

AGENDA

Meeting will be Live Streamed at <https://stowohio.org/244/City-Council>  
Click on "view event" next to corresponding meeting.  
"View event" will appear once the meeting has started.

1. **Call to Order**
2. **Roll Call**
3. **Prayer & Pledge of Allegiance**  
Harrison
4. **Proclamations and Commendations**
5. **Approval of Minutes**
  - a. November 9, 2023 Council Minutes draft  
[11-9-23 Council Minutes draft.pdf](#)
  - b. November 20, 2023 Special Council Minutes draft  
[11-20-23 Special Council Minutes draft 2.pdf](#)
6. **Public Comment Period**
7. **Mayor's Report**
8. **Old Business**
9. **New Business**
10. **Disposition of Ordinances and Resolutions**
  - a. 23-121 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S, ENTITLED "UNLAWFUL NOISE OR DISTURBANCE."  
[23-121 COS 509.08 - Unlawful Noise or Disturbance - Version 4 DL.pdf](#)  
[23-121 COS 509.08 - Unlawful Noise or Disturbance - Version 5 Final.pdf](#)
  - b. 23-135 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S, ENTITLED "UNLAWFUL NOISE OR DISTURBANCE."  
[23-135 COS 509.08 - Unlawful Noise or Disturbance.pdf](#)
  - c. 23-159 AN ORDINANCE ACCEPTING THE FINAL PLAT FOR THE MILLER'S LANDING MAJOR SUBDIVISION PHASES 1 & 2, IN THE CITY OF STOW, UNDER THE TERMS AND PROVISIONS OF SECTION 1117.03 C.O.S.  
[23-159 Miller's Landing.pdf](#)
  - d. 23-164 AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE EXPENSES OF

THE CITY OF STOW FOR THE YEAR 2024, AND DECLARING AN EMERGENCY.

[23-164 2024 Annual Appropriations.pdf](#)

[23-164 2024 Annual Appropriations V1.pdf](#)

- e. 23-178 AN ORDINANCE ALLOCATING STATE AND LOCAL FISCAL RECOVERY FUNDS AWARDED TO THE CITY AS PART OF THE AMERICAN RESCUE PLAN ACT AND REAFFIRMING THE ADOPTION OF THE STANDARD ALLOWANCE OF UP TO \$10,000,000 AS THE AMOUNT OF THE CITY OF STOW'S REVENUE LOSS DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND DECLARING AN EMERGENCY  
[23-178 2023 ARPA Allocation.pdf](#)  
[23-178 Version 1 2023 ARPA Allocation.pdf](#)
- f. 23-179 AN ORDINANCE AMENDING CHAPTER 1311.11 C.O.S, ENTITLED "DANGEROUS BUILDINGS."  
[23-179 Amend 1311.pdf](#)  
[23-179 Amend 1311 - Version 2.pdf](#)
- g. 23-189 AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE TRANSFER OF BRIDGE OWNERSHIP, MAINTENANCE, AND INSPECTION RESPONSIBILITIES FOR A BRIDGE LOCATED IN THE CITY OF STOW FROM SUMMIT COUNTY TO THE CITY OF STOW, AND DECLARING AN EMERGENCY.  
[23-189 - Allen Rd Bridge.pdf](#)  
[23-189 - Exhibit A.pdf](#)
- h. 23-190 AN ORDINANCE AMENDING CHAPTER 194 C.O.S, ENTITLED "MUNICIPAL INCOME TAX, EFFECTIVE JANUARY 1, 2016" AND DECLARING AN EMERGENCY  
[23-190 Amend 194.pdf](#)
- i. 23-191 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH THE EAST OHIO GAS COMPANY, A BEST PRACTICAL SOURCE UTILITY PROVIDER, FOR PURCHASE OF NATURAL GAS SERVICE TO HEAT CITY FACILITIES FOR THE CALENDAR YEAR OF **2024**, WITHOUT THE NECESSITY OF PUBLIC BIDS.  
[23-191 East Ohio Gas Company.pdf](#)
- j. 23-192 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH THE SUMMIT COUNTY DEPARTMENT OF SANITARY SEWER SERVICES, WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PROVIDE SEWER SERVICES TO ALL CITY FACILITIES FOR THE CALENDAR YEAR OF **2024**.  
[23-192 Summit County Sewer Services.pdf](#)
- k. 23-193 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH HI-VAC CORPORATION, FOR THE REPAIR OF A 2020 FREIGHTLINER, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY  
[23-193 HI-VAC - 2020 Freightliner.pdf](#)
- l. 23-194 AN ORDINANCE AUTHORIZING EXPENDITURES FOR OFFSITE BACKUP SUPPORT AND BUSINESS CONTINUITY DISASTER RECOVERY PROTECTION FROM PROFESSIONAL SERVICES AND BEST PRACTICAL SOURCE PROVIDERS ATNET PLUS, INC., WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.  
[23-194 ATNET Plus Inc.pdf](#)
- m. 23-195 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A THREE-YEAR CONTRACT FOR EXPENDITURES UP TO BINARY DEFENSE SYSTEMS, LLC, FOR THE

PURCHASE OF EDR SOFTWARE (MANAGEMENT ENDPOINT DETECTION AND RESPONSE), AND DECLARING AN EMERGENCY.

[23-195 Binary Defense - EDR\\_Software.pdf](#)

- n. 23-196 AN ORDINANCE AUTHORIZING THE CITY OF STOW TO CONTINUE THE PROGRAM OF PARTIALLY SELF FUNDED INSURANCE, FOR PURPOSES OF PROVIDING HEALTH INSURANCE/HOSPITALIZATION COVERAGE AND DENTAL BENEFITS, SUPPLEMENTED BY FULLY INSURED LIFE INSURANCE, AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE, AND DECLARING AN EMERGENCY.  
[23-196 Self-Funded Health Hospitalization Dental Insurance 2024.pdf](#)
- o. 23-197 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS WITH AND THROUGH MEDICAL MUTUAL OF OHIO (MMO) AND/OR ITS SUBSIDIARY, MUTUAL HEALTH SERVICES (MHS) TO SECURE AGGREGATE AND SPECIFIC STOP/LOSS INSURANCE AND ORGAN TRANSPLANT INSURANCE FOR THE CITY OF STOW, AND DECLARING AN EMERGENCY.  
[23-197 MHS MMO - Stop Loss.pdf](#)
- p. 23-198 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO RENEWAL CONTRACTS WITH MEDICAL MUTUAL OF OHIO (MMO) AND/OR ITS SUBSIDIARY, MUTUAL HEALTH SERVICES (MHS), FOR HEALTH PLAN ADMINISTRATIVE SERVICES FOR **2024** AND DECLARING AN EMERGENCY.  
[23-198 MHS MMO - Admin 2024.pdf](#)
- q. 23-199 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A ONE-YEAR CONTRACT WITH THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA AND AUTHORIZING RELATED EXPENDITURES FOR CITY OF STOW EMPLOYEE LIFE INSURANCE, VISION, AND DENTAL COVERAGE, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.  
[23-199 Guardian Life Vision Dental.pdf](#)
- r. 23-200 A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE APPROVAL TO STREAK UNITS, LLC, TO ALLOW FOR THE USE OF AN INDOOR COMMERCIAL RECREATION/ENTERTAINMENT USE, LOCATED AT 3087 GRAHAM ROAD, PARCEL NO. 56-18748, IN THE CITY OF STOW, OHIO  
[23-200 CZC - 3087 Graham Road.pdf](#)
- s. 23-201 A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND SITE PLAN APPROVAL TO FRAMMARTINO CONSTRUCTION COMPANY LLC, APPLICANT, TO CONSTRUCT A TWO FAMILY DWELLING, LOCATED AT 3903 GENEVIEVE BLVD., PARCEL NO. 56-00448, IN THE CITY OF STOW, OHIO  
[23-201 Site Plan & CZC - 3903 Genevieve Road.pdf](#)
- t. 23-202 A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO THE STOW-MUNROE FALLS PUBLIC LIBRARY, APPLICANT, TO RECONFIGURE THE PARKING LOT, LOCATED AT 3512 DARROW ROAD, PARCEL NOS. 56-07877 & 56-02630, IN THE CITY OF STOW, OHIO  
[23-202 Site Plan & Variance Request - 3512 Darrow Rd.pdf](#)
- u. 23-203 A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO 1155 BRENTWOOD LLC, APPLICANT, TO RECONFIGURE THE PARKING LOT, LOCATED AT 3102

GRAHAM ROAD, PARCEL NO. 56-02789, IN THE CITY OF STOW, OHIO.

[23-203 Site Plan & Variance Request - 3102 Graham Rd.pdf](#)

- v. 23-204 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. **2022-164**, WHICH PROVIDES FUNDS FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR **2023**, AND ALL AMENDMENTS AND SUPPLEMENTS THERETO, AND DECLARING AN EMERGENCY.  
[23-204 Amend Appropriations - 2023.pdf](#)
- w. 23-205 AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS BETWEEN VARIOUS FUNDS FOR **2023**, AND DECLARING AN EMERGENCY.  
[23-205 City Year-end Fund Transfers - 2023.pdf](#)
- x. 23-206 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH OHIO EDISON COMPANY, A SOLE SOURCE UTILITY PROVIDER, FOR PURCHASE OF ELECTRIC SERVICES TO ALL CITY FACILITIES FOR THE CALENDAR YEAR **2024**, WITHOUT THE NECESSITY OF PUBLIC BIDS AND DECLARING AN EMERGENCY.  
[23-206 Ohio Edison Company.pdf](#)
- y. 23-207 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH AT&T, FOR PURCHASE OF TELEPHONE, FIBER OPTIC, AND INTERNET SERVICES FOR THE CALENDAR YEAR **2024**, WITHOUT THE NECESSITY OF PUBLIC BIDS AND DECLARING AN EMERGENCY.  
[23-207 AT&T.pdf](#)
- z. 23-208 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND SOLICIT BIDS, ON BEHALF OF THE CITY OF STOW, FOR THE FOLLOWING STORM SEWER PROJECTS: FOREST HILL STORM IMPROVEMENTS, 2424 NORTON ROAD STORM IMPROVEMENTS, AND CALL/FRIAR 60" STORM REPLACEMENT AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS PREPARED BY OR FOR THE CITY OF STOW THEREFOR; AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID SERVICES SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.  
[23-208 Solicit Bids for 2024 Storm Sewer Projects.pdf](#)

**11. Bill of Listing Approval**

**12. Scheduling of Standing Committee Meetings**

**13. Adjournment**

**ALL PERSONS WITH DISABILITIES:**

The City of Stow will make the transition of all city business accessible via any reasonable accommodation. Please contact the Clerk of Council 48 hours in advance for the necessary arrangements.

**PLEASE TURN OFF ALL CELL PHONES BEFORE THE MEETING**

(Council Agendas, Minutes, Packets and Legislation posted at [www.stowohio.org](http://www.stowohio.org))



**Minutes of the City Council held on Thursday, November 9, 2023, 8:06 pm**

**Call to Order**

**Roll Call**

Council Members Present: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, and Sindi Harrison

Council Members Absent: None.

