximum amount for which City Council will allow blanket purchase orders to be used, during a fiscal year, and

WHEREAS, this City Council wishes to establish each fiscal year a maximum amount for which blanket purchase orders will be used by the City in accordance with the above Ohio Rev. Code Section through a formal ordinance.

BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio, that:

SECTION 1. For the year ending December 31, 2023, the Finance Director, is hereby authorized and directed to establish blanket certificates also referenced as blanket purchase orders for furnishing equipment, materials, services, maintenance, utilities, insurance and supplies to be used by various departments of the City where it is reasonable to expect the blanket purchase orders for the following items will not exceed Forty-Thousand Dollars (\$40,000.00) during such year:

SECTION 2. The authority granted under this Ordinance expires December 31, 2023.

SECTION 3. This Ordinance is declared to be an emergency measure in that the adoption of the Charter created the Division of Purchases and Supplies and it is immediately necessary to make purchases for the conduct of the ordinary affairs of the City, and for the health, welfare, peace, and safety of its residents, and it shall take effect immediately upon its passage and approval by the Mayor.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke
MAYOR

Thomas J. Vayhalar
PRESIDENT OF COUNCIL

ATTEST: Jottie Overly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

Passed: 6-0
eff. 8-14-2023
adopted 8-14-2023

ORDINANCE NO.: 69-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING
THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN
AGREEMENT WITH TELETRONICS, INC. FOR THE PURCHASE
AND INSTALLATION OF A FIBER CORE SWITCH

WHEREAS, In Ordinances 12-2023 and 16-2023, this Council approved the Mayor entering into an agreement for the purchase and installation of security cameras throughout all municipal buildings as well as the corresponding switches to operate/power said cameras, and

WHEREAS, in order to operate the aforementioned equipment, the fiber core switch located at the Garfield Heights Fire Department – Station 1 must be upgraded to accommodate the additional network load, and

WHEREAS, further, the equipment being replaced is in excess of approximately fifteen years in age and due to be replaced, and

WHEREAS, the total cost of the equipment/installation/maintenance will not exceed \$33,000.00 and shall be paid entirely from ARPA grant funding.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio, that:

SECTION 1. The Mayor or his designee is hereby authorized and directed to enter into an agreement with Teletronics, Inc. in a total amount not to exceed \$33,000.00 (quotation attached hereto as Exhibit A and incorporated as if fully written within) for the aforementioned purposes.

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers of the City for the purpose set forth in Section 1 hereof, said amount to be charged to the appropriate Fund.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke

MAYOR

Thomas J. Vough

PRESIDENT OF COUNCIL

ATTEST: Lottie Overly

CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

Network Project - Core
Switching Fire
Department
Quote #BF1004109-V1



TECHNICALLY, PEOPLE MATTER.

Prepared for
Garfield Hts Justice Center



TECHNICALLY, PEOPLE MATTER.

Items

Description	Price	Qty	Ext. Price
ICX7550-24P ICX 7550 24-port 10/100/1000 Mbps 802.3at POE+ with 2-ports 40 Gbps Uplink/Stack QSFP+, module slot, no fans, no power supplies installed. Transceivers sold separately	\$4,884.00	1	\$4,884.00
7550-S-ASDPM-3 Associate Partner Support, 7X24 BACKLINE SUPPORT ONLY, ICX7550-24;-48;-24P;-48P SKUs Only; 3 Year	\$938.00	1	\$938.00
ICX-FAN12-E ICX 7650 EXHAUST AIRFLOW FAN FRNT TO BK	\$316.00	3	\$948.00
RPS22-E RPS, 1000/1200W AC EXHAUST AIRFLOW	\$1,200.00	2	\$2,400.00
ICX7650-4X10GF ICX 7650 4PT 1/10GBE SFP+ MOD	\$1,000.00	1	\$1,000.00
ICX7550-48P ICX 7550 48-port 10/100/1000 Mbps 802.3at POE+ with 2-ports 40 Gbps Uplink/Stack QSFP+, module slot, no fans, no power supplies installed. Transceivers sold separately	\$6,992.00	1	\$6,992.00
7550-S-ASDPM-3 Associate Partner Support, 7X24 BACKLINE SUPPORT ONLY, ICX7550-24;-48;-24P;-48P SKUs Only; 3 Year	\$938.00	1	\$938.00
ICX-FAN12-E ICX 7650 EXHAUST AIRFLOW FAN FRNT TO BK	\$316.00	3	\$948.00
RPS22-E RPS, 1000/1200W AC EXHAUST AIRFLOW	\$1,200.00	2	\$2,400.00
ICX7650-4X10GF ICX 7650 4PT 1/10GBE SFP+ MOD	\$1,000.00	1	\$1,000.00
10G-SFPP-LR-S 10GBASE-LR,SFPP SMF LC CONNECTOR (No TAA)	\$351.20	5	\$1,756.00
E40G-QSFP-QSFPAC-1001 40GE Direct Attach QSFP+ to QSFP+ Active Optical Cable, 10m, 1-pac	\$1,628.00	2	\$3,256.00
L09-0001-SGCX Switch management license for SZ-100/vSZ 5.X/SZ300, 1 Ruckus ICX switch	\$80.00	12	\$960.00
CLD-ANAP-5001 Ruckus Analytics 5 year subscription for 1 Cloud or SZ managed AP or ICX switch	\$200.00	12	\$2,400.00
Subtotal:			\$30,820.00

Quote ID: BF1004109

22550 Ascoa Ct | Strongsville, OH 44149 | P: 216.778.6500 | F: 216.778.6511 | W: www.tbx-inc.com



TECHNICALLY, PEOPLE MATTER.

July 31, 2023

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TECHNICALLY, PEOPLE MATTER.

TTX Svcs

Product Description	Ext. Price
Professional Services 1	\$250.00
Professional Services 2	\$1,500.00
TTx Labor To:	
- Configure, Install, Test New Core Switching	
	Subtotal: \$1,750.00

Quote ID: BF1004109

22550 Ascoa Ct | Strongsville, OH 44149 | P: 216.778.6500 | F: 216.778.6511 | W: www.ttx-inc.com



TECHNICALLY, PEOPLE MATTER.

July 31, 2023

Page 3/4



TECHNICALLY. PEOPLE MATTER.

Network Project - Core Switching Fire Department

Quote Information:

Quote #: BF1004109

Version: 1

Delivery Date: 07/31/2023

Expiration Date: 08/25/2023

Prepared for:

Garfield Hts Justice Center

5407 Turney Rd.

Garfield Heights, OH 44125

Justin Cawthon

(216) 618-0761

helpdesk@garfieldhts.org

Prepared by:

TTX Inc

BFarina

216.739.2820

Fax 216.778.6511

Bfarina@tx-inc.com



Quote Summary

Description	Monthly Services	One Time Fees
Items	\$0.00	\$30,820.00
TTX Srvcs	\$0.00	\$1,750.00
Subtotal:	\$0.00	\$32,570.00
Shipping:		\$200.00
Total:	\$0.00	\$32,770.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

TTX Inc

Garfield Hts Justice Center

Signature: _____
Name: Ben Farina
Title: Account Manager
Date: 07/31/2023

Signature: _____
Name: Justin Cawthon
Date: 08/16/2023

Quote ID: BF1004109

22550 Ascoa Ct | Strongsville, OH 44149 | P: 216.778.6500 | F: 216.778.6511 | W: www.ttx-inc.com

TECHNICALLY. PEOPLE MATTER.

July 31, 2023

Page 4/4

ORDINANCE NO.:

71-2023

Passed 6-0
adopted 8-14-2023
eff: 8-14-2023

SPONSORED BY:

MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES ("ATF") FOR THE PURPOSE OF PARTICIPATION IN THE ATF GUN CRIME TASK FORCE

WHEREAS, The Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") is developing a task force, while working in conjunction with local police departments for the purpose of investigating firearms trafficking, investigating firearms related violent crimes, and conducting undercover operations to gather intelligence data relating to the trafficking of firearms, and

WHEREAS, at this time, the City of Garfield Heights wishes to enter into a memorandum of understanding with the ATF for the purpose of having Garfield Heights police officers designated to work hand-in-hand with ATF agents to accomplish the aforementioned goals, and

WHEREAS, said agreement will allow four (4) Garfield Heights officers to be deputized by the U.S. Marshals Service to work together, share information, and perform investigations with members of the ATF to the benefit of the City, and

WHEREAS, as outlined in the agreement, this collaboration is being made available to the City at no additional cost for such law enforcement resources; in the event the Garfield Heights provided members are required to work overtime outside of their regularly-scheduled duties, the ATF shall assume the cost associated.

NOW, THEREFORE, BE IT ORDAINED by the Council of Garfield Heights, Cuyahoga County, State of Ohio, that:

SECTION 1. The Mayor or his designee is hereby authorized and directed to enter into an agreement with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") for the aforementioned purposes.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke

MAYOR

Thomas J. Vayda
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF),

And

GARFIELD HEIGHTS POLICE DEPARTMENT

This Memorandum of Understanding ("MOU") is entered into by and between the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and the Garfield Heights Police Department ("participating agency") as it relates to the ATF Violent Gun Crime Task Force (herein referred to as the "Task Force").