City Officials Present: John Pribonic, Nick Wren, Jim Costello, John Earle, Jim McCleary, Mark Stone, Jeff Film, Zack Cowan, Sonya Mottram, and Lorree Villers

**Prayer & Pledge of Allegiance**

Mr. Riehl led the prayer and Pledge of Allegiance.

**Proclamations and Commendations**

There were no proclamations or commendations this evening.

**Approval of Minutes**

- October 26, 2023 Council Minutes

[10-26-23 Council Minutes draft.pdf](#) 

Motion made by Matt Riehl seconded by Sindi Harrison to approve . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

**Public Comment Period**

Attorney John Slagter, Tucker Ellis LLP., 950 Main Avenue Cleveland Ohio, representing the PulteGroup said he would look into the issues/concerns that were raised this evening. He noted the cul-de-sacs designs were per the City's codified ordinances and their connectivity. He submitted a letter from Donald Bohning & Associates, 7979 Hub Parkway, Valley View, Ohio dated November 9, 2023, regarding Miller's Landing - Cover Letter Stow, Ohio. He noted Mr. Bohning has 30 years' experience. (see attached) He then referred to codified Section 1121.02 and felt it was written clear and specific which stated the following:

(d) Cul-de-sac and Dead-end Streets:

(1) Any street designed to be a permanent cul-de-sac street shall be not longer than 800 feet and shall be provided at the closed end with a turnaround having a minimum pavement diameter of 75 feet and a minimum street property line diameter of 100 feet.

Rick Wallace, 1378 Berkshire Road, talked about a water and debris at the Mud Brook site that occurred in his back yard after a recent storm and asked if someone from the City could address the issue. It was determined Mr. Wren would gather his information and follow up.

Dave Conti, 3777 Valley Forge Drive, a resident for 35 years asked if Ordinance Nos. 23-121 and 23-135 were still being discussed. Mr. Lowdermilk explained he was waiting for feedback from the Law Department and the legislation remained in the Public Improvements Committee. Mr. Conti asked if the City had a contract with Audio Mute. Mr. Wren replied yes, and explained the residents in the area would be contacted by the City via US Postal Service to inform them that there was a demonstration/study scheduled for November 20th with a rain date of November 21st.

### **Mayor's Report**

Mayor Pribonic reported the following: The Veteran's Day Dedication and wreaths for December, Glo with Stow was scheduled for December 2nd, he mentioned there were two new businesses and ribbon cuttings scheduled, and the City provided free COVID tests for the residents located in the City Hall lobby. Mr. McIntire mentioned the upcoming Stuff the Truck for the Veteran's.

### **Old Business**


The was no old business to be considered by Council this evening.

### **New Business**

- Motion: Permission to Hire - Specialist in the Water Maintenance Division

Motion made by Sindi Harrison seconded by Matt Riehl to approve . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-185 AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF BROOKE HUFF AS SUPERVISOR OF THE CITY OF STOW, ESTABLISHING COMPENSATION FOR SAID APPOINTEE.

23-185 - Appointment of Brooke Huff.pdf 

[23-185 Brooke Huff Appointment.pdf](#) 

Motion made by Jeremy McIntire seconded by Sindi Harrison to suspend the rules .  
Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Jeremy McIntire seconded by Cyle Feldman to adopt . Vote –  
Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-186 ORDINANCE APPROVING A RENEWAL EMPLOYMENT CONTRACT BETWEEN THE CITY OF STOW AND JOSHUA KOPCSIK AS ASSISTANT COURSE SUPERINTENDENT AT FOX DEN GOLF COURSE BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2026, ESTABLISHING COMPENSATION AND DECLARING AN EMERGENCY.


[23-186 - Renew Employment - Joshua Kopcsik.pdf](#) 

[23-186 Exhibit A - Kopcsik employment contract 2024-2026.pdf](#) 

Motion made by Jeremy McIntire seconded by Sindi Harrison to suspend the rules .  
Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Jeremy McIntire seconded by Dave Licate to adopt . Vote – Yeas:  
Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-187 AN ORDINANCE CONFIRMING THE MAYOR’S APPOINTMENT OF RON CLUM AS YOUTH SERVICES SPECIALIST II OF THE CITY OF STOW, ESTABLISHING COMPENSATION FOR SAID APPOINTEE AND DECLARING AN EMERGENCY.

[23-187 - Appointment of Ron Clum.pdf](#) 


[23-187 Memo Youth Svcs Specialist II.pdf](#) 

Motion made by Jeremy McIntire seconded by Matt Riehl to suspend the rules .  
Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Jeremy McIntire seconded by Mario Fiocca to adopt . Vote – Yeas:  
Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.


### **Disposition of Ordinances and Resolutions**

23-121 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S, ENTITLED “UNLAWFUL NOISE OR DISTURBANCE.”

[23-121 COS 509.08 - Unlawful Noise or Disturbance - Version 4.pdf](#) 


This item remained in the Public Improvements Committee for further discussions.

23-135 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S., ENTITLED “UNLAWFUL NOISE OR DISTURBANCE.”

23-135 COS 509.08 - Unlawful Noise or Disturbance.pdf 

This item remained in the Public Improvements Committee for further discussions.

23-159 AN ORDINANCE ACCEPTING THE FINAL PLAT FOR THE MILLER’S LANDING MAJOR SUBDIVISION PHASES 1 & 2, IN THE CITY OF STOW, UNDER THE TERMS AND PROVISIONS OF SECTION 1117.03 C.O.S.

23-159 Miller’s Landing.pdf 

It was determined this item needed additional information prior to final Council consideration.


Motion made by Jeremy McIntire seconded by Mario Fiocca to table . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-164 AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2024, AND DECLARING AN EMERGENCY.

23-164 - 2024 Annual Appropriations.pdf 

Ordinance No. 23-164 was placed on second reading.

23-176 AN ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ADVERTISE, SOLICIT AND TAKE BIDS, ON BEHALF OF THE CITY OF STOW, FOR THE PURCHASE OF MATERIALS (ITEMS WITH PREVAILING WAGES) FOR A ONE YEAR PERIOD, FOR THE YEAR 2024; AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS PREPARED BY THE CITY OF STOW THEREFOR; AND AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID MATERIALS, SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.

23-176 - Materials 2024 (with Prevailing Wages).pdf 

Motion made by Sindi Harrison seconded by Matt Riehl to suspend the rules . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Sindi Harrison seconded by Matt Riehl to adopt . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-177 AN ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ADVERTISE, SOLICIT AND TAKE BIDS, ON BEHALF OF THE CITY OF STOW, FOR THE PURCHASE OF MATERIALS (ITEMS



WITHOUT PREVAILING WAGES) FOR A ONE YEAR PERIOD, BEGINNING MAY 2024; AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS PREPARED BY THE CITY OF STOW THEREFOR; AND AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID MATERIALS, SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.

[23-177 - Materials 2024 \(without Prevailing Wages\).pdf](#) 

Motion made by Sindi Harrison seconded by Cyle Feldman to suspend the rules . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.


Motion made by Sindi Harrison seconded by Matt Riehl to adopt . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-178 AN ORDINANCE ALLOCATING STATE AND LOCAL FISCAL RECOVERY FUNDS AWARDED TO THE CITY AS PART OF THE AMERICAN RESCUE PLAN ACT AND REAFFIRMING THE ADOPTION OF THE STANDARD ALLOWANCE OF UP TO \$10,000,000 AS THE AMOUNT OF THE CITY OF STOW’S REVENUE LOSS DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND DECLARING AN EMERGENCY

[23-178 - 2023 ARPA Allocation.pdf](#) 


This item remained in the Finance Committee for further discussions.

23-179 AN ORDINANCE AMENDING CHAPTER 1311.11 C.O.S, ENTITLED “DANGEROUS BUILDINGS.”

[23-179 Amend 1311.pdf](#) 

This item remained in the Committee of the Whole for further discussions.

23-180 A RESOLUTION GRANTING A SIGNAGE VARIANCE TO STOW KENT ASSOCIATES, LLC, OWNER TO PERMIT THE CONSTRUCTION OF A MONUMENT SIGN, AT 4301-4333 KENT ROAD (“PARCEL NO. 56-19494”), IN THE CITY OF STOW.

[23-180 Stow Kent Rd Associates - Sign Variance.pdf](#) 

Motion made by Mario Fiocca seconded by Brian Lowdermilk to suspend the rules . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Mario Fiocca seconded by Matt Riehl to adopt . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Mr. Feldman asked for clarification regarding the two signs. Mr. Cowen explained the one sign would remain and the second sign would be the new sign for the new

tenant.

23-181 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH SEBIS DIRECT, INC., WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PURCHASE POSTAGE FOR UTILITY BILLING SERVICES FOR THE CONTRACT YEAR 2024.

23-181 Sebis Postage.pdf 

Motion made by Sindi Harrison seconded by Mario Fiocca to suspend the rules .  
Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Sindi Harrison seconded by Matt Riehl to adopt . Vote – Yeas:  
Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman,  
Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-182 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH SEBIS DIRECT, INC., WITHOUT THE NECESSITY OF PUBLIC BIDS, FOR UTILITY BILLING SERVICES FOR THE CONTRACT YEAR 2024.

23-182 Sebis - Utility Billing.pdf 

Motion made by Sindi Harrison seconded by Matt Riehl to suspend the rules . Vote  
– Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle  
Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Sindi Harrison seconded by Matt Riehl to adopt . Vote – Yeas:  
Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman,  
Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-183 A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) FOR FINANCIAL ASSISTANCE WITH A PROJECT DESIGNATED AS THE SUM-SR 59-SIGNALS PROJECT, AND DECLARING AN EMERGENCY.

23-183 AMATS - Kent Rd Signals.pdf 

Motion made by Sindi Harrison seconded by Matt Riehl to suspend the rules . Vote  
– Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle  
Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Sindi Harrison seconded by Matt Riehl to adopt . Vote – Yeas:  
Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman,  
Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

23-184 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ATLANTIC EMERGENCY SOLUTIONS INC., FOR 3 ARTIC COMPRESSORS, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY

23-184 Atlantic Emergency Solutions.pdf 

Motion made by Sindi Harrison seconded by Matt Riehl to suspend the rules . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Motion made by Sindi Harrison seconded by Matt Riehl to adopt . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

### **Bill of Listing Approval**

Motion made by Jeremy McIntire seconded by Matt Riehl to approve the current Bill Listing. . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

Mr. Earle mentioned Council needed to make a motion to approve for the next Bill of Listing since there was no meeting scheduled because of the holiday.

Motion made by Matt Riehl seconded by Brian Lowdermilk to approve the second Bill Listing. . Vote – Yeas: Brian Lowdermilk, Jeremy McIntire, Matt Riehl, Mario Fiocca, Cyle Feldman, Dave Licate, Sindi Harrison. Nays: None. Motion carried unanimously.

### **Scheduling of Standing Committee Meetings**

The following Committees were scheduled for December 14, 2023: Public Improvements Committee, Planning Committee, Finance Committee and Committee of the Whole. It was determined there would be an addition Finance Committee scheduled to discuss the 5-year Plan.

### **Adjournment**

Motion made by Sindi Harrison seconded by Brian Lowdermilk to adjourn at 8:32 p.m.. Vote – Yeas: None. Nays: None. Motion carried unanimously.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chairman



**Minutes of the Special Council held on Monday, November 20, 2023, 5:45 pm**

**Call to Order**

**Roll Call**

Council Members Present: Mario Fiocca, Cyle Feldman, Sindi Harrison, Brian Lowdermilk, Jeremy McIntire, and Matt Riehl

Council Members Absent: Dave Licate

City Officials Present: Jeff Film, Mark Stone, Lisa Paxton, Elcain Chase, Jim Costello, Jim McCleary, John Pribonic, Nick Wren, Gerald Dolson, John Earle, Marc Anderson, Linda Nahrstedt, Don Brooker, Mike Jones, and Lorree Villers

**Opening Prayer and Pledge of Allegiance**

Mr. McIntire led the Prayer and Pledge of Allegiance this evening.

**Consideration and Disposition of Business**

23-188 A RESOLUTION AMENDING RESOLUTION 2023-153 AUTHORIZING STOW CITY COUNCIL TO ENGAGE MCDONALD HOPKINS LLC AS OUTSIDE LEGAL COUNSEL UNDER SECTION 9.06 OF THE STOW CITY CHARTER TO PROVIDE LEGAL ADVICE FOR FURTHER CLARIFICATION ON PREVIOUS QUESTIONS AND ON ADDITIONAL QUESTIONS REGARDING PROPOSED DEVELOPMENT ALONG NORTH RIVER ROAD AND DECLARING AN EMERGENCY.

23-188 November 20th Special Meeting Notification.pdf 

23-188 11-20-23 Special Council Notice.pdf 

23-188 Amend 2023-153 Outside Legal Counsel 2.pdf 

Mr. Lowdermilk commented that this would be to clarify the measurement of a city block and additional clarity for those on Council that needed it. Mr. McIntire referred to a previous meeting and the various discussions were as follows per Ordinance No. 2023-188: 1) Does the proposed development along North River Road create three separate residential blocks (Marsh Road to Charles Place; Charles Place to Roberta Way; Roberta Way to Saratoga Boulevard); 2) If the proposed subdivision does create three separate residential blocks, would this require a

variance; 3) Where Roberta Way and Charles Place connect to North River Road meet the definition of an intersection; 4) Does the analysis of whether a cul-de-sac is permanent vs temporary change if the streets are not publicly dedicated and 5) Under Charter Section 10.06 and being that this is considered a quasi-judicial process, if Ordinance 2023-159 does not receive 5 votes that differ from Planning Commission's Recommendation and does not receive the 4 votes required under Charter Section 4.11 would Ordinance 2023-159 be considered adopted with 3 affirmative votes of council. It was determined if this piece of legislation passed this evening it would be processed immediately. It was determined the Administration was still in discussions regarding the list of concerns. Mr. Feldman asked what happened if Council needed the law firm after December 14th. Mrs. Harrison pointed out the guidelines were spelled out in Charter Section 9.06.

Motion made by Jeremy McIntire seconded by Matt Riehl to suspend the rules .  
Vote – Yeas: Mario Fiocca, Cyle Feldman, Sindi Harrison, Brian Lowdermilk, Jeremy McIntire, Matt Riehl. Nays: None. Motion carried unanimously.

Motion made by Jeremy McIntire seconded by Matt Riehl to adopt .  
Vote – Yeas: Mario Fiocca, Cyle Feldman, Sindi Harrison, Brian Lowdermilk, Jeremy McIntire, Matt Riehl. Nays: None. Motion carried unanimously.

### **Adjournment**

Motion made by Jeremy McIntire seconded by Brian Lowdermilk to adjourn at 5:52 p.m..  
Vote – Yeas: Mario Fiocca, Cyle Feldman, Sindi Harrison, Brian Lowdermilk, Jeremy McIntire, Matt Riehl. Nays: None. Motion carried unanimously.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chairman

5 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S, ENTITLED “UNLAWFUL NOISE  
6 OR DISTURBANCE.”  
7

8 WHEREAS, Council desires to amend Section 509.08 of the City of Stow Codified Ordinances as  
9 set forth in this Ordinance to better enforce unlawful noise disturbances in the City of Stow;  
10

11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
12 COUNTY OF SUMMIT AND STATE OF OHIO:  
13

14 SECTION 1. That Chapter 509.08 C.O.S., entitled “Unlawful Noise or Disturbance” which  
15 currently reads:  
16

17 **509.08 UNLAWFUL NOISE OR DISTURBANCES.**  
18

19 (a) No person, including but not limited to an owner or persons in possession or control of any building  
20 or premises shall permit, allow, operate, generate or cause to be generated within the Municipality any  
21 noise or sound in such a manner as to do any of the following:

22 (1) Disturb or destroy the peace and quiet of the neighborhood;

23 (2) Cause inconvenience, annoyance or create a condition which is physically offensive to persons  
24 of ordinary sensibilities;

25 (3) Be dangerous or detrimental to health or safety.

26 It is prima facie unlawful where the sound or noise is plainly audible on private property between  
27 the hours of 11:00 p.m. and 7:00 a.m., on any street, highway or in any public right of way which is 100  
28 feet from the source of the sound.  
29

30 (b) It is unlawful for any person operating or occupying a motor vehicle within the Municipality to  
31 operate or amplify the sound produced by a radio, tape player or other soundmaking device or instrument  
32 from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from  
33 the motor vehicle.

34 (1) The provisions of this section shall not apply to any law enforcement motor vehicle equipped  
35 with any communication device necessary in the performance of law enforcement duties or to any  
36 emergency vehicle equipped with any communication device necessary in the performance of any  
37 emergency procedures.

38 (2) The provisions of this section do not apply to the noise made by a horn or other warning device  
39 required or permitted by state law.

40 (3) “Plainly audible” means any sound produced by a radio, tape player or other mechanical or  
41 electrical soundmaking device, or instrument, from within the interior or exterior of a motor vehicle,  
42 including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle  
43 by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.

44 (4) Any law enforcement personnel who hears a sound that is plainly audible as defined herein,  
45 shall be entitled to measure the sound according to the following standards:

46 A. The primary means of detection shall be by means of the officer’s ordinary auditory  
47 senses, so long as the officer’s hearing is not enhanced by any mechanical device, such as a microphone

48 or hearing aid.

49 B. The officer must have a direct line of sight and hearing to the motor vehicle producing  
50 the sound so that he can readily identify the offending motor vehicle and the distance involved.

51 C. The officer need not determine the particular words or phrases being produced or the  
52 name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound  
53 is sufficient to constitute a plainly audible sound.

54 (5) The motor vehicle from which the sound is produced must be located (stopped, standing or moving)  
55 within the Municipality. Parking lots and driveways are included.

56  
57 (c) Whoever violates subsections (a) or (b) is guilty of making unlawful noise, a minor misdemeanor. If  
58 the offender persists in making unlawful noises after reasonable warning or request to desist, making  
59 unlawful noise is a misdemeanor of the fourth degree.

60  
61

62 **be, and the same is, hereby amended to read:**

63  
64

65 **509.08 UNLAWFUL NOISE OR DISTURBANCES.**

66

67 ~~—(a) No person, including but not limited to an owner or persons in possession or control of any building~~  
68 ~~or premises shall permit, allow, operate, generate or cause to be generated within the Municipality any~~  
69 ~~noise or sound in such a manner as to do any of the following:~~

70 ~~——(1) Disturb or destroy the peace and quiet of the neighborhood;~~

71 ~~——(2) Cause inconvenience, annoyance or create a condition which is physically offensive to persons~~  
72 ~~of ordinary sensibilities;~~

73 ~~——(3) Be dangerous or detrimental to health or safety.~~

74 ~~—— It is prima facie unlawful where the sound or noise is plainly audible on private property between~~  
75 ~~the hours of 11:00 p.m. and 7:00 a.m., on any street, highway or in any public right of way which is 100~~  
76 ~~feet from the source of the sound.~~

77

78 ~~—(b) It is unlawful for any person operating or occupying a motor vehicle within the Municipality to~~  
79 ~~operate or amplify the sound produced by a radio, tape player or other soundmaking device or instrument~~  
80 ~~from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from~~  
81 ~~the motor vehicle.~~

82 ~~——(1) The provisions of this section shall not apply to any law enforcement motor vehicle equipped~~  
83 ~~with any communication device necessary in the performance of law enforcement duties or to any~~  
84 ~~emergency vehicle equipped with any communication device necessary in the performance of any~~  
85 ~~emergency procedures.~~

86 ~~——(2) The provisions of this section do not apply to the noise made by a horn or other warning device~~  
87 ~~required or permitted by state law.~~

88 ~~——(3) “Plainly audible” means any sound produced by a radio, tape player or other mechanical or~~  
89 ~~electrical soundmaking device, or instrument, from within the interior or exterior of a motor vehicle,~~  
90 ~~including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle~~  
91 ~~by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.~~

92 ~~——(4) Any law enforcement personnel who hears a sound that is plainly audible as defined herein,~~  
93 ~~shall be entitled to measure the sound according to the following standards:~~

94 ~~\_\_\_\_\_ A. The primary means of detection shall be by means of the officer's ordinary auditory~~  
95 ~~senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone~~  
96 ~~or hearing aid.~~

97 ~~\_\_\_\_\_ B. The officer must have a direct line of sight and hearing to the motor vehicle producing~~  
98 ~~the sound so that he can readily identify the offending motor vehicle and the distance involved.~~

99 ~~\_\_\_\_\_ C. The officer need not determine the particular words or phrases being produced or the~~  
100 ~~name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound~~  
101 ~~is sufficient to constitute a plainly audible sound.~~

102 ~~—(5) The motor vehicle from which the sound is produced must be located (stopped, standing or moving)~~  
103 ~~within the Municipality. Parking lots and driveways are included.~~

104  
105 ~~(c) Whoever violates subsections (a) or (b) is guilty of making unlawful noise, a minor misdemeanor. If~~  
106 ~~the offender persists in making unlawful noises after reasonable warning or request to desist, making~~  
107 ~~unlawful noise is a misdemeanor of the fourth degree.~~

108  
109 (a) Unlawful Noise - Prohibited. It is unlawful for any owner, occupant, agent or persons in possession  
110 or control of any structure, lot, thing or building, premises or vehicle to make, continue or cause to be  
111 made or continued, or permit to be made, any excessive, unnecessary, or unusually loud noise or any noise  
112 which disturbs, annoys, injures or endangers the comfort, repose or health, peace or safety of persons of  
113 ordinary sensibilities within the City.