AUTHORITIES

The authority to investigate and enforce offenses under provisions of this MOU are found at 28 U.S.C. § 599A, 28 C.F.R. §§ 0.130, 0.131, and 18 U.S.C. § 3051.

PURPOSE

The Task Force will perform the activities and duties described below:

- a. Investigate firearms trafficking
- b. Investigate firearms related violent crime
- c. Gather and report intelligence data relating to trafficking in firearms
- d. Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of Ohio.

MEASUREMENT OF SUCCESS

The ability to measure the success of this initiative will depend on the participating agencies' willingness to share certain information, (i.e., crime statistics).

As such, the Task Force will seek to measure the percent change in violent firearms crime in targeted areas with a substantial Task Force presence as compared with previous years. The Task Force will seek to measure the number of firearms related cases referred for Federal and/or State prosecution by the Task Force as well as the number of defendants charged with firearms related crimes who were convicted.

The Task Force will seek to track the number of crime guns removed from the community in which the Task Force has a substantial presence. The Task Force will also measure the

number of firearm trafficking investigations initiated as well as the number of defendants charged and convicted of firearms trafficking laws.

PHYSICAL LOCATION

Officers/troopers/agents assigned to this Task Force by their employer shall be referred to as task force officers (TFOs). TFOs will be assigned to the ATF Cleveland Field Office and will be located at the ATF Cleveland Field Office or as mutually agreed upon by the participants.

SUPERVISION AND CONTROL

The day-to-day supervision and administrative control of TFOs will be the mutual responsibility of the participants, with the ATF Special Agent in Charge or his/her designee having operational control over all operations related to this Task Force.

TFOs shall remain subject to their respective agencies' policies and shall report to their respective agencies regarding matters unrelated to this agreement/task force. With regard to matters related to the Task Force, TFOs will be subject to Federal law and Department of Justice and ATF orders, regulations and policies, including those related to standards of conduct, sexual harassment, equal opportunity issues, and Federal disclosure laws.

Failure to comply with this section could result in a TFO's dismissal from the Task Force.

PERSONNEL, RESOURCES AND SUPERVISION

To accomplish the objectives of the Task Force, ATF will assign four (4) Special Agents to the Task Force. ATF will also, subject to the availability of funds, provide necessary funds and equipment to support the activities of the ATF Special Agents and TFOs assigned to the Task Force. This support may include office space, office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training, and other support items.

Each participating agency agrees to make available to its assigned task members any equipment ordinarily assigned for use by that agency. In the event ATF supplies equipment (which may include vehicles, weapons, or radios), TFOs must abide by any applicable ATF property orders and policy, and may be required to enter into a separate agreement for their use.

To accomplish the objectives of the Task Force, the Garfield Heights Police Department agrees to detail four (4) fulltime TFOs and/or Special Deputies (SDs) to the Task Force for a period of not less than two (2) years. As per ATF O 3501.1A, a Special Deputy is a sworn State, county, or local law enforcement officer assigned to an ATF task force on a part time basis and whose department has a fully executed task force MOU on file with ATF. For purposes of this particular MOU, SDs are included under the term "TFOs" unless the MOU provision expressly indicates that it applies only to "full-time TFOs."

All full-time TFOs shall qualify with their respective firearms by complying with ATF's Firearms and Weapons Policy.

SECURITY CLEARANCES

All TFOs will undergo a security clearance and background investigation, and ATF shall bear the costs associated with those investigations. TFOs must not be the subject of any ongoing investigation by their department or any other law enforcement agency, and past behavior or punishment, disciplinary, punitive, or otherwise, may disqualify one from eligibility to join the Task Force. ATF has final authority as to the suitability of TFOs for inclusion on the Task Force.

DEPUTATIONS

ATF, as the sponsoring Federal law enforcement agency, will require that the participating agency's TFOs be deputized by the U.S. Marshals Service to extend their jurisdiction, to include applying for and executing Federal search and arrest warrants, and requesting and executing Federal grand jury subpoenas for records and evidence involving violations of Federal laws.

A TFO will not be considered for Department of Justice legal representation if named as a defendant in an individual-capacity lawsuit alleging constitutional violations unless all deputation paperwork has been completed and approved prior to the event(s) at issue in the lawsuit.

The participating agencies agree that any Federal authority that may be conferred by a deputation is limited to activities supervised by ATF and will terminate when this MOU is terminated or when the deputized TFOs leave the Task Force, or at the discretion of ATF.

ASSIGNMENTS, REPORTS, AND INFORMATION SHARING

An ATF supervisor or designee will be empowered with designated oversight for investigative and personnel matters related to the Task Force and will be responsible for opening, monitoring, directing, and closing Task Force investigations in accordance with ATF policy and the applicable United States Attorney General's Guidelines.

Assignments will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the ATF supervisor.

All investigative reports will be prepared utilizing ATF's investigative case management system, (N-Force) utilizing ATF case report numbers. The participating agency will share investigative reports, findings, intelligence, etc., in furtherance of the mission of this agreement, to the fullest extent allowed by law. For the purposes of uniformity, there will be no duplication of reports, but rather a single report prepared by a designated individual which can be duplicated as necessary. Every effort should be made to document investigative activity on ATF Reports of Investigation (ROI), unless otherwise agreed to by ATF and the participating agency(ies). This

section does not preclude the necessity of individual TFOs to complete forms required by their employing agency.

Information will be freely shared among the TFOs and ATF personnel with the understanding that all investigative information will be kept strictly confidential and will only be used in furtherance of criminal investigations. No information gathered during the course of the Task Force, to include informal communications between TFOs and ATF personnel, may be disseminated to any third party, non-task force member by any task force member without the express permission of the ATF Special Agent in Charge or his/her designee.

Any public requests for access to the records or any disclosures of information obtained by task force members during Task Force investigations will be handled in accordance with applicable federal statutes, regulations, and policies pursuant to the Freedom of Information Act and the Privacy Act, and other applicable federal and/or state statutes and regulations.

INVESTIGATIVE METHODS

The parties agree to utilize Federal standards pertaining to evidence handling and electronic surveillance activities to the greatest extent possible. However, in situations where state or local laws are more restrictive than comparable Federal law, investigative methods employed by state and local law enforcement agencies shall conform to those requirements, pending a decision as to a venue for prosecution.

The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policy and procedures of ATF. All Task Force operations will be conducted and reviewed in accordance with applicable ATF and Department of Justice policy and guidelines.

None of the parties to this MOU will knowingly seek investigations under this MOU that would cause a conflict with any ongoing investigation of an agency not party to this MOU. It is incumbent upon each participating agency to notify its personnel regarding the Task Force's areas of concern and jurisdiction. All law enforcement actions will be coordinated and cooperatively carried out by all parties to this MOU.

INFORMANTS

ATF guidelines and policy regarding the operation of informants and cooperating witnesses will apply to all informants and cooperating witnesses directed by TFOs.

Informants developed by TFOs may be registered as informants of their respective agencies for administrative purposes and handling. The policies and procedures of the participating agency for handling informants will apply to all informants that the participating agency registers. In addition, it will be incumbent upon the registering participating agency to maintain a file with respect to the performance of all informants or witnesses it registers. All information obtained from an informant and relevant to matters within the jurisdiction of this MOU will be shared

with all parties to this MOU. The registering agency will pay all reasonable and necessary informant expenses for each informant that a participating agency registers.

DECONFLICITION

Each participating agency agrees that the deconfliction process requires the sharing of certain operational information with the Task Force, which, if disclosed to unauthorized persons, could endanger law enforcement personnel and the public. As a result of this concern, each participating agency agrees to adopt security measures set forth herein:

- a. Each participating agency will assign primary and secondary points of contact.
- b. Each participating agency agrees to keep its points of contact list updated.

The points of contact for this Task Force are:

ATF:

Primary: Gregory D. Bartoe, Group Supervisor
Secondary: John Smerglia, Acting Assistant Special Agent in Charge

Garfield Heights Police Department:

Primary: Mark, Kaye, Chief of Police
Secondary: Carlos Crespo, Sergeant

EVIDENCE

Evidence will be maintained by the lead agency having jurisdiction in the court system intended for prosecution. Evidence generated from investigations initiated by a TFO or ATF special agent intended for Federal prosecution will be placed in the ATF designated vault, using the procedures found in ATF orders.

All firearms seized by a TFO must be submitted for fingerprint analysis and for a National Integrated Ballistic Information Network (NIBIN) examination. Once all analyses are completed, all firearms seized under Federal law shall be placed into the ATF designated vault for proper storage. All firearms information/descriptions taken into ATF custody must be submitted to ATF's National Tracing Center.

JURISDICTION/PROSECUTIONS

Cases will be reviewed by the ATF Special Agent in Charge or his/her designee in consultation with the participating agency and the United States Attorney's Office and appropriate state's attorney offices, to determine whether cases will be referred for prosecution to the U.S. Attorney's Office or to the relevant state's attorney's office. This determination will be based upon which level of prosecution will best serve the interests of justice and the greatest overall benefit to the public. Any question that arises pertaining to prosecution will be resolved through discussion among the investigative agencies and prosecuting entities having an interest in the matter.

In the event that a state or local matter is developed that is outside the jurisdiction of ATF or it is decided that a case will be prosecuted on the state or local level, ATF will provide all relevant information to state and local authorities, subject to Federal law. Whether to continue investigation of state and local crimes is at the sole discretion of the state or local participating agency.

USE OF FORCE

All TFOs will comply with ATF and the Department of Justice's (DOJ's) Use of Force orders and policies. TFOs must be briefed on ATF's and DOJ's Use of Force policy by an ATF official and will be provided with a copy of such policy.

BODY WORN CAMERAS AND TASK FORCE OFFICERS

In accordance with ATF Order 3020.4, dated June 2, 2022, and incorporated herein, Body Worn Cameras (BWCs) may be worn by TFOs operating on a Federal Task Force when their parent agency mandates their use by personnel assigned to the task force. In such cases, the TFO and parent agency shall comply with all DOJ and ATF policies, and the required procedures, documentation, and reporting while participating on the task force.

MEDIA

Media relations will be handled by ATF and the U.S. Attorney's Office's public information officers in coordination with each participating agency. Information for press releases will be reviewed and mutually agreed upon by all participating agencies, who will take part in press conferences. Assigned personnel will be informed not to give statements to the media concerning any ongoing investigation or prosecution under this MOU without the concurrence of the other participants and, when appropriate, the relevant prosecutor's office.

All personnel from the participating agencies shall strictly adhere to the requirements of Title 26, United States Code, § 6103. Disclosure of tax return information and tax information acquired during the course of investigations involving National Firearms Act (NFA) firearms as defined in 26 U.S.C., Chapter 53 shall not be made except as provided by law.

SALARY/OVERTIME COMPENSATION

During the period of the MOU, participating agencies will provide for the salary and employment benefits of their respective employees. All participating agencies will retain control over their employees' work hours, including the approval of overtime.

ATF may have funds available to reimburse overtime to the state and local TFO's agency, subject to the guidelines of the Department of Justice Asset Forfeiture Fund. This funding would be available under the terms of a memorandum of agreement (MOA) established pursuant to the provisions of 28 U.S.C. section 524. The participating agency agrees to abide by the applicable Federal law and policy with regard to the payment of overtime from the Department of Justice Asset Forfeiture Fund. The participating agency must be recognized under state law as a law

enforcement agency and their officers/ troopers/investigators as sworn law enforcement officers. If required or requested, the participating agency shall be responsible for demonstrating to the Department of Justice that its personnel are law enforcement officers for the purpose of overtime payment from the Department of Justice Asset Forfeiture Fund. This MOU is not a funding document.

In accordance with these provisions and any MOA on asset forfeiture, the ATF Special Agent in Charge or designee shall be responsible for certifying reimbursement requests for overtime expenses incurred as a result of this agreement.

AUDIT INFORMATION

Operations under this MOU are subject to audit by ATF, the Department of Justice's Office of the Inspector General, the Government Accountability Office, and other Government-designated auditors. Participating agencies agree to permit such audits and to maintain all records relating to Department of Justice Asset Forfeiture Fund payments for expenses either incurred during the course of this Task Force or for a period of not less than three (3) years and, if an audit is being conducted, until such time that the audit is officially completed, whichever is greater.

FORFEITURES/SEIZURES

All assets seized for administrative forfeiture will be seized and forfeited in compliance with the rules and regulations set forth by the U.S. Department of Justice Asset Forfeiture guidelines. When the size or composition of the item(s) seized make it impossible for ATF to store it, any of the participating agencies having the storage facilities to handle the seized property agree to store the property at no charge and to maintain the property in the same condition as when it was first taken into custody. The agency storing said seized property agrees not to dispose of the property until authorized to do so by ATF.

The MOU provides that proceeds from forfeitures will be shared, with sharing percentages based upon the U.S. Department of Justice Asset Forfeiture policies on equitable sharing of assets, such as determining the level of involvement by each participating agency. Task Force assets seized through administrative forfeiture will be distributed in equitable amounts based upon the number of full-time persons committed by each participating agency. Should it become impossible to separate the assets into equal shares, it will be the responsibility of all the participating agencies to come to an equitable decision. If this process fails and an impasse results ATF will become the final arbitrator of the distributive shares for the participating agencies.

DISPUTE RESOLUTION

In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the Task Force's goals and objectives. The parties to this MOU agree to attempt to resolve any disputes regarding jurisdiction, case assignments and workload at the lowest level possible.

LIABILITY

ATF acknowledges that the United States is liable for the wrongful or negligent acts or omissions of its officers and employees, including TFOs, while on duty and acting within the scope of their federal employment, to the extent permitted by the Federal Tort Claims Act, 28 U.S.C. sections 1336(b), 2672-2680.

Claims against the United States for injury or loss of property, personal injury, or death arising or resulting from the negligent or wrongful act or omission of any Federal employee while acting within the scope of his or her office or employment are governed by the Federal Tort Claims Act, (unless the claim arises from a violation of the Constitution of the United States, or a violation of a statute of the United States under which other recovery is authorized).

Except as otherwise provided, the parties agree to be solely responsible for the negligent or wrongful acts or omissions of their respective employees and will not seek financial contributions from the other for such acts or omissions. Legal representation by the United States for individual capacity claims is determined by the United States Department of Justice on a case-by-case basis. ATF cannot guarantee the United States will provide legal representation to any state or local law enforcement officer.

Liability for any negligent or willful acts of any agent or officer undertaken outside the terms of this MOU will be the sole responsibility of the respective agent or officer and agency involved.

DURATION

This MOU is effective with the signatures of all parties and terminates at the close of business on September 30, 2028.

This MOU supersedes previously signed MOUs and shall remain in effect until the aforementioned expiration date or until it is terminated in writing (to include electronic mail and facsimile), whichever comes first. All participating agencies agree that no agency shall withdraw from the Task Force without providing ninety (90) days written notice to other participating agencies. If any participating agency withdraws from the Task Force prior to its termination, the remaining participating agencies shall determine the distributive share of assets for the withdrawing agency, in accordance with Department of Justice guidelines and directives.

This MOU shall be deemed terminated at the time all participating agencies withdraw and ATF elects not to replace such members, or in the event ATF unilaterally terminates the MOU upon 90 days written notice to all the remaining participating agencies.

MODIFICATIONS

This agreement may be modified at any time by written consent of all participating agencies. Modifications shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

SIGNATURES

Mark Kaye Date
Chief
Garfield Heights Police Department

Daryl S. McCormick Date
Special Agent in Charge, ATF
Columbus Field Division

adopted 8-14-2023
eff: 8-14-2023
Passed 6-0

ORDINANCE NO.: 72-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO DO ALL THINGS NECESSARY TO APPLY FOR, ACCEPT, AND UTILIZE THE 2023 DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FOR THE PURCHASE OF A CELLEBRITE CELL PHONE EXTRACTION SYSTEM

WHEREAS, Each year, the Department of Justice makes funding available to local law enforcement byway of the Edward Byrne Memorial Justice Assistance Grant, and

WHEREAS, in 2023, the City of Garfield Heights Police Department is eligible to receive funding in the amount of up to \$17,066.00 for the purchase of law enforcement equipment, and

WHEREAS, at this time, the City wishes to apply for the available funding and utilize it to purchase a Cellebrite cell phone extraction system, and

WHEREAS, the cost of the aforementioned equipment is \$17,000.00; accordingly, once the grant funding has been received, it will cover the entire cost of the Cellebrite cell phone extraction system.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor, or his designee, is hereby authorized and directed to do all things necessary to apply for, accept, and utilize up to \$17,066.00 in grant funding made available by the Department of Justice, byway of the Edward Byrne Memorial Justice Assistance Grant (JAG), for the purchase of a Cellebrite cell phone extraction system.

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers of the City for the purpose set forth in Section 1. hereof, said amounts to be charged to the appropriate fund (s), upon completion of the normal purchase order system purchasing requirements.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. Burke

MAYOR

Thomas J. Vaughn
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

eff: 8-14-2023
adopted 8-14-2023
Passed 6-0

ORDINANCE NO.: 73-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 110-2022, THE CITY OF GARFIELD HEIGHTS' PLAN OF CLASSIFICATION AND COMPENSATION OF NON-UNION PAY POSITIONS

WHEREAS, Pursuant to the City of Garfield Heights Codified Ordinances Chapter 141, it is necessary from time to time to amend and supplement the City's plan of classification and compensation of positions in a consolidated format, and

WHEREAS, it is the Mayor's desire to create the position of "Assistant Building Commissioner."