114 (b) Unlawful Noise - Enumerated. The following acts, among others, are declared to be loud, disturbing,  
115 injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not  
116 be deemed to be exclusive, namely:

117 (1) Horns and Signal Devices. The sounding of any horn or signal device on any automobile,  
118 motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give  
119 warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being  
120 applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any  
121 unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or  
122 unnecessary period of time.

123 (2) Radio, Stereo, Musical Instruments. The playing of any radio, stereo, television set, amplified  
124 or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing  
125 devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet,  
126 comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or  
127 of any persons in the vicinity, unless permitted by use permit or other City Ordinance or method of City  
128 approval.

129 (3) Loud Noises or Disturbances. Yelling, shouting, hooting or the making of any other loud  
130 noises on the public streets, or the making of any such noise at any time or place so as to annoy or disturb  
131 the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in  
132 any office or of any persons in the vicinity.

133 (4) Whistle or Siren. The blowing of any whistles or sirens, except to give notice of the time to  
134 begin or stop work or as a warning of fire or danger.

135 (5) Engine Exhaust. The discharge into the open air of the exhaust of any engine, or internal  
136 combustion engine, except through a muffler or other device which effectively prevents loud or explosive  
137 noises therefrom.

138 (6) Noisy Machinery. No person shall maintain, run, or operate any steam, gas, gasoline, or other  
139 engine, boiler, press, machine, or other apparatus so constructed or operated as to make any unnecessary



140 noise, to the annoyance and discomfort of the people of the City, except in the course of making an  
141 emergency repair and for weather necessitated activities.

142 a) Domicile, driveway and lawn maintenance, and construction machinery used  
143 between the hours of 7am-10pm are exempt from enforcement.

144 (7) Animal Noises. No person shall keep or harbor within the city any animal which creates  
145 unreasonably loud and disturbing noises of such character, intensity, and duration as to disturb the peace,  
146 quiet, and good order of the city.

147 (c) Sound Generated by Devices or Instruments. It is prima facie unlawful for a person to generate or  
148 permit to be generated sound by the above-described devices or instruments in the following  
149 circumstances:

150 (1) On private property between the hours of 10:00 p.m. and 7:00 a.m. of the following day in a  
151 residential area where the sound is audible past the property line of the property on which the source of  
152 the sound is located; or

153 (2) On a street, highway or in the public right-of-way where the sound is audible thirty (30) feet  
154 from the device generating the sound. Persons in possession of a current parade permit, assemblage permit,  
155 or a current loudspeaker permit are exempt from the provisions of this sub-paragraph.

156 (3) By conducting an unduly large gathering at a private residence or in a private residential area  
157 which generates excessive noise at any time.

158 (d) No person being the owner, or person in possession of a premises for person in control of the premises  
159 by reason of employment, agency, or otherwise, whether such ownership, possession or control is  
160 exclusive or joint, shall permit a violation of this section.

161 (e) Warning and Alarm Devices Warning and alarm devices which have the purpose of signaling unsafe  
162 or dangerous situations or calling for police are exempted from the prohibitions of this section when used  
163 for such purposes and are in proper working order.

164 (f) Agricultural Activities. Agricultural activities conducted within an agricultural district as authorized  
165 in Chapter 929 of the Ohio Revised Code, shall be exempted from the prohibitions of this section when  
166 the activities are not in conflict with federal, state or local laws or are conducted in accordance with  
167 generally accepted agricultural practices.

168 (g) Outdoor Performances The use, production or presentation outdoors in, or within 100 feet of a  
169 residential neighborhood, by a live band of any make-up, or the use of outdoor amplification or  
170 amplification intended directly or indirectly to be heard outside of the structure, or property line of the  
171 property on which the event is being held are prohibited.

172 (h) Exemptions Events officially sponsored and/or approved by the City of Stow such as festivals,  
173 fireworks, parades, etc., activities that are essential to the proper performance work-related duties of the  
174 officers and employees of the City, and events official sponsored by political subdivisions of the State of  
175 Ohio, and other governmental educational institutions and the Stow Board of Education such as sporting  
176 events, marching bands, etc., shall be exempt from the prohibitions of this section.

177 (i) Request for Mitigation of Noise from Official Activities. As specified in (h) above, officially sponsored and/or  
178 approved events by the City of Stow and other political units are exempt from the prohibitions of this section.  
179 Despite this exemption, officially sponsored events producing sound should be guided by (a) of this section.  
180 Citizens may request mitigation of noise originating from officially sponsored events lasting more than four hours,  
181 or for similar events occurring more than twice in one year. Requests for noise mitigation may be made in the  
182 following manner and order:

183 (1) Contact city administration via email, phone, or in-person to request noise mitigation.

184 (2) No fewer than three residents living at separate addresses, and within 100 feet of the noise origin,  
185 may submit a petition to city administration via the Law Department detailing the noise to be mitigated, requested

186 actions, and listing the names and addresses of residents.

187 (3) Forward the noise mitigation petition to the Clerk of Council with a request to discuss the requested  
188 remedy at an appropriate City Council committee meeting as assigned by the President of Council.

189 a) Submission of a petition does not guarantee that noise mitigation will occur if the noise is  
190 deemed reasonable to persons of ordinary sensibility within the city in accordance with (a) above.

191 (j) Penalty

192 (1) Whoever violates this section is guilty of a misdemeanor of the fourth degree which includes  
193 a maximum of fine of \$250.00 and up to thirty (30) days in jail.

194  
195 SECTION 2. That all other terms and provisions of Chapter 509 C.O.S. not amended herein, be,  
196 and the same are, hereby incorporated, as if fully reappearing herein.

197  
198 SECTION 3. That this Council finds and determines that all formal actions of this Council  
199 concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council  
200 and that all deliberations of this Council and of any committees or subcommittees that resulted in those  
201 formal actions were in meetings open to the public in compliance with the law.

202  
203 SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, of the City Charter, and  
204 shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the  
205 earliest period allowed by law.

206  
207  
208 ADOPTED BY COUNCIL \_\_\_\_\_

209  
210  
211 ATTEST \_\_\_\_\_  
212 Lorree Villers  
213 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

214  
215  
216 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

217  
218 FILED WITH CLERK \_\_\_\_\_

219  
220 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

221  
222 \_\_\_\_\_  
223 Jaime Syx  
224 LAW DIRECTOR

5 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S, ENTITLED “UNLAWFUL NOISE  
6 OR DISTURBANCE.”  
7

8 WHEREAS, Council desires to amend Section 509.08 of the City of Stow Codified Ordinances as  
9 set forth in this Ordinance to better enforce unlawful noise disturbances in the City of Stow;  
10

11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
12 COUNTY OF SUMMIT AND STATE OF OHIO:  
13

14 SECTION 1. That Chapter 509.08 C.O.S., entitled “Unlawful Noise or Disturbance” which  
15 currently reads:  
16

17 **509.08 UNLAWFUL NOISE OR DISTURBANCES.**  
18

19 (a) No person, including but not limited to an owner or persons in possession or control of any building  
20 or premises shall permit, allow, operate, generate or cause to be generated within the Municipality any  
21 noise or sound in such a manner as to do any of the following:

22 (1) Disturb or destroy the peace and quiet of the neighborhood;

23 (2) Cause inconvenience, annoyance or create a condition which is physically offensive to persons  
24 of ordinary sensibilities;

25 (3) Be dangerous or detrimental to health or safety.

26 It is prima facie unlawful where the sound or noise is plainly audible on private property between  
27 the hours of 11:00 p.m. and 7:00 a.m., on any street, highway or in any public right of way which is 100  
28 feet from the source of the sound.  
29

30 (b) It is unlawful for any person operating or occupying a motor vehicle within the Municipality to  
31 operate or amplify the sound produced by a radio, tape player or other soundmaking device or instrument  
32 from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from  
33 the motor vehicle.

34 (1) The provisions of this section shall not apply to any law enforcement motor vehicle equipped  
35 with any communication device necessary in the performance of law enforcement duties or to any  
36 emergency vehicle equipped with any communication device necessary in the performance of any  
37 emergency procedures.

38 (2) The provisions of this section do not apply to the noise made by a horn or other warning device  
39 required or permitted by state law.

40 (3) “Plainly audible” means any sound produced by a radio, tape player or other mechanical or  
41 electrical soundmaking device, or instrument, from within the interior or exterior of a motor vehicle,  
42 including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle  
43 by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.

44 (4) Any law enforcement personnel who hears a sound that is plainly audible as defined herein,  
45 shall be entitled to measure the sound according to the following standards:

46 A. The primary means of detection shall be by means of the officer’s ordinary auditory  
47 senses, so long as the officer’s hearing is not enhanced by any mechanical device, such as a microphone

48 or hearing aid.

49 B. The officer must have a direct line of sight and hearing to the motor vehicle producing  
50 the sound so that he can readily identify the offending motor vehicle and the distance involved.

51 C. The officer need not determine the particular words or phrases being produced or the  
52 name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound  
53 is sufficient to constitute a plainly audible sound.

54 (5) The motor vehicle from which the sound is produced must be located (stopped, standing or moving)  
55 within the Municipality. Parking lots and driveways are included.

56  
57 (c) Whoever violates subsections (a) or (b) is guilty of making unlawful noise, a minor misdemeanor. If  
58 the offender persists in making unlawful noises after reasonable warning or request to desist, making  
59 unlawful noise is a misdemeanor of the fourth degree.

60  
61

62 **be, and the same is, hereby amended to read:**

63  
64

65 **509.08 UNLAWFUL NOISE OR DISTURBANCES.**

66

67 ~~—(a) No person, including but not limited to an owner or persons in possession or control of any building~~  
68 ~~or premises shall permit, allow, operate, generate or cause to be generated within the Municipality any~~  
69 ~~noise or sound in such a manner as to do any of the following:~~

70 ~~——(1) Disturb or destroy the peace and quiet of the neighborhood;~~

71 ~~——(2) Cause inconvenience, annoyance or create a condition which is physically offensive to persons~~  
72 ~~of ordinary sensibilities;~~

73 ~~——(3) Be dangerous or detrimental to health or safety.~~

74 ~~—— It is prima facie unlawful where the sound or noise is plainly audible on private property between~~  
75 ~~the hours of 11:00 p.m. and 7:00 a.m., on any street, highway or in any public right of way which is 100~~  
76 ~~feet from the source of the sound.~~

77

78 ~~—(b) It is unlawful for any person operating or occupying a motor vehicle within the Municipality to~~  
79 ~~operate or amplify the sound produced by a radio, tape player or other soundmaking device or instrument~~  
80 ~~from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from~~  
81 ~~the motor vehicle.~~

82 ~~——(1) The provisions of this section shall not apply to any law enforcement motor vehicle equipped~~  
83 ~~with any communication device necessary in the performance of law enforcement duties or to any~~  
84 ~~emergency vehicle equipped with any communication device necessary in the performance of any~~  
85 ~~emergency procedures.~~

86 ~~——(2) The provisions of this section do not apply to the noise made by a horn or other warning device~~  
87 ~~required or permitted by state law.~~