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The City of Garfield Heights' current plan of classification and compensation shall read as follows (**bold** indicating what language will be added):

1	Executive Administrative Assistant	Executive	5
1	MIS Manager	Executive	5
1	Senior MIS Manager	Executive	7
1	Chief of Staff	Executive	10
1	Building & Housing Commissioner	Building	9
1	Assistant Building Commissioner	Building	7
3	Housing Enforcement Coordinator	Building	5
4	Administrative Assistants	Service / Econ Dev. / Building / Finance	5
2	Administrative Assistant	Police / Fire	5
1	Finance Director	Finance	10
1	Assistant Finance Director	Finance	7
1	Administrative Manager	Finance	7
2	Finance Administrative Clerk	Finance	4
1	Director of Law	Law	9
1	Chief Police Prosecutor / Assistant Director of Law	Law	8
1	Assistant Director of Law	Law	4
2	Police Prosecutor	Law	4
1	Paralegal	Law	5
1	Legal Administrative Assistant	Law	5
1	Parks & Recreation Director	Recreation	9
1	Recreation Coordinator	Recreation	5
1	Public Service Director	Service	9
4	Foreman	Service / Recreation	6
1	Economic Development Director	Economic Development	9
1	Community/PR Coordinator	Economic Development	5
1	Assistant Economic Development Director	Economic Development	7
2	Manager	Economic Development	7

1	Social Services Director	Social Services	9
1	Administrative Assistant	Social Services	5
1	Center Manager	Family Resource Center	2
1	Transportation / Activities Coordinator	Senior Center	5
1	Senior Center Manager	Social Services	7
1	Human Resources Director	Human Resources	9
1	Payroll Clerk	Human Resources	4
P/T as needed	Safety Coordinator	Executive	5
P/T as needed	Administrative Assistant	Police	5
P/T as needed	Diversion manager	Family Resource Center	2
P/T as needed	Community Service Manager	Family Resource Center	2
P/T as needed	Community Service Assistant	Family Resource Center	1
P/T as needed	Community Affairs Coordinator	Family Resource Center	2
P/T as needed	Activities Assistant	All	1
P/T as needed	Outreach Worker	Senior Center	2
P/T as needed	Kitchen Aide I	Senior Center	1
P/T as needed	Kitchen Aide II	Senior Center	2
P/T as needed	Account Clerk I	All	1
P/T as needed	Account Clerk II	All	2
P/T as needed	Account Clerk III	All	3
P/T as needed	Cleaning Personnel I	Service	1
P/T as needed	Cleaning Personnel II	Service	2
P/T as needed	Custodian I	Service	1
P/T as needed	Custodian II	Service	2
P/T as needed	Seasonal Laborer	Service	2
P/T as needed	Inspector I	Building	1
P/T as needed	Inspector II	Building	2
P/T as needed	Inspector III	Building	3
P/T as needed	Housing Resources Liaison	Building	4
P/T as needed	Housing Enforcement Coordinator	Building	5
P/T as needed	Law Clerk/Paralegal II	Law	2
P/T as needed	Administrative Assistant I	All	1
P/T as needed	Administrative Assistant II	All	2
P/T as needed	Administrative Assistant III	All	3
P/T as needed	Attendant I	Recreation	1
P/T as needed	Attendant II	Recreation	2
P/T as needed	Lifeguard I	Recreation	1
P/T as needed	Lifeguard II	Recreation	2
P/T as needed	Maintenance, Cashier I	Recreation/Service	1
P/T as needed	Maintenance, Cashier II	Recreation/Service	2
P/T as needed	Supervisor I	Recreation	3
P/T as needed	Supervisor II	Recreation	4
P/T as needed	Supervisor III	Recreation	5
P/T as needed	School Guard	Police	1
P/T as needed	Building Security	Service	1
P/T as needed	Auxiliary Jailer I	Police	1
P/T as needed	Auxiliary Jailer II	Police	2
P/T as needed	Auxiliary Jailer III	Police	3
P/T as needed	Dispatcher I	Police	1

P/T as needed	Dispatcher II	Police	2
P/T as needed	Dispatcher III	Police	3

SECTION 2. Exhibit A, attached hereto, incorporated herein, and expressly made a part hereof by reference as though fully rewritten, shall be utilized as a guide for setting the rate and steps of new employees, as it is understood that existing employees by the nature of a percentage increase may fall between steps throughout the scales included therein, but in no circumstance shall the base pay rate for any given range exceed Step 18 unless duly authorized by separate legislation of this Council.

SECTION 3. *Transitioning employees:* In the event an employee is preparing to leave the service of the City (i.e. retirement, resignation, termination, etc.), the City shall be permitted to hire and employ an additional person at that same position for a period not to exceed ninety (90) days for the purposes of training the new employee.

SECTION 4. Existing Ordinance No. 110-2022 and any other non-union pay ordinances of the City of Garfield Heights, Ohio, is hereby repealed insofar as it is inconsistent with the provisions contained herein on and after the effective date of this Ordinance.

SECTION 5. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: 8-14-2023

APPROVED: Matthew A. B. C.

MAYOR

Thomas J. Vayda
PRESIDENT OF COUNCIL

ATTEST: Lottie O'Kelly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023

Exhibit A
PAY RANGE / STEP SCALE - NON UNION EMPLOYEES

Pay Range	Step	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	HR	7.85	8.35	9.30	10.17	11.08	11.98	12.89	13.80	14.71	15.60	15.30	15.46	16.38	17.20	18.06	19.01	20.01	21.06
	Yearly	628.00	668.30	744.00	813.55	886.18	958.80	1,031.42	1,104.05	1,176.67	1,200.21	1,236.45	1,310.64	1,376.27	1,444.98	1,520.84	1,600.68	1,684.72	
2	HR	14.71	15.01	15.32	15.63	16.24	16.54	16.85	17.16	17.50	17.85	18.03	19.11	20.07	21.07	22.17	23.34	24.56	
	Yearly	30,776.67	31,201.15	1,225.63	1,250.11	1,274.59	1,299.07	1,323.55	1,348.03	1,372.51	1,398.96	1,427.96	1,442.24	1,528.79	1,605.48	1,687.10	1,773.96	1,867.10	
3	HR	17.16	17.46	17.77	18.07	18.38	18.69	18.98	19.30	19.60	20.00	20.40	21.84	22.93	24.07	25.34	26.67	28.07	
	Yearly	31,225.95	31,886.43	32,502.91	33,139.38	33,775.87	34,412.35	35,048.83	35,685.31	36,399.02	37,127.00	37,496.27	37,748.16	41,735.57	43,822.35	46,123.03	51,033.07	51,544.48	
4	HR	19.60	19.91	20.22	20.52	20.83	21.13	21.44	21.75	22.05	22.49	23.17	24.56	25.70	27.08	28.50	30.00	31.57	
	Yearly	40,777.15	41,413.63	42,050.11	42,686.59	43,323.07	43,958.55	44,596.03	45,232.51	45,868.99	46,505.47	47,142.10	47,772.10	48,199.32	51,091.28	53,645.84	56,285.36	59,397.84	65,673.73
5	HR	22.05	22.36	22.66	22.97	23.28	23.58	23.89	24.19	24.50	24.99	25.49	25.75	27.29	28.65	30.09	31.67	33.33	35.08
	Yearly	45,868.99	46,505.47	47,141.95	47,778.43	48,414.91	49,051.39	49,687.87	50,324.35	50,960.83	51,980.05	53,019.65	53,549.85	56,762.84	59,600.93	62,561.03	65,966.53	69,324.52	72,954.06
6	HR	24.50	24.81	25.11	25.42	25.72	26.03	26.34	26.64	26.95	27.49	28.04	28.32	30.02	31.52	33.09	34.83	36.66	38.58
	Yearly	50,960.83	51,597.31	52,233.79	52,870.27	53,508.75	54,143.23	54,779.71	55,416.19	56,052.87	57,173.73	58,317.20	58,900.37	62,434.39	65,556.11	68,833.92	72,447.70	76,251.20	80,224.39
7	HR	26.95	27.56	28.17	27.87	28.48	28.78	29.09	29.40	29.98	30.59	30.90	32.75	34.39	36.11	38.00	40.00	42.10	
	Yearly	2,155.87	2,180.35	2,204.83	2,229.31	2,253.79	2,282.27	2,302.75	2,327.23	2,351.71	2,387.75	2,447.18	2,471.67	2,619.97	2,750.97	2,888.52	3,040.17	3,199.78	3,367.76
8	HR	28.40	30.01	30.62	31.23	31.84	32.46	33.07	33.58	34.29	34.98	35.68	36.03	38.20	40.11	42.11	44.32	46.65	
	Yearly	61,144.51	62,417.47	63,690.43	64,963.39	66,236.35	67,509.31	68,782.27	70,055.23	71,328.19	72,754.76	74,209.85	74,851.95	79,449.07	83,421.52	87,592.60	92,191.21	97,031.25	102,125.39
9	HR	34.29	34.90	35.52	36.13	36.74	37.35	38.38	39.19	39.97	40.77	41.18	43.65	45.83	48.12	50.55	53.31	56.11	
	Yearly	71,328.18	72,601.15	73,841.11	75,147.97	76,420.03	77,692.99	78,965.95	80,238.91	81,511.87	83,142.11	84,804.95	85,653.00	90,732.18	95,331.79	105,333.54	110,884.61	116,708.05	
10	HR	39.19	40.41	41.64	42.86	43.47	44.08	44.96	45.86	46.32	47.90	51.13	54.13	56.87	59.98	63.11	65.57	69.98	
	Yearly	3,125.07	3,184.03	3,242.99	3,330.91	3,379.87	3,428.83	3,477.79	3,526.75	3,586.80	3,658.74	3,705.42	3,827.75	4,124.14	4,350.34	4,557.69	4,798.96	5,048.81	

ORDINANCE NO.: 74-2018

SPONSORED BY: MAYOR VIC COLLOVA

CO-SPONSORED BY: COUNCILMAN MATT BURKE, COUNCILMAN MICHAEL NENADOVICH
AND COUNCILMAN JOSEPH SUSTER

APPROPRIATION ORDINANCE:

AN EMERGENCY ORDINANCE TO MAKE AMENDED APPROPRIATIONS FOR CURRENT EXPENDITURES FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018

BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio, THAT:

SECTION 1. To provide for current expenditures of the City of Garfield Heights, Ohio, during the Fiscal Year ending December 31, 2018 the sums in the cumulated statement thereof be and they are hereby set aside and appropriated as hereinafter set forth.

CUMULATED APPROPRIATION

GENERAL FUND	17,432,652.00
STREET LIGHTING FUND	499,500.00
AVERAGE PAY FUND	11,581,700.00
PERMANENT IMPROVEMENT FUND	389,000.00
POLICE PENSION FUND	801,925.00
FIRE PENSION FUND	842,350.00
RECREATION FUND	1,226,903.00
STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND	1,984,235.00
STATE HIGHWAY IMPROVEMENT FUND	81,975.00
CITY INCOME TAX FUND	11,983,100.00
MOTOR VEHICLE LICENSE TAX FUND	175,000.00
STORM & SANITARY SEWER CONSTRUCTION FUND	2,001,430.00
WATER MAIN FUND	3,920,200.00
FEDERAL NUTRITION BUDGET FUND	412,865.00
COMMUNITY DEVELOPMENT BLOCK GRANT FUND	10,000.00
LAW ENFORCEMENT TRUST FUND	13,000.00
INDIGENT DRIVER ALCOHOL TREATMENT FUND	110,000.00
ENFORCEMENT & EDUCATION FUND	2,000.00
FEMA FUND	135,450.00
DEBT AMORTIZATION FUND	787,500.00
MUNICIPAL COURT PROBATION SERVICES FUND	199,950.00
MUNICIPAL COURT SPECIAL SERVICES FUND	354,860.00
MUNICIPAL COURT CAPITAL IMPROVEMENT FUND	248,505.00
GARFIELD HEIGHTS FAMILY RESOURCE CENTER FUND	96,100.00
STREET IMPROVEMENT NOTE 2015	2,470,210.00
GRANGER ROAD/TRANSPORTATION BLVD IMPROVEMENT FUND	4,840,100.00
TRANSPORTATION/ANTENUCCI IMPROVEMENT FUND 2004	1,350,000.00
DEBT SERVICE FUND	2,521,140.00
REVOLVING EQUIPMENT FUND	1,620,755.00
RESTRICTED FUND	250,000.00
TOTAL CUMULATED APPROPRIATION	<u>68,342,405.00</u>

ORDINANCE NO.: 74-2018

SECTION 2. That there be appropriated from the GENERAL FUND for the following purposes:

PROGRAM I - SECURITY OF PERSONS & PROPERTY

GENERAL LAW ENFORCEMENT (POLICE)

Personal Services	0.00
Personnel Benefits	0.00
Contractual Services	0.00
Supplies & Materials	0.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - GENERAL LAW ENFORCEMENT	0.00

SCHOOL GUARDS - TRAFFIC SAFETY

Personal Services	67,670.00
Personnel Benefits	12,965.00
Supplies & Materials	1,000.00
TOTAL - SCHOOL GUARDS	81,635.00

FIRE PREVENTION

Personal Services	0.00
Personnel Benefits	0.00
Contractual Services	0.00
Supplies & Materials	0.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - FIRE PREVENTION	0.00

CIVIL DEFENSE

Personal Services	0.00
Personnel Benefits	7,000.00
Contractual Services	500.00
Supplies & Materials	0.00
TOTAL - CIVIL DEFENSE	7,500.00

SAFETY ADMINISTRATION

Personal Services	92,000.00
Personnel Benefits	57,500.00
Contractual Services	0.00
Supplies & Materials	0.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - SAFETY ADMINISTRATION	149,500.00

POLICE COMMUNICATIONS

Personal Services	260,000.00
Personnel Benefits	205,880.00
Contractual Services	330,000.00
Supplies & Materials	5,000.00
Intergovernmental	0.00
Capital Outlay	130,000.00
TOTAL - POLICE COMMUNICATIONS	930,880.00

ORDINANCE NO.: 74-2018

ANIMAL CONTROL

Personal Services	56,000.00
Personnel Benefits	30,400.00
Contractual Services	4,000.00
Supplies & Materials	2,500.00
Intergovernmental	10,345.00
Capital Outlay	0.00
TOTAL - ANIMAL CONTROL	103,245.00

TOTALS: PROGRAM I - SECURITY OF PERSONS & PROPERTY

GENERAL LAW ENFORCEMENT (POLICE)	0.00
SCHOOL GUARDS	81,635.00
FIRE PREVENTION	0.00
CIVIL DEFENSE	7,500.00
SAFETY ADMINISTRATION	149,500.00
POLICE COMMUNICATIONS	930,880.00
ANIMAL CONTROL	103,245.00
TOTAL EXPENDITURES - PROGRAM I	1,272,760.00

PROGRAM II - PUBLIC HEALTH SERVICE

CORRECTIONAL INSTITUTION

Personal Services	325,000.00
Personnel Benefits	105,000.00
Contractual Services	8,000.00
Supplies & Materials	35,000.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - CORRECTIONAL INSTITUTION	473,000.00

COUNTY HEALTH CONTRACT

Contractual Services	130,400.00
TOTAL - COUNTY HEALTH CONTRACT	130,400.00

TOTALS: PROGRAM II - PUBLIC HEALTH SERVICE

CORRECTIONAL INSTITUTION	473,000.00
COUNTY HEALTH CONTRACT	130,400.00
TOTAL EXPENDITURES - PROGRAM II	603,400.00

PROGRAM IV - COMMUNITY ENVIRONMENT

BUILDING STANDARDS & MAINTENANCE

Personal Services	365,500.00
Personnel Benefits	170,000.00
Contractual Services	28,000.00
Supplies & Materials	3,000.00
Intergovernmental	72,408.00
Capital Outlay	0.00
TOTAL - BUILDING STANDARDS & MAINTENANCE	638,908.00

ORDINANCE NO.: 74-2018

PLANNING & ZONING

Personal Services	12,000.00
Personnel Benefits	2,320.00
Contractual Services	0.00
Supplies & Materials	0.00
TOTAL - PLANNING & ZONING	14,320.00

TOTALS: PROGRAM IV - COMMUNITY ENVIRONMENT

BUILDING STANDARDS & MAINTENANCE	638,908.00
PLANNING & ZONING	14,320.00
 TOTAL EXPENDITURES - PROGRAM IV	 653,228.00

PROGRAM V - BASIC UTILITY SERVICES

SEWER OPERATION

Personal Services	0.00
Personnel Benefits	0.00
Supplies & Materials	0.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - SEWER OPERATION	0.00

SOLID WASTE DISPOSAL

Contractual Services	1,700,000.00
TOTAL - SOLID WASTE DISPOSAL	1,700,000.00

ADMINISTRATIVE SUPPORT

Personal Services	133,500.00
Personnel Benefits	66,000.00
Contractual Services	700.00
Supplies & Materials	300.00
Intergovernmental	41,376.00
Capital Outlay	0.00
TOTAL - ADMINISTRATIVE SUPPORT	241,876.00

TOTALS: PROGRAM V - BASIC UTILITY SERVICES

SEWER OPERATION	0.00
SOLID WASTE DISPOSAL	1,700,000.00
ADMINISTRATIVE SUPPORT	241,876.00

TOTAL EXPENDITURES - PROGRAM V

1,941,876.00

PROGRAM VII - GENERAL GOVERNMENT

EXECUTIVE - MAYOR

Personal Services	145,000.00
Personnel Benefits	72,500.00
Contractual Services	1,700.00

Supplies & Materials	1,000.00
Intergovernmental	10,344.00
Capital Outlay	0.00
TOTAL - EXECUTIVE - MAYOR	230,544.00

ORDINANCE NO.: 74-2018

LEGISLATIVE

Personal Services	120,000.00
Personnel Benefits	23,720.00
Contractual Services	1,400.00
Supplies & Materials	850.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - LEGISLATIVE	145,970.00

FINANCE

Personal Services	258,750.00
Personnel Benefits	114,560.00
Contractual Services	42,000.00
Bonds & Insurance	470.00
Supplies & Materials	2,500.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - FINANCE	418,280.00

LEGAL ADMINISTRATION

Personal Services	335,000.00
Personnel Benefits	175,000.00
Contractual Services	50,000.00
Supplies & Materials	1,000.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL - LEGAL ADMINISTRATION	561,000.00

ENGINEER

Contractual Services	48,500.00
TOTAL - ENGINEER	48,500.00

COURT

Personal Services	810,000.00
Personnel Benefits	460,800.00
Contractual Services	62,000.00
Bonds & Insurance	100.00
Supplies & Materials	65,000.00
Intergovernmental	10,344.00
Capital Outlay	0.00
TOTAL - COURT	1,408,244.00

ECONOMIC DEVELOPMENT

Personal Services	193,500.00
Personnel Benefits	103,800.00
Contractual Services	2,500.00
Supplies & Materials	500.00
Intergovernmental	0.00

Capital Outlay	0.00
TOTAL - ECONOMIC DEVELOPMENT	300,300.00

ORDINANCE NO.: 74-2018

CIVIL SERVICE COMMISSION

Personal Services	4,850.00
Personnel Benefits	900.00
Contractual Services	16,500.00
Supplies & Materials	0.00
TOTAL - CIVIL SERVICE COMMISSION	22,250.00