88 ~~——(3) “Plainly audible” means any sound produced by a radio, tape player or other mechanical or~~  
89 ~~electrical soundmaking device, or instrument, from within the interior or exterior of a motor vehicle,~~  
90 ~~including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle~~  
91 ~~by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.~~

92 ~~——(4) Any law enforcement personnel who hears a sound that is plainly audible as defined herein,~~  
93 ~~shall be entitled to measure the sound according to the following standards:~~

94 ~~\_\_\_\_\_ A. The primary means of detection shall be by means of the officer's ordinary auditory~~  
95 ~~senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone~~  
96 ~~or hearing aid.~~

97 ~~\_\_\_\_\_ B. The officer must have a direct line of sight and hearing to the motor vehicle producing~~  
98 ~~the sound so that he can readily identify the offending motor vehicle and the distance involved.~~

99 ~~\_\_\_\_\_ C. The officer need not determine the particular words or phrases being produced or the~~  
100 ~~name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound~~  
101 ~~is sufficient to constitute a plainly audible sound.~~

102 ~~—(5) The motor vehicle from which the sound is produced must be located (stopped, standing or moving)~~  
103 ~~within the Municipality. Parking lots and driveways are included.~~

104  
105 ~~(c) Whoever violates subsections (a) or (b) is guilty of making unlawful noise, a minor misdemeanor. If~~  
106 ~~the offender persists in making unlawful noises after reasonable warning or request to desist, making~~  
107 ~~unlawful noise is a misdemeanor of the fourth degree.~~

108  
109 (a) Unlawful Noise - Prohibited. It is unlawful for any owner, occupant, agent or persons in possession  
110 or control of any structure, lot, thing or building, premises or vehicle to make, continue or cause to be  
111 made or continued, or permit to be made, any excessive, unnecessary, or unusually loud noise or any noise  
112 which disturbs, annoys, injures or endangers the comfort, repose or health, peace or safety of persons of  
113 ordinary sensibilities within the City.

114 (b) Unlawful Noise - Enumerated. The following acts, among others, are declared to be loud, disturbing,  
115 injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not  
116 be deemed to be exclusive, namely:

117 (1) Radio, Stereo, Musical Instruments. The playing of any radio, stereo, television set, amplified  
118 or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing  
119 devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet,  
120 comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or  
121 of any persons in the vicinity, unless permitted by use permit or other City Ordinance or method of City  
122 approval.

123 (2) Loud Noises or Disturbances. Yelling, shouting, hooting or the making of any other loud  
124 noises on the public streets, or the making of any such noise at any time or place so as to annoy or disturb  
125 the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in  
126 any office or of any persons in the vicinity.

127 (3) Engine Exhaust. The discharge into the open air of the exhaust of any engine, or internal  
128 combustion engine, except through a muffler or other device which effectively prevents loud or explosive  
129 noises therefrom.

130 (4) Noisy Machinery. No person shall maintain, run, or operate any steam, gas, gasoline, or other  
131 engine, boiler, press, machine, or other apparatus so constructed or operated as to make any unnecessary  
132 noise, to the annoyance and discomfort of the people of the City, except in the course of making an  
133 emergency repair and for weather necessitated activities.

134 a) Domicile, driveway and lawn maintenance, and construction machinery used  
135 between the hours of 7am-10pm are exempt from enforcement.

136  
137 (c) Sound Generated by Devices or Instruments. It is prima facie unlawful for a person to generate or  
138 permit to be generated sound by the above-described devices or instruments in the following  
139 circumstances:

140 (1) On private property between the hours of 11:00 p.m. and 7:00 a.m. of the following day in a  
141 residential area where the sound is audible 100 feet past the property line of the property on which the  
142 source of the sound is located; or

143 (2) On a street, highway or in the public right-of-way where the sound is audible thirty (30) feet  
144 from the device generating the sound. Persons in possession of a current parade permit, assemblage permit,  
145 or a current loudspeaker permit are exempt from the provisions of this sub-paragraph.

146 (3) By conducting an unduly large gathering at a private residence or in a private residential area  
147 which generates excessive noise at any time.

148 (d) No person being the owner, or person in possession of a premises for person in control of the premises  
149 by reason of employment, agency, or otherwise, whether such ownership, possession or control is  
150 exclusive or joint, shall permit a violation of this section.

151 (e) Warning and Alarm Devices Warning and alarm devices which have the purpose of signaling unsafe  
152 or dangerous situations or calling for police are exempted from the prohibitions of this section when used  
153 for such purposes and are in proper working order.

154 (f) Agricultural Activities. Agricultural activities conducted within an agricultural district as authorized  
155 in Chapter 929 of the Ohio Revised Code, shall be exempted from the prohibitions of this section when  
156 the activities are not in conflict with federal, state or local laws or are conducted in accordance with  
157 generally accepted agricultural practices.

158 (g) Outdoor Performances The use, production or presentation outdoors in, or within 100 feet of a  
159 residential neighborhood, by a live band of any make-up, or the use of outdoor amplification or  
160 amplification intended directly or indirectly to be heard outside of the structure, or property line of the  
161 property on which the event is being held are prohibited.

162 (h) Exemptions Events officially sponsored and/or approved by the City of Stow such as festivals,  
163 fireworks, parades, etc., activities that are essential to the proper performance work-related duties of the  
164 officers and employees of the City, and events official sponsored by political subdivisions of the State of  
165 Ohio, and other governmental educational institutions and the Stow Board of Education such as sporting  
166 events, marching bands, etc., shall be exempt from the prohibitions of this section.

167 (1) City Center Complex - The City Center Complex, identified as City Hall, the City Safety  
168 Building, SKIP Playground, and the surrounding publicly owned property shall be exempt from  
169 Chapter 509, with the exception that no amplified sound or music shall be utilized , between the  
170 hours of 8:00pm through 7:00am, without prior approval by the City Council and Mayor.

171 (i) Request for Mitigation of Noise from Official Activities. As specified in (h) above, officially sponsored  
172 and/or approved events by the City of Stow and other political units are exempt from the prohibitions of  
173 this section. Despite this exemption, officially sponsored events producing sound should be guided by (a)  
174 of this section. Citizens may request mitigation of noise originating from officially sponsored events  
175 lasting more than four hours, or for similar events occurring more than twice in one year. Requests for  
176 noise mitigation may be made in the following manner and order:

177 (1) Contact city administration via email, phone, or in-person to request noise mitigation.

178 (2) No fewer than three residents living at separate addresses, and within 100 feet of the noise  
179 origin, may submit a petition to city administration via the Law Department detailing the noise to be  
180 mitigated, requested actions, and listing the names and addresses of residents.

181 (3) Forward the noise mitigation petition to the Clerk of Council with a request to discuss the  
182 requested remedy at an appropriate City Council committee meeting as assigned by the President of  
183 Council.

184 a) Submission of a petition does not guarantee that noise mitigation will occur if the noise  
185 is deemed reasonable to persons of ordinary sensibility within the city in accordance with (a)

186           above.

187    (j) Penalty

188           (1) Whoever violates this Chapter is guilty of making unlawful noise, a minor misdemeanor. If the  
189    offender persists in making unlawful noises after reasonable warning or request to desist, making unlawful  
190    noise is a misdemeanor of the fourth degree. If the offender has been convicted of an offense under this  
191    Chapter within two years before the violation, the offender may be found guilty of a misdemeanor of the  
192    fourth degree.

193  
194           SECTION 2. That all other terms and provisions of Chapter 509 C.O.S. not amended herein, be,  
195    and the same are, hereby incorporated, as if fully reappearing herein.

196  
197           SECTION 3. That this Council finds and determines that all formal actions of this Council  
198    concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council  
199    and that all deliberations of this Council and of any committees or subcommittees that resulted in those  
200    formal actions were in meetings open to the public in compliance with the law.

201  
202           SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, of the City Charter, and  
203    shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the  
204    earliest period allowed by law.

205  
206  
207    ADOPTED BY COUNCIL \_\_\_\_\_

208  
209  
210    ATTEST \_\_\_\_\_  
211           Lorree Villers  
212           CLERK OF COUNCIL

213  
214  
215           \_\_\_\_\_

216           Jeremy McIntire  
217           PRESIDENT OF COUNCIL

218  
219    FILED WITH MAYOR \_\_\_\_\_

220           APPROVED \_\_\_\_\_  
221                           John Pribonic  
222                           MAYOR

223    FILED WITH CLERK \_\_\_\_\_

224    APPROVED AS TO FORM                           EFFECTIVE DATE \_\_\_\_\_

225  
226    \_\_\_\_\_  
227    Jaime Syx  
228    LAW DIRECTOR

8 AN ORDINANCE AMENDING CHAPTER 509.08 C.O.S, ENTITLED “UNLAWFUL NOISE  
9 OR DISTURBANCE.”

10  
11 WHEREAS, Council desires to amend Section 509.08 of the City of Stow Codified Ordinances as  
12 set forth in this Ordinance to better enforce unlawful noise disturbances in the City of Stow;

13  
14 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
15 COUNTY OF SUMMIT AND STATE OF OHIO:

16  
17 SECTION 1. That Chapter 509.08 C.O.S., entitled “Unlawful Noise or Disturbance” which  
18 currently reads:

19  
20 **509.08 UNLAWFUL NOISE OR DISTURBANCES.**

21  
22 (a) No person, including but not limited to an owner or persons in possession or control of any  
23 building or premises shall permit, allow, operate, generate or cause to be generated within the  
24 Municipality any noise or sound in such a manner as to do any of the following:

- 25 (1) Disturb or destroy the peace and quiet of the neighborhood;
- 26 (2) Cause inconvenience, annoyance or create a condition, which is physically offensive to persons
- 27 of ordinary sensibilities;
- 28 (3) Be dangerous or detrimental to health or safety.

29 It is prima facie unlawful where the sound or noise is plainly audible on private property between  
30 the hours of 11:00 p.m. and 7:00 a.m., on any street, highway or in any public right of way which is 100  
31 feet from the source of the sound.

32  
33 (b) It is unlawful for any person operating or occupying a motor vehicle within the Municipality  
34 to operate or amplify the sound produced by a radio, tape player or other soundmaking device or  
35 instrument from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or  
36 more from the motor vehicle.

37 (1) The provisions of this section shall not apply to any law enforcement motor vehicle equipped  
38 with any communication device necessary in the performance of law enforcement duties or to any  
39 emergency vehicle equipped with any communication device necessary in the performance of any  
40 emergency procedures.

41 (2) The provisions of this section do not apply to the noise made by a horn or other warning device  
42 required or permitted by state law.

43 (3) “Plainly audible” means any sound produced by a radio, tape player or other mechanical or  
44 electrical soundmaking device, or instrument, from within the interior or exterior of a motor vehicle,  
45 including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle  
46 by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.

47 (4) Any law enforcement personnel who hears a sound that is plainly audible as defined herein,  
48 shall be entitled to measure the sound according to the following standards:

49 A. The primary means of detection shall be by means of the officer’s ordinary auditory  
50 senses, so long as the officer’s hearing is not enhanced by any mechanical device, such as a microphone  
51 or hearing aid.



52  
53 B. The officer must have a direct line of sight and hearing to the motor vehicle producing the  
54 sound so that he can readily identify the offending motor vehicle and the distance involved.

55 C. The officer need not determine the particular words or phrases being produced or the  
56 name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound  
57 is sufficient to constitute a plainly audible sound.

58 (5) The motor vehicle from which the sound is produced must be located (stopped, standing or  
59 moving) within the Municipality. Parking lots and driveways are included.

60  
61 (c) Whoever violates subsections (a) or (b) is guilty of making unlawful noise, a minor  
62 misdemeanor. If the offender persists in making unlawful noises after reasonable warning or request  
63 to desist, making unlawful noise is a misdemeanor of the fourth degree.

64  
65  
66 **be, and the same is, hereby amended to read:**

67  
68  
69 **509.08 UNLAWFUL NOISE OR DISTURBANCES.**

70  
71 (a) No person, including but not limited to an owner or persons in possession or control of any  
72 building or premises shall permit, allow, operate, generate or cause to be generated within the  
73 Municipality any noise or sound in such a manner as to do any of the following:

74 (1) Disturb or destroy the peace and quiet of the neighborhood;

75 (2) Cause inconvenience, annoyance or create a condition which is physically offensive to persons  
76 of ordinary sensibilities;

77 (3) Be dangerous or detrimental to health or safety.

78 It is prima facie unlawful where the sound or noise is plainly audible on private property between  
79 the hours of 11:00 p.m. and 7:00 a.m., on any street, highway or in any public right of way which is 100  
80 feet from the source of the sound.

81 (b) It is unlawful for any person operating or occupying a motor vehicle within the Municipality  
82 to operate or amplify the sound produced by a radio, tape player or other soundmaking device or  
83 instrument from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or  
84 more from the motor vehicle.

85 (1) The provisions of this section shall not apply to any law enforcement motor vehicle equipped  
86 with any communication device necessary in the performance of law enforcement duties or to any  
87 emergency vehicle equipped with any communication device necessary in the performance of any  
88 emergency procedures.

89 (2) The provisions of this section do not apply to the noise made by a horn or other warning device  
90 required or permitted by state law.

91 (3) "Plainly audible" means any sound produced by a radio, tape player or other mechanical or  
92 electrical soundmaking device, or instrument, from within the interior or exterior of a motor vehicle,  
93 including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle  
94 by a person using his normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.

95 (4) Any law enforcement personnel who hears a sound that is plainly audible as defined herein,  
96 shall be entitled to measure the sound according to the following standards:

97 A. The primary means of detection shall be by means of the officer's ordinary auditory  
98

99  
100 senses, so long as the officer’s hearing is not enhanced by any mechanical device, such as a microphone  
101 or hearing aid.

102 B. The officer must have a direct line of sight and hearing to the motor vehicle producing  
103 the sound so that he can readily identify the offending motor vehicle and the distance involved.

104 C. The officer need not determine the particular words or phrases being produced or the  
105 name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type  
106 sound is sufficient to constitute a plainly audible sound.

107 (5) The motor vehicle from which the sound is produced must be located (stopped, standing or  
108 moving) within the Municipality. Parking lots and driveways are included.

109  
110 (c) City Center including Skip Playground and surrounding areas. Programs or concerts utilizing  
111 amplified sound or music shall be limited to holidays and weekends between the hours of 10AM and  
112 6PM.

113  
114 (d) Whoever violates subsections (a), (b) or (c) is guilty of making unlawful noise, a minor  
115 misdemeanor. If the offender persists in making unlawful noises after reasonable warning or request to  
116 desist, making unlawful noise is a misdemeanor of the fourth degree.

117  
118 SECTION 2. That all other terms and provisions of Chapter 509 C.O.S. not amended herein, be, and the  
119 same are, hereby incorporated, as if fully reappearing herein.

120  
121 SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and  
122 relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of  
123 this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open  
124 to the public in compliance with the law.

125  
126 SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, of the City Charter, and  
127 shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the  
128 earliest period allowed by law.

129 ADOPTED BY COUNCIL\_\_\_\_\_

ATTEST\_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR\_\_\_\_\_

APPROVED\_\_\_\_\_

FILED WITH CLERK\_\_\_\_\_

John Pribonic  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE\_\_\_\_\_

Jaime Syx  
LAW DIRECTOR

1  
2  
3 ORDINANCE NO. 2023-159  
4  
5

REQUESTED BY APPLICANT  
APPROVED BY PLANNING COMMITTEE  
INTRODUCED BY FIOCCA

6 AN ORDINANCE ACCEPTING THE FINAL PLAT FOR THE MILLER'S  
7 LANDING MAJOR SUBDIVISION PHASES 1 & 2, IN THE CITY OF STOW,  
8 UNDER THE TERMS AND PROVISIONS OF SECTION 1117.03 C.O.S.  
9

10 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
11 COUNTY OF SUMMIT AND STATE OF OHIO:  
12

13 SECTION 1. That pursuant to Section 1117.03 of the City of Stow Codified Ordinances, the  
14 plat of land located in the City of Stow, Summit County, Ohio, known as Miller's Landing Major  
15 Subdivision Phases 1 and 2 are hereby accepted as a duly dedicated plat of property in the City of  
16 Stow, in accordance with the terms and provisions of Section 1117.03, C.O.S., and the necessary  
17 approvals be endorsed thereon in accordance with the City Planning Commission's recommendation  
18 of September 26, 2023, specifically that the City Engineer be authorized to endorse his signature  
19 thereupon.  
20

21 The Miller's Landing Major Subdivision is a 24.75-acre residential development located on  
22 North River Road in Stow, OH. The applicant will construct two public roads (Charles Way and  
23 Roberta's Way) north of North River Road and is proposing to create 45 residential properties in  
24 Phases 1 and 2, with Phase 1 (Parcel No. 56-10343) developing 25 residential properties, and Phase  
25 2 (Parcel Nos. 56-10179 & 56-10291) developing 20 residential properties.  
26

27 This final plat is consistent with the preliminary plan approved by the Planning Commission  
28 on February 14, 2023 (P.C. 2022-027) pursuant to C.O.S. 1117.03(c).  
29

30 Further, such approval shall be contingent upon the applicant complying with the following  
31 terms and conditions:  
32

- 33 1. Compliance with the Final Plat as approved by the Planning Commission on  
34 September 26, 2023, which is incorporated herein by reference and made a  
35 part hereof as if fully reappearing herein.  
36
- 37 2. This approval is non-assignable and may not be transferred without the  
38 consent of Council.  
39
- 40 3. The authorization granted by this legislation shall become null and void if it  
41 is not signed or if the bond is not posted within 30 days from the effective  
42 date of this legislation.  
43

44 SECTION 2. This Council finds and determines that all formal actions of this  
45 Council concerning and relating to the passage of this Ordinance were taken in an open

City of Stow, Ohio  
Ordinance No. 2023-159  
Page 2

46 meeting of this Council and that all deliberations of this Council and of any of its committees  
47 or subcommittees that resulted in those formal actions were in meetings open to the public in  
48 compliance with the law.  
49

50 SECTION 3. That this Resolution was adopted pursuant to Section 4.11, Charter, and shall  
51 take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the  
52 earliest period allowed by law.  
53

54  
55 ADOPTED BY COUNCIL \_\_\_\_\_

56  
57 ATTEST \_\_\_\_\_  
58 Lorree Villers  
59 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

60  
61  
62 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

63  
64 FILED WITH CLERK \_\_\_\_\_

65  
66  
67 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

68  
69  
70 \_\_\_\_\_  
71 Jaime Syx  
72 LAW DIRECTOR

73  
74  
75  
76  
77  
78

79 ASSENT AND ACCEPTANCE BY APPLICANT

80

81 We, Jim O'Connor, on behalf of Pulte Group, applicant, and Kelly Crookston, Trustee,  
82 property owner, have read the foregoing enactment by Stow City Council and do hereby assent and  
83 accept all terms and conditions contained herein as being the basis upon which approval was granted  
84 and upon which the authorized activity is expressly conditioned.

85

86

PULTE GROUP.

87

88

89

90 \_\_\_\_\_  
Date

\_\_\_\_\_  
By: Jim O'Connor

91

92

PROPERTY OWNER

93

94

95 \_\_\_\_\_  
Date

\_\_\_\_\_  
By: Kelly Crookston, Trustee

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

REQUESTED BY MAYOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

ORDINANCE NO. 2023-164

AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2024, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5705.38, Ohio Revised Code, provides that the annual appropriation ordinance providing for the expenses of the City shall be approved by City Council no later than the first day of April of the current year;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. The following sums and amounts based upon the official certificate of estimated resources and amendments thereof are hereby set aside and appropriated for the year 2024:

<u>FUND NO</u>	<u>FUND NAME</u>	
<b>101</b>	<b><u>GENERAL FUND (\$)</u></b>	
	CITY COUNCIL	\$ 239,700.00
	Personal Services	\$ 204,700.00
	MAYOR'S OFFICE	389,975.00
	Personal Services	322,225.00
	FINANCE OFFICE	568,020.00
	Personal Services	480,370.00
	LAW OFFICE	710,126.00
	Personal Services	600,226.00
	CIVIL SERVICE	0.00
		1,100.00
	INFOR. SERVICES	691,493.00
	Personal Services	468,943.00
	SERVICE – ADMIN	306,267.00
	Personal Services	288,167.00
	SERVICE – ENGINEERING	609,405.00
	Personal Services	536,405.00
	SERVICE – BUILDINGS	1,118,093.00

City of Stow, Ohio  
Ordinance No. 2023-164  
Page 2

50	Personal Services	682,593.00	
51			
52	SERVICE – OFFICE		271,686.00
53	Personal Services	257,186.00	
54			
55	INCOME TAX		1,564,273.00
56	Personal Services	302,973.00	
57			
58	HUMAN RESOURCES		264,752.00
59	Personal Services	242,252.00	
60			
61	MUNI COURT – JUDGES		1,647,187.00
62	Personal Services	1,475,187.00	
63			
64	MUNI COURT – CLERKS		1,589,539.00
65	Personal Services	1,423,139.00	
66			
67	POLICE		7,805,135.00
68	Personal Services	6,485,607.00	
69			
70	FIRE		5,846,764.00
71	Personal Services	4,686,570.00	
72			
73	POLICE-FIRE COMMUNICATIONS		1,300,000.00
74	Personal Services	0.00	
75			
76	SERVICE – CEMETERY		163,989.00
77	Personal Services	135,389.00	
78			
79	PARKS & REC – ADMIN		183,151.00
80	Personal Services	159,601.00	
81			
82	PARKS & REC – RECREATION		843,189.00
83	Personal Services	624,189.00	
84			
85	PARKS & REC – FAC. IMP.		82,750.00
86			
87	PARKS MAINTENANCE		1,134,162.00
88	Personal Services	660,862.00	
89			
90	PLANNING & DEVELOPMENT		595,093.00
91	Personal Services	473,093.00	
92			
93	SERVICE – URBAN FORESTRY		683,258.00
94	Personal Services	492,133.00	
95			