Management Information Systems

Personal Services	52,500.00
Personnel Benefits	32,000.00
Contractual Services	3,000.00
Operating Supplies	2,500.00
Capital Outlay	0.00
TOTAL - MANAGEMENT INFORMATION SYSTEMS	90,000.00

LANDS & BUILDINGS

Personal Services	360,500.00
Personnel Benefits	172,200.00
Contractual Services	580,000.00
Bonds & Insurance	50,000.00
Supplies & Materials	102,000.00
Intergovernmental	123,000.00
Capital Outlay	50,000.00
TOTAL - LANDS & BUILDINGS	1,437,700.00

MISCELLANEOUS

Personnel Benefits	8,500.00
Contractual Services	1,100,000.00
Bonds & Insurance	420,000.00
Supplies & Materials	9,000.00
Intergovernmental	6,758,100.00
Refunds & Reimbursements	3,000.00
TOTAL - MISCELLANEOUS	8,298,600.00

ORDINANCE NO.: 74-2018

TOTALS: PROGRAM VII - GENERAL GOVERNMENT

EXECUTIVE - MAYOR	230,544.00
LEGISLATIVE	145,970.00
FINANCE	418,280.00
LEGAL ADMINISTRATION	561,000.00
ENGINEER	48,500.00
COURT	1,408,244.00
MANAGEMENT INFORMATION SYSTEMS	90,000.00
LANDS & BUILDINGS	1,437,700.00

CIVIL SERVICE	22,250.00
MISCELLANEOUS	8,298,600.00
ECONOMIC DEVELOPMENT	<u>300,300.00</u>

TOTAL EXPENDITURES - PROGRAM VII	12,961,388.00
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PROGRAM TOTALS - GENERAL FUND

I SECURITY OF PERSONS & PROPERTY	1,272,760.00
II PUBLIC HEALTH SERVICE	603,400.00
IV COMMUNITY ENVIRONMENT	653,228.00
V BASIC UTILITY SERVICES	1,941,876.00
VII GENERAL GOVERNMENT	<u>12,961,388.00</u>

TOTAL EXPENDITURES - GENERAL FUND	17,432,652.00
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SECTION 3. That there be appropriated from the **STREET LIGHTING FUND** for the following purposes:

STREET LIGHTING FUND

STREET LIGHTING	
Contractual Services	495,000.00
Intergovernmental	4,500.00
TOTAL EXPENDITURES - STREET LIGHTING	<u>499,500.00</u>

SECTION 4. That there be appropriated from the **AVERAGE PAY FUND** for the following purposes:

AVERAGE PAY FUND

PROGRAM I - SECURITY OF PERSONS & PROPERTY

MISCELLANEOUS	
Intergovernmental	70,000.00
TOTAL - MISCELLANEOUS	<u>70,000.00</u>

GENERAL LAW ENFORCEMENT (POLICE)

Personal Services	4,105,000.00
Personnel Benefits	1,350,000.00
Contractual Services	86,700.00
Supplies & Materials	50,000.00
Intergovernmental	290,000.00
Capital Outlay	35,000.00
TOTAL - GENERAL LAW ENFORCEMENT	<u>5,916,700.00</u>

FIRE PREVENTION

Personal Services	3,600,500.00
Personnel Benefits	1,060,000.00
Contractual Services	110,000.00
Supplies & Materials	50,000.00
Intergovernmental	124,500.00
Capital Outlay	650,000.00
TOTAL - FIRE PREVENTION	<u>5,595,000.00</u>

TOTAL EXPENDITURES - AVERAGE PAY FUND	11,581,700.00
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ORDINANCE NO.: 74-2018

SECTION 5. That there be appropriated from the **PERMANENT IMPROVEMENT FUND** for the following purposes:

<u>PERMANENT IMPROVEMENT</u>		<u>PERMANENT IMPROVEMENT FUND</u>
Personal Services		0.00
Personnel Benefits		0.00
Contractual Services		35,000.00
Supplies & Materials		0.00
Intergovernmental		104,000.00
Capital Outlay		175,000.00
Debt Service		75,000.00
TOTAL EXPENDITURES - PERMANENT IMPROVEMENT FUND		389,000.00

SECTION 6. That there be appropriated from the **POLICE PENSION FUND** for the following purposes:

<u>POLICE PENSION FUND</u>		<u>POLICE PENSION FUND</u>
Personnel Benefits		800,475.00
Intergovernmental		1,450.00
TOTAL EXPENDITURES - POLICE PENSION FUND		801,925.00

SECTION 7. That there be appropriated from the **FIRE PENSION FUND** for the following purposes:

<u>FIRE PENSION FUND</u>		<u>FIRE PENSION FUND</u>
Personnel Benefits		840,900.00
Intergovernmental		1,450.00
TOTAL EXPENDITURES - FIRE PENSION FUND		842,350.00

SECTION 8. That there be appropriated from the **RECREATION FUND** for the following purposes:

<u>RECREATION BOARD</u>		<u>RECREATION FUND</u>
Personal Services		1,560.00
Personnel Benefits		302.00
Contractual Services		0.00
Supplies & Materials		0.00
Intergovernmental		700.00
TOTAL - RECREATION BOARD		2,562.00

<u>PLAYGROUND</u>		<u>RECREATION FUND</u>
Personal Services		5,000.00
Personnel Benefits		750.00
Contractual Services		0.00
Supplies & Materials		2,500.00
TOTAL - PLAYGROUND		8,250.00

ORDINANCE NO.: 74-2018

ADMINISTRATION

Personal Services	280,000.00
Personnel Benefits	125,000.00
Contractual Services	186,600.00
Supplies & Materials	15,650.00
Intergovernmental	66,065.00
Refunds & Reimbursements	0.00
Capital Outlay	
TOTAL - ADMINISTRATION	305,000.00
	978,315.00

SWIMMING

Personal Services	30,000.00
Personnel Benefits	6,400.00
Contractual Services	2,500.00
Supplies & Materials	12,500.00
Refunds & Reimbursements	300.00
TOTAL - SWIMMING	51,700.00

SKATING

Personal Services	27,000.00
Personnel Benefits	5,225.00
Contractual Services	15,000.00
Supplies & Materials	10,000.00
Intergovernmental	10,344.00
Refunds & Reimbursements	700.00
Capital Outlay	
TOTAL - SKATING	118,269.00

ORGANIZED SPORTS

Personal Services	22,000.00
Personnel Benefits	4,257.00
Contractual Services	10,000.00
Supplies & Materials	10,000.00
Refunds & Reimbursements	1,000.00
TOTAL - ORGANIZED SPORTS	47,257.00

CONCESSIONS

Personal Services	8,000.00
Personnel Benefits	1,550.00
Contractual Services	1,000.00
Supplies & Materials	10,000.00
TOTAL - CONCESSIONS	20,550.00

TOTALS: RECREATION FUND

RECREATION BOARD	2,562.00
PLAYGROUND	8,250.00
ADMINISTRATION	978,315.00
SWIM GOLF TENNIS	51,700.00
SKATING	118,269.00
ORGANIZED SPORTS	47,257.00
CONCESSIONS	20,550.00
TOTAL EXPENDITURES - RECREATION FUND	1,226,903.00

ORDINANCE NO.: 74-2018

SECTION 9. That there be appropriated from the **STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND** for the following purposes:

STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

STREET CLEANING

Personal Services	0.00
Personnel Benefits	0.00
Contractual Services	0.00
Supplies & Materials	185,000.00
Intergovernmental	124,130.00
Capital Outlay	0.00
TOTAL - STREET CLEANING	309,130.00

TRAFFIC CONTROL

Personal Services	112,000.00
Personnel Benefits	58,760.00
Contractual Services	55,000.00
Supplies & Materials	15,000.00
Intergovernmental	10,345.00
Capital Outlay	0.00
TOTAL - TRAFFIC CONTROL	251,105.00

STREET CONSTRUCTION

Personal Services	575,300.00
Personnel Benefits	288,500.00
Contractual Services	45,000.00
Supplies & Materials	100,000.00
Intergovernmental	240,000.00
Capital Outlay	175,200.00
TOTAL - STREET CONSTRUCTION	1,424,000.00

TOTALS: STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND

STREET CLEANING	309,130.00
TRAFFIC CONTROL	251,105.00
STREET CONSTRUCTION	1,424,000.00

TOTAL EXPENDITURES - ST. CONSTRUCTION, MAINT. & REPAIR FUND **1,984,235.00**

SECTION 10. That there be appropriated from the **STATE HIGHWAY IMPROVEMENT FUND** for the following purposes:

STATE HIGHWAY IMPROVEMENT FUND

STREET CONSTRUCTION

Personal Services	52,475.00
Personnel Benefits	29,500.00
Contractual Services	0.00
Supplies & Materials	0.00

TOTAL - STATE HIGHWAY - STREET CONSTRUCTION **81,975.00**

ORDINANCE NO.: 74-2018

SECTION 11. That there be appropriated from the CITY INCOME TAX FUND for the following purposes:

<u>CITY INCOME TAX FUND</u>	
INCOME TAX FUND	
Contractual Services	377,100.00
Intergovernmental	11,606,000.00
TOTAL EXPENDITURES - CITY INCOME TAX FUND	11,983,100.00