City of Stow, Ohio  
Ordinance No. 2023-164  
Page 3

96	SERVICE – BLDG INSPECT.		519,192.00
97	Personal Services	474,192.00	
98			
99	STREET REPAIR		31,990.00
100	Personal Services	9,840.00	
101			
102	GENERAL FUND SUPPLEMENTAL		<u>17,537,553.00</u>
103			
104	TOTAL GENERAL FUND		46,697,842.00
105			
106			
107	<b>207</b>	<b><u>STREET CONSTRUCTION</u></b>	
108			
109	Personal Services	1,873,012.00	
110			
111	TOTAL STREET CONSTRUCTION FUND		3,811,500.00
112			
113	<b>208</b>	<b><u>STATE HIGHWAY</u></b>	
114			
115	Personal Services	71,300.00	
116			
117	TOTAL STATE HIGHWAY FUND		204,920.00
118			
119	<b>209</b>	<b><u>POLICE PENSION &amp; DISABILITY</u></b>	
120			
121	Personal Services	859,119.00	
122			
123	TOTAL POLICE PENSION & DISABILITY FUND		864,119.00
124			
125	<b>210</b>	<b><u>FIRE PENSION &amp; DISABILITY</u></b>	
126			
127	Personal Services	859,985.00	
128			
129	TOTAL FIRE PENSION & DISABILITY		864,985.00
130			
131			
132			
133	<b>211</b>	<b><u>EMS/FIRE TAX LEVY</u></b>	
134			
135	Personal Services	2,275,139.00	
136			
137	TOTAL EMS/FIRE TAX LEVY		2,772,000.00
138			
139	<b>213</b>	<b><u>MOTOR VEHICLE LICENSE TAX</u></b>	
140			



141	TOTAL MOTOR VEHICLE LICENSE TAX FUND	323,300.00
142		
143		
144	<b>216</b>	<b><u>WATER OPERATING</u></b>
145		
146	Personal Services	1,896,060.00
147		
148	TOTAL WATER OPERATING FUND	5,291,750.00
149		
150	<b>217</b>	<b><u>STORM WATER UTILITY</u></b>
151		
152	Personal Services	353,950.00
153		
154	TOTAL STORM WATER UTILITY FUND	2,077,500.00
155		
156	<b>218</b>	<b><u>GOLF COURSE</u></b>
157		
158	Personal Services	639,264.00
159		
160	TOTAL GOLF COURSE FUND	3,753,618.00
161		
162	<b>219</b>	<b><u>AMERICAN RESCUE PLAN ACT</u></b>
163		
164	TOTAL AMERICAN RESCUE PLAN ACT	0.00
165		
166		
167	<b>222</b>	<b><u>COMMUNITY DEVELOPMENT</u></b>
168		
169	TOTAL COMMUNITY DEVELOPMENT FUND	15,000.00
170		
171	<b>225</b>	<b><u>COURT SPECIAL PROJECTS</u></b>
172		
173	TOTAL COURT SPECIAL PROJECTS	726,000.00
174		
175		
176	<b>226</b>	<b><u>PROBATION SERVICES</u></b>
177		
178	TOTAL PROBATION SERVICES	163,000.00
179		
180		
181	<b>227</b>	<b><u>IND. DRIVERS ALCOHOL TREATMENT</u></b>
182		
183	TOTAL IND. DRIVERS ALCOHOL TREATMENT	53,000.00
184		

185	<b>228</b>	<b><u>COURT TECHNOLOGY</u></b>	
186			
187		Personal Services	0.00
188			
189		TOTAL COURT TECHNOLOGY	87,000.00
190			
191	<b>229</b>	<b><u>CLERK COURT TECHNOLOGY</u></b>	
192			
193		Personal Services	0.00
194			
195		TOTAL CLERK COURT TECHNOLOGY	100,000.00
196			
197	<b>230</b>	<b><u>INDIG. DRIV. &amp; ALCOHOL MONITORING</u></b>	
198			
199		TOTAL INDIG. INTERLOCK MONITOR	30,000.00
200			
201	<b>281</b>	<b><u>O.D.N.R. LITTER PREVENTION</u></b>	
202			
203		Personal Services	0.00
204			
205		TOTAL O.D.N.R. LITTER PREVENTION FUND	35,624.00
206			
207	<b>284</b>	<b><u>EMS TRANSPORT FEES</u></b>	
208			
209		Personal Services	26,000.00
210			
211		TOTAL EMS TRANSPORT FEES	1,142,896.00
212			
213			
214	<b>285</b>	<b><u>POLICE ENFORCEMENT &amp; EDUCATION</u></b>	
215			
216		TOTAL POLICE ENFORCEMENT & EDUCATION FUND	3,000.00
217			
218	<b>287</b>	<b><u>COMMUNITY EVENTS</u></b>	
219			
220		TOTAL COMMUNITY EVENTS FUND	160,000.00
221			
222			
223	<b>288</b>	<b><u>F E M A</u></b>	
224			
225		TOTAL F E M A FUND	10,000.00
226			
227	<b>289</b>	<b><u>SAFETY TOWN – SAFETY EDUCATION</u></b>	
228			

229	TOTAL SAFETY TOWN/ SAFETY EDUCATION FUND		13,000.00
230			
231	<b>293</b>	<b><u>DARE PROGRAM</u></b>	
232			
233	Personal Services	16,500.00	
234			
235	TOTAL DARE PROGRAM FUND		16,500.00
236			
237	<b>294</b>	<b><u>CITY LODGING TAX</u></b>	
238			
239	Personal Services	0.00	
240			
241	TOTAL CITY LODGING TAX FUND		370,000.00
242			
243	<b>295</b>	<b><u>RESIDENTIAL SNOW REMOVAL</u></b>	
244			
245	TOTAL RESIDENTIAL SNOW REMOVAL FUND		25,000.00
246			
247	<b>301</b>	<b><u>GENERAL BOND RETIREMENT</u></b>	
248			
249	TOTAL GENERAL BOND RETIREMENT FUND		260,205.00
250			
251	<b>321</b>	<b><u>SPECIAL ASSESSMENT BOND RETIREMENT</u></b>	
252			
253	TOTAL SPECIAL ASSESSMENT BOND RETIREMENT FUND		0.00
254			
255	<b>325</b>	<b><u>SPECIAL ASSESSMENT IMPROVEMENT</u></b>	
256			
257	TOTAL SPECIAL ASSESSMENT IMPROVEMENT FUND		37,000.00
258			
259			
260	<b>350</b>	<b><u>RAINY DAY/RESERVE</u></b>	
261			
262	TOTAL RAINY DAY/RESERVE FUND		1,000,000.00
263			
264			
265	<b>VARIOUS</b>	<b><u>CAPITAL PROJECT FUNDS, SUB-FUNDS</u></b>	
266			
267		564, 572, 581, 588, 601, 621, 629, 633,	
268		656, 657, 658, 660, 663, 668, 669, 670,	
269		677, 678, 683, 686, 687, 688, 689, 690,	
270		691, 692, 693, 694, 695, 696, 697, 698,	
271		699, 700, 701, 702, 703, 704, 705, 706,	

272		707, 708, 709, 710, 711, 712, 713, 714,	
273		715, 716, 717, 718, 719, 720, 721, 722,	
274		723, 724, 725, 726, 727, 728, 729, 730,	
275		731, 732, 733, 734 all other 500, 600,	
276		700's and designated 800's	
277			
278		TOTAL VARIOUS CAPITAL PROJECTS FUNDS	11,500,000.00
279			
280	<b>796</b>	<b><u>WATER CAPITAL IMPROVEMENT (Sub-Fund)</u></b>	
281			
282		TOTAL WATER CAPITAL IMPROVEMENT FUND	2,191,000.00
283			
284	<b>797</b>	<b><u>CAPITAL DEBT/TEMPORARY LOAN</u></b>	
285			
286		TOTAL CAPITAL DEBT/TEMPORARY LOAN FUND	0.00
287			
288	<b>798</b>	<b><u>CAPITAL PROJECTS TRANSFER</u></b>	
289			
290		TOTAL CAPITAL PROJECTS TRANSFER FUND	0.00
291			
292	<b>799</b>	<b><u>CAPITAL IMPROVEMENTS</u></b>	
293			
294		TOTAL CAPITAL IMPROVEMENTS FUND	11,184,697.00
295			
296			
297	<b>VARIOUS</b>	<b><u>TRUST &amp; ROTARY FUNDS, SUB-FUNDS</u></b>	
298			
299		Designated 200's, 300's, 801 through	
300		885 and all 800's, except 807, 808, 857	
301		and other designated 800's	
302			
303		TOTAL VARIOUS TRUST & ROTARY FUNDS	2,100,000.00
304			
305	<b>807</b>	<b><u>ADMIN. TRUST FUND – HOSPITALIZATION</u></b>	
306			
307		TOTAL ADMIN TRUST FUND – HOSPITALIZATION	554,000.00
308			
309	<b>808</b>	<b><u>EMPLOYEE HOSPITALIZATION CLAIMS</u></b>	
310			
311		TOTAL EMPLOYEE HOSPITALIZATION CLAIMS	7,125,000.00
312			
313	<b>850</b>	<b><u>STOW COMMUNITY IMPROVEMENT CORP.</u></b>	

314  
315 TOTAL STOW COMMUNITY IMPROVEMENT CORP. 25,532.00  
316  
317

318 SECTION 2. It is hereby directed that, despite enactment of this appropriation  
319 ordinance, the projected December 31, 2024, year-end unencumbered balance in the  
320 City's General Fund, as estimated and certified by the Director of Finance during the  
321 course of the year, shall not fall below the currently projected balance of \$2,426,432.82,  
322 which has been established by Council as the City's desired minimum General Fund  
323 balance, without the approval of Council.  
324

325 SECTION 3. That the Finance Director, in order to assure that the General Fund  
326 Operating Deficit is minimized for 2024, and is no greater than an amount to be determined  
327 by Council in future years, shall reduce the amount allocated to the Capital Improvements  
328 Fund from the General Fund Income Tax receipts (40%) per C.O.S. Section 194.013,  
329 Allocation of Funds by no more than \$1,500,000.00 in each calendar year.  
330

331 SECTION 4. That this appropriation ordinance repeals and supersedes all  
332 Appropriation Ordinances and Appropriation Transfer Ordinances enacted up to  
333 **Ordinance No. 2023-164**. The effective month of posting shall be January, 2024.  
334

335 SECTION 5. That the Clerk be, and she hereby is, authorized and directed to forward a  
336 certified copy hereof to the Auditor of Summit County.  
337