SECTION 12. That there be appropriated from the MOTOR VEHICLE LICENSE TAX FUND for the following purposes:

<u>MOTOR VEHICLE LICENSE TAX FUND</u>	
MOTOR VEHICLE LICENSE TAX FUND	
Intergovernmental	<u>175,000.00</u>
TOTAL EXPENDITURES - MOTOR VEHICLE LICENSE TAX FUND	175,000.00

SECTION 13. That there be appropriated from the STORM & SANITARY SEWER FUND for the following purposes:

<u>STORM & SANITARY SEWER CONSTRUCTION FUND</u>	
STORM & SANITARY SEWER	
Personal Services	58,480.00
Personnel Benefits	30,750.00
Contractual Services	1,575,000.00
Supplies & Materials	5,000.00
Intergovernmental	<u>332,200.00</u>
TOTAL EXPENDITURES - STORM & SANITARY CONSTRUCTION FUND	2,001,430.00

SECTION 14. That there be appropriated from the WATER MAIN REPAIR AND MAINTENANCE FUND for the following purposes:

<u>WATER MAIN REPAIR AND MAINTENANCE FUND</u>	
WATER MAINS	
Contractual Services	35,000.00
Multi - Street Construction - All Phases	<u>3,885,200.00</u>
TOTAL EXPENDITURES - WATER MAIN REPAIR AND MAINT. FUND	3,920,200.00

SECTION 15. That there be appropriated from the FEDERAL NUTRITION BUDGET PROGRAM FUND for the following purposes:

<u>FEDERAL NUTRITION BUDGET PROGRAM FUND</u>	
NUTRITION PROGRAM	
Personal Services	210,500.00
Personnel Benefits	120,800.00
Contractual Services	10,000.00
Supplies & Materials	9,500.00
Intergovernmental	62,065.00
Refunds & Reimbursements	0.00
Capital Outlay	<u>0.00</u>

ORDINANCE NO.: 74-2018

TOTAL EXPENDITURES - NUTRITION PROGRAM **412,865.00**

SECTION 16. That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND for the following purposes:

<u>COMMUNITY DEVELOPMENT BLOCK GRANT FUND</u>	
<u>COMMUNITY DEVELOPMENT</u>	
Contractual Services	6,000.00
Supplies & Materials	4,000.00
Capital Outlay	0.00
Refunds & Reimbursements	0.00
TOTAL EXPENDITURES - COMMUNITY DEVELOPMENT	10,000.00

SECTION 17. That there be appropriated from the LAW ENFORCEMENT TRUST FUND for the following purposes:

<u>LAW ENFORCEMENT TRUST FUND</u>	
<u>LAW ENFORCEMENT TRUST</u>	
Contractual Services	1,000.00
Supplies & Materials	12,000.00
Capital Outlay	0.00
TOTAL EXPENDITURES - LAW ENFORCEMENT TRUST FUND	13,000.00

SECTION 18. That there be appropriated from the INDIGENT DRIVER ALCOHOL TREATMENT FUND for the following purposes:

<u>INDIGENT DRIVER ALCOHOL TREATMENT FUND</u>	
<u>INDIGENT DRIVER ALCOHOL TREATMENT</u>	
Contractual Services	110,000.00
TOTAL EXPENDITURES - INDIGENT DRIVER ALCOHOL TREAT. FUND	110,000.00

SECTION 19. That there be appropriated from the ENFORCEMENT AND EDUCATION FUND for the following purposes:

<u>ENFORCEMENT AND EDUCATION FUND</u>	
<u>ENFORCEMENT & EDUCATION</u>	
Contractual Services	1,000.00
Capital Outlay	1,000.00
TOTAL EXPENDITURES - ENFORCEMENT & EDUCATION FUND	2,000.00

SECTION 20. That there be appropriated from the FEMA FUND for the following purposes:

<u>FEMA FUND</u>	
<u>FEMA FUND</u>	
Transfer - General Fund	135,450.00
TOTAL EXPENDITURES - FEMA FUND	135,450.00

ORDINANCE NO.: 74-2018

SECTION 21. That there be appropriated from the **DEBT AMORTIZATION FUND** for the following purposes:

DEBT AMORTIZATION FUND

DEBT AMORTIZATION FUND	
Intergovernmental	<u>787,500.00</u>
TOTAL EXPENDITURES - DEBT AMORTIZATION FUND	787,500.00

ORDINANCE NO.: 74-2018

SECTION 22. That there be appropriated from the **MUNICIPAL COURT PROBATION SERVICE FUND** for the following purposes:

MUNICIPAL COURT PROBATION SERVICE FUND

MUNICIPAL COURT PROB. SERVICE FUND

Personal Services	137,900.00
Personnel Benefits	57,100.00
Contractual Services	3,500.00
Supplies & Materials	1,000.00
Intergovernmental	0.00
Capital Outlay	0.00
Refunds & Reimbursements	<u>450.00</u>

TOTAL EXPENDITURES - MUNICIPAL COURT PROB. SERVICE FUND **199,950.00**

SECTION 23. That there be appropriated from the **MUNICIPAL COURT SPECIAL SERVICES FUND** for the following purposes:

MUNICIPAL COURT SPECIAL SERVICES FUND

MUNICIPAL COURT SPECIAL SERVICE FUND

Personal Services	130,000.00
Personnel Benefits	78,650.00
Contractual Services	115,000.00
Supplies & Materials	5,000.00
Intergovernmental	26,210.00
Capital Outlay	0.00
TOTAL EXPENDITURES - MUNICIPAL COURT SPECIAL SERVICES FUND	354,860.00

SECTION 24. That there be appropriated from the **MUNICIPAL COURT CAPITAL IMPROVEMENT FUND** for the following purposes:

MUNICIPAL COURT CAPITAL IMPROVEMENT FUND

MUNICIPAL COURT CAPITAL IMPR. FUND

Personal Services	70,600.00
Personnel Benefits	39,230.00
Contractual Services	60,000.00
Supplies & Materials	25,000.00
Intergovernmental	0.00
Capital Outlay	50,000.00
Debt Service	3,675.00
TOTAL EXPENDITURES - MUNICIPAL COURT CAPITAL IMPR. FUND	248,505.00

ORDINANCE NO.: 74-2018

SECTION 25. That there be appropriated from the GARFIELD HEIGHTS FAMILY RESOURCE CENTER FUND for the following purposes:

<u>GARFIELD HEIGHTS FAMILY RESOURCE CENTER</u>	
<u>GARFIELD HEIGHTS FAMILY RESOURCE CENTER FUND</u>	
Personal Services	59,500.00
Personnel Benefits	31,600.00
Contractual Services	3,000.00
Supplies & Materials	2,000.00
Intergovernmental	0.00
Capital Outlay	0.00
TOTAL EXPENDITURES - MUNICIPAL COURT CAPITAL IMPR. FUND	96,100.00

SECTION 26. That there be appropriated from the STREET IMPROVEMENT NOTE 2017 for the following purposes:

<u>STREET IMPROVEMENT NOTE 2015</u>	
<u>STREET IMPROVEMENT BOND 2017</u>	
Contractual Services	22,210.00
Debt Service	2,448,000.00
TOTAL EXPENDITURES - STREET IMPROVEMENT NOTE 2017	2,470,210.00

SECTION 27. That there be appropriated from the GRANGER ROAD/TRANSPORTATION BLVD IMPR FUND for the following purposes:

<u>GRANGER ROAD / TRANSPORTATION BLVD. IMPROVEMENT FUND</u>	
<u>GRANGER ROAD / TRANSPORTATION BLVD. IMPROVEMENT FUND</u>	
Contractual Services	4,840,100.00
Supplies & Materials	0.00
Capital Outlay	0.00
Intergovernmental	0.00
Debt Service	0.00
Refunds & Reimbursements	0.00
TOTAL EXPENDITURES - GRANGER RD/TRANSPORT IMPV FD	4,840,100.00

SECTION 28. That there be appropriated from the TRANSPORTATION/ANTENUCCI IMPROVEMENT FUND 2004 for the following purposes:

<u>TRANSPORTATION/ANTENUCCI IMPROVEMENT FUND 2004</u>	
<u>TRANSPORTATION/ANTENUCCI IMPROVEMENT FUND 2004</u>	
Contractual Services	1,350,000.00
TOTAL EXPENDITURES - TRANSPORTATION/ANTENUCCI IMPR FD 04	1,350,000.00

ORDINANCE NO.: 74-2018

SECTION 29. That there be appropriated from the BOND RETIREMENT FUND for the following purposes:
BOND RETIREMENT FUND

BOND RETIREMENT

Contractual Services	18,190.00
Debt Service	<u>2,502,950.00</u>
TOTAL EXPENDITURES - BOND RETIREMENT FUND	2,521,140.00

SECTION 30. That there be appropriated from the REVOLVING EQUIPMENT FUND for the following purposes:

REVOLVING EQUIPMENT FUND

REVOLVING EQUIPMENT FUND

Personal Services	220,655.00
Personnel Benefits	125,000.00
Contractual Services	135,400.00
Bonds & Insurance	91,000.00
Supplies & Materials	517,100.00
Capital Outlay	<u>450,000.00</u>
Debt Service	81,600.00
TOTAL EXPENDITURES - REVOLVING EQUIPMENT FUND	1,620,755.00

SECTION 31. That there be appropriated from the RESTRICTED FUND for the following purposes:

RESTRICTED FUND

RESTRICTED FUND

Contractual Services	125,000.00
Supplies & Materials	5,000.00
Intergovernmental	20,000.00
Refunds & Reimbursements	<u>100,000.00</u>

TOTAL EXPENDITURES - RESTRICTED FUND **250,000.00**

SECTION 32. This Ordinance is hereby declared to be an emergency measure necessary for the peace, health, and welfare of the citizens of the City of Garfield Heights, Ohio, and for daily operation of the Municipal Departments and shall be in full force from and after its passage and approval by the Mayor otherwise, after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

EFFECTIVE DATE: _____

ORDINANCE NO.:

74-2023

passed 6-6

eff 8-14-2023

adopted 8-14-2023

SPONSORED BY:

MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO DO ALL THINGS NECESSARY TO APPLY FOR, ACCEPT, AND UTILIZE THE 2023-2024 OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM GRANT FOR THE PURCHASE OF BULLETPROOF VESTS FOR THE GARFIELD HEIGHTS AUXILIARY OFFICERS

WHEREAS, The Ohio Law Enforcement Body Armor Program through the Ohio Attorney General provides local communities with grant funding to cover 75% of the cost of bulletproof vests for law enforcement, and

WHEREAS, the City of Garfield Heights Police Department is eligible to receive funding in the amount of up to \$19,556.25 for the purchase of bulletproof vests for the Garfield Heights Auxiliary Officers, and

WHEREAS, at this time, the City wishes to apply for said funding and use it to purchase the aforementioned equipment; the maximum out-of-pocket expense to the City for the purchase will not exceed \$6,000.00.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor, or his designee, is hereby authorized and directed to do all things necessary to apply for, accept, and utilize up to \$19,556.25 in grant funding made available by the Ohio Attorney General, byway of the Ohio Law Enforcement Body Armor Program for the purchase of bulletproof vest for the Garfield Heights Auxiliary Officers, at a cost to the City not to exceed \$6,000.00.

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers of the City for the purpose set forth in Section 1. hereof, said amounts to be charged to the appropriate fund (s), upon completion of the normal purchase order system purchasing requirements.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:

8-14-2023

APPROVED:

MAYOR

Matthew A. Burke
PRESIDENT OF COUNCIL

Thomas J. Vough

ATTEST:

Lattie O'Welly
CLERK OF COUNCIL

EFFECTIVE DATE: 8-14-2023



DAVE YOST
OHIO ATTORNEY GENERAL

2023-2024 Ohio Law Enforcement Body Armor Program Award Acceptance

This award acceptance contains the terms and conditions of the 2023-2024 Ohio Law Enforcement Body Armor Program award received by your agency. The Chief or Sheriff must review and sign this document prior to submission.

Award payments cannot be processed until a signed award acceptance has been received.

AWARD ACCEPTANCE AND REQUESTS FOR DISBURSEMENT ARE DUE BY
September 30, 2024

Ohio Attorney General's Office

• 30 East Broad St, 17th Floor • Columbus, Ohio 43215 • PHONE: (614) 466-4166 •
Email: OhioLEBodyArmor@OhioAttorneyGeneral.gov

INSTRUCTIONS

- The Chief or Sheriff must sign the following Award Acceptance and comply with the terms and conditions listed below.
- Award payments cannot be disbursed before this signed Award Acceptance has been submitted.
- Please contact Attorney General's Office via e-mail at OhioLEBodyArmor@OhioAttorneyGeneral.gov with any questions regarding the Ohio Law Enforcement Body Armor Program.

Please send the completed form to OhioLEBodyArmor@OhioAttorneyGeneral.gov

AWARD ACCEPTANCE AND REQUESTS FOR REIMBURSEMENT ARE DUE BY September 30, 2024

AGENCY INFORMATION

Recipient Organization: Garfield Heights Police Department

Award Amount: \$19,556.25

Award Period End Date: September 30, 2024

ACCEPTANCE

The Recipient Organization agrees as follows:

I. Funding Purpose and Recapture of Funds. In accordance with the terms hereof, the Recipient Organization (the "Recipient") agrees to receive certain award funds under the Ohio Law Enforcement Body Armor Program (the "Funds") for a 75% reimbursement of the purchase price of bulletproof vests purchased pursuant to the Ohio Law Enforcement Body Armor Program. The Recipient agrees that it will be liable to repay any Funds spent in a manner inconsistent with this Agreement or the stated purpose as determined by the Ohio Attorney General (the "Attorney General"). This Award Acceptance may only be modified in a writing signed by the Attorney General and the Recipient.

II. Limitations on Use of Funds. Funds received under the Ohio Law Enforcement Body Armor Program will not be used for any political campaign or governmental lobbying in a partisan manner. Purchases of bulletproof vests must have been made during the Award Period as stated above in order to be reimbursed.

III. Disbursement of Funds. Direct payments will be made by Electronic Funds Transfers to Recipients that have submitted an Authorization Agreement for Direct Deposit of EFT Payments form to the Attorney General. Otherwise, payment will be made by check from the Office of Budget and Management. For all awards, the Funds will be disbursed upon receipt from the Recipient of this signed Award Acceptance and a completed Request for Payment Form including all necessary documentation of the purchase, and upon Attorney General approval. In order to be reimbursed, all required documentation must be submitted by September 30, 2024 via e-mail to OhioLEBodyArmor@OhioAttorneyGeneral.gov. Disbursements are contingent upon the timely submission and approval of all required documentation (which may include, but is not limited to, original invoices and receipts). No payments will be made after November 30, 2024.

IV. Liability. Recipient agrees that the Attorney General and the Ohio Bureau of Workers' Compensation are not responsible for the operation of the bulletproof vests purchased pursuant to this program. In the event of an injury or occupational disease arising from the implementation of the program, the Recipient and the employee's sole and exclusive remedy shall be pursuant to the workers' compensation laws of the appropriate jurisdiction.

V. Ethics/Conflict of Interest. The Recipient, by signature on this Award Acceptance, certifies that it has reviewed and understands the Ohio ethics and conflict of interest laws, and will take no action inconsistent with those laws.

VI. Non-Discrimination. Pursuant to R.C. 125.111 and the Attorney General's policy, Recipient agrees that Recipient and any person acting on behalf of Recipient shall not discriminate, by reason of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry against any citizen of this state in the employment of any person qualified and available to perform the work described herein. Recipient further agrees that Recipient and any person acting on behalf of Recipient shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work described herein on account of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry.

VII. Campaign Contribution Limits. The Recipient hereby certifies that neither Recipient nor any of Recipient's partners, officers, directors or shareholders, if any, nor the spouses of any such person, have made contributions in excess of the limitations specified in R.C. 3517.13.

VIII. Compliance with Law. The Recipient, in expending the Funds, agrees to comply with all applicable federal, state and local laws, rules, regulations and ordinances.

IX. Authority to Bind Parties. The person signing this Award Acceptance on behalf of Recipient is legally authorized to obligate the Recipient.

X. Certification of Funds. It is expressly understood and agreed by Recipient that none of the rights, duties, and obligations described herein shall be binding until all relevant statutory provisions of the Ohio Revised Code, including, but not limited to, R.C. 126.07, have been complied with, and until such time as all necessary funds are available or encumbered and, when required, such expenditure of funds is approved by the Controlling Board of the State of Ohio, or in the event that grant funds are used, until such time that the Attorney General gives Recipient written notice that such funds have been made available to the Attorney General by the Attorney General's funding source.

XI. Reporting Requirement. Recipient shall submit one report one (1) year after the purchase of the vests describing the utilization of the vests and the outcome received from the expenditure of the Funds. The report shall be completed online to provide data on the utilization of the vests and workers' compensation claims of injury related to shooting incidents over a period of twelve (12) months following the purchase of the vests. Additional data elements include reporting the number of hours worked by law enforcement officers utilizing the vests over a period of twelve (12) months. The report shall be completed through the Ohio Bureau of Workers' Compensation Ohio Law Enforcement Body Armor Program web page. This report shall be submitted within ninety (90) calendar days following the one year anniversary of the purchase of the vests. If the report is not filed, or if the report is not completely filled out, the Recipient shall be liable to repay the full amount of the Funds received.

XII. Time of Performance. Notwithstanding the foregoing, this Award Acceptance shall expire when the obligations set forth herein are complete.

By my signature on behalf of the Recipient, I agree to fully comply with the terms and conditions of this Award Acceptance and the Ohio Law Enforcement Body Armor Program and to use all Funds solely for the purposes intended. I further understand I may be subject to civil, criminal and/or administrative penalties as the result of any false, fictitious and misleading or fraudulent statements made and/or if the Funds are not used, or are misused, misapplied, or misappropriated in any way and/or are used for purchases and/or services not associated with the approved application submitted.

IN WITNESS WHEREOF, the Recipient has caused this Award Acceptance to be executed by its authorized officers.

OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM AWARD RECIPIENT

Award Amount: \$19,556.25

Chief/Sheriff Printed Name: _____

Title: _____

Chief/Sheriff Signature: _____

Date: _____