338 SECTION 6. That the Director of Finance is hereby authorized and directed to receive, be  
339 accountable for and disburse such funds so appropriated, all in accordance with Article VI,  
340 Charter of the City of Stow, and laws of the State of Ohio, and the Finance Director shall have the  
341 authority to reconcile, transfer and/or close all appropriations for any line accounts with each fund,  
342 including those for personal services and those for all other expenditures, at the end of the fiscal  
343 year.  
344

345 SECTION 7. This Council finds and determines that all formal actions of this Council  
346 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
347 Council and that all deliberations of this Council and of any of its committees and subcommittees  
348 that resulted in those formal actions were in meetings open to the public in compliance with the  
349 law.  
350

351 SECTION 8. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is  
352 hereby declared to be an emergency measure necessary for the immediate preservation of the  
353 public health and safety for the reason that said appropriations are necessary in order for the City  
354 services to continue, and pursuant to Section 4.13, Charter, shall take effect upon its adoption by  
355 Council and approval of Mayor, otherwise at the earliest period allowed by law.  
356

City of Stow, Ohio  
Ordinance No. 2023-164  
Page 9

357  
358 ADOPTED BY COUNCIL\_\_\_\_\_

359  
360 ATTEST \_\_\_\_\_  
361 Lorree Villers  
362 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

363  
364  
365 FILED WITH MAYOR\_\_\_\_\_

APPROVED \_\_\_\_\_  
John D. Pribonic  
MAYOR

366  
367  
368 FILED WITH CLERK\_\_\_\_\_

369  
370 APPROVED AS TO FORM

EFFECTIVE DATE\_\_\_\_\_

371  
372 \_\_\_\_\_  
373 Jaime M. Syx, LAW DIRECTOR

ORDINANCE NO. 2023-164

AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2024, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5705.38, Ohio Revised Code, provides that the annual appropriation ordinance providing for the expenses of the City shall be approved by City Council no later than the first day of April of the current year;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. The following sums and amounts based upon the official certificate of estimated resources and amendments thereof are hereby set aside and appropriated for the year 2024:

<u>FUND NO</u>	<u>FUND NAME</u>	
<b>101</b>	<b><u>GENERAL FUND (\$)</u></b>	
	CITY COUNCIL	\$ 261,700.00
	Personal Services	\$ 204,700.00
	MAYOR'S OFFICE	389,975.00
	Personal Services	322,225.00
	FINANCE OFFICE	568,020.00
	Personal Services	480,370.00
	LAW OFFICE	710,126.00
	Personal Services	600,226.00
	CIVIL SERVICE	0.00                      1,100.00
	INFOR. SERVICES	691,493.00
	Personal Services	468,943.00
	SERVICE – ADMIN	306,267.00
	Personal Services	288,167.00
	SERVICE – ENGINEERING	609,405.00
	Personal Services	536,405.00
	SERVICE – BUILDINGS	1,118,093.00

City of Stow, Ohio  
Ordinance No. 2023-164  
Page 2

50	Personal Services	682,593.00	
51			
52	SERVICE – OFFICE		271,686.00
53	Personal Services	257,186.00	
54			
55	INCOME TAX		1,564,273.00
56	Personal Services	302,973.00	
57			
58	HUMAN RESOURCES		264,752.00
59	Personal Services	242,252.00	
60			
61	MUNI COURT – JUDGES		1,647,187.00
62	Personal Services	1,475,187.00	
63			
64	MUNI COURT – CLERKS		1,589,539.00
65	Personal Services	1,423,139.00	
66			
67	POLICE		7,805,135.00
68	Personal Services	6,485,607.00	
69			
70	FIRE		5,846,764.00
71	Personal Services	4,686,570.00	
72			
73	POLICE-FIRE COMMUNICATIONS		1,300,000.00
74	Personal Services	0.00	
75			
76	SERVICE – CEMETERY		163,989.00
77	Personal Services	135,389.00	
78			
79	PARKS & REC – ADMIN		183,151.00
80	Personal Services	159,601.00	
81			
82	PARKS & REC – RECREATION		843,189.00
83	Personal Services	624,189.00	
84			
85	PARKS & REC – FAC. IMP.		82,750.00
86			
87	PARKS MAINTENANCE		1,134,162.00
88	Personal Services	660,862.00	
89			
90	PLANNING & DEVELOPMENT		595,093.00
91	Personal Services	473,093.00	
92			
93	SERVICE – URBAN FORESTRY		683,258.00
94	Personal Services	492,133.00	
95			



City of Stow, Ohio  
Ordinance No. 2023-164  
Page 3

96	SERVICE – BLDG INSPECT.		519,192.00
97	Personal Services	474,192.00	
98			
99	STREET REPAIR		31,990.00
100	Personal Services	9,840.00	
101			
102	GENERAL FUND SUPPLEMENTAL		<u>17,515,553.00</u>
103			
104	TOTAL GENERAL FUND		46,697,842.00
105			
106			
107	<b>207</b>	<b><u>STREET CONSTRUCTION</u></b>	
108			
109	Personal Services	1,873,012.00	
110			
111	TOTAL STREET CONSTRUCTION FUND		3,811,500.00
112			
113	<b>208</b>	<b><u>STATE HIGHWAY</u></b>	
114			
115	Personal Services	71,300.00	
116			
117	TOTAL STATE HIGHWAY FUND		204,920.00
118			
119	<b>209</b>	<b><u>POLICE PENSION &amp; DISABILITY</u></b>	
120			
121	Personal Services	859,119.00	
122			
123	TOTAL POLICE PENSION & DISABILITY FUND		864,119.00
124			
125	<b>210</b>	<b><u>FIRE PENSION &amp; DISABILITY</u></b>	
126			
127	Personal Services	859,985.00	
128			
129	TOTAL FIRE PENSION & DISABILITY		864,985.00
130			
131			
132			
133	<b>211</b>	<b><u>EMS/FIRE TAX LEVY</u></b>	
134			
135	Personal Services	2,275,139.00	
136			
137	TOTAL EMS/FIRE TAX LEVY		2,772,000.00
138			
139	<b>213</b>	<b><u>MOTOR VEHICLE LICENSE TAX</u></b>	
140			

141	TOTAL MOTOR VEHICLE LICENSE TAX FUND	323,300.00
142		
143		
144	<b>216</b>	<b><u>WATER OPERATING</u></b>
145		
146	Personal Services	1,896,060.00
147		
148	TOTAL WATER OPERATING FUND	5,291,750.00
149		
150	<b>217</b>	<b><u>STORM WATER UTILITY</u></b>
151		
152	Personal Services	353,950.00
153		
154	TOTAL STORM WATER UTILITY FUND	2,077,500.00
155		
156	<b>218</b>	<b><u>GOLF COURSE</u></b>
157		
158	Personal Services	639,264.00
159		
160	TOTAL GOLF COURSE FUND	3,753,618.00
161		
162	<b>219</b>	<b><u>AMERICAN RESCUE PLAN ACT</u></b>
163		
164	TOTAL AMERICAN RESCUE PLAN ACT	418,149.00
165		
166		
167	<b>222</b>	<b><u>COMMUNITY DEVELOPMENT</u></b>
168		
169	TOTAL COMMUNITY DEVELOPMENT FUND	15,000.00
170		
171	<b>225</b>	<b><u>COURT SPECIAL PROJECTS</u></b>
172		
173	TOTAL COURT SPECIAL PROJECTS	726,000.00
174		
175		
176	<b>226</b>	<b><u>PROBATION SERVICES</u></b>
177		
178	TOTAL PROBATION SERVICES	163,000.00
179		
180		
181	<b>227</b>	<b><u>IND. DRIVERS ALCOHOL TREATMENT</u></b>
182		
183	TOTAL IND. DRIVERS ALCOHOL TREATMENT	53,000.00
184		

185	<b>228</b>	<b><u>COURT TECHNOLOGY</u></b>	
186			
187		Personal Services	0.00
188			
189		TOTAL COURT TECHNOLOGY	87,000.00
190			
191	<b>229</b>	<b><u>CLERK COURT TECHNOLOGY</u></b>	
192			
193		Personal Services	0.00
194			
195		TOTAL CLERK COURT TECHNOLOGY	100,000.00
196			
197	<b>230</b>	<b><u>INDIG. DRIV. &amp; ALCOHOL MONITORING</u></b>	
198			
199		TOTAL INDIG. INTERLOCK MONITOR	30,000.00
200			
201	<b>281</b>	<b><u>O.D.N.R. LITTER PREVENTION</u></b>	
202			
203		Personal Services	0.00
204			
205		TOTAL O.D.N.R. LITTER PREVENTION FUND	35,624.00
206			
207	<b>284</b>	<b><u>EMS TRANSPORT FEES</u></b>	
208			
209		Personal Services	26,000.00
210			
211		TOTAL EMS TRANSPORT FEES	1,142,896.00
212			
213			
214	<b>285</b>	<b><u>POLICE ENFORCEMENT &amp; EDUCATION</u></b>	
215			
216		TOTAL POLICE ENFORCEMENT & EDUCATION FUND	3,000.00
217			
218	<b>287</b>	<b><u>COMMUNITY EVENTS</u></b>	
219			
220		TOTAL COMMUNITY EVENTS FUND	160,000.00
221			
222			
223	<b>288</b>	<b><u>F E M A</u></b>	
224			
225		TOTAL F E M A FUND	10,000.00
226			
227	<b>289</b>	<b><u>SAFETY TOWN – SAFETY EDUCATION</u></b>	
228			

229	TOTAL SAFETY TOWN/ SAFETY EDUCATION FUND	13,000.00
230		
231	<b>293</b> <b><u>DARE PROGRAM</u></b>	
232		
233	Personal Services	16,500.00
234		
235	TOTAL DARE PROGRAM FUND	16,500.00
236		
237	<b>294</b> <b><u>CITY LODGING TAX</u></b>	
238		
239	Personal Services	0.00
240		
241	TOTAL CITY LODGING TAX FUND	370,000.00
242		
243	<b>295</b> <b><u>RESIDENTIAL SNOW REMOVAL</u></b>	
244		
245	TOTAL RESIDENTIAL SNOW REMOVAL FUND	25,000.00
246		
247	<b>301</b> <b><u>GENERAL BOND RETIREMENT</u></b>	
248		
249	TOTAL GENERAL BOND RETIREMENT FUND	260,205.00
250		
251	<b>321</b> <b><u>SPECIAL ASSESSMENT BOND RETIREMENT</u></b>	
252		
253	TOTAL SPECIAL ASSESSMENT BOND RETIREMENT FUND	0.00
254		
255	<b>325</b> <b><u>SPECIAL ASSESSMENT IMPROVEMENT</u></b>	
256		
257	TOTAL SPECIAL ASSESSMENT IMPROVEMENT FUND	37,000.00
258		
259		
260	<b>350</b> <b><u>RAINY DAY/RESERVE</u></b>	
261		
262	TOTAL RAINY DAY/RESERVE FUND	1,000,000.00
263		
264		
265	<b>VARIOUS</b> <b><u>CAPITAL PROJECT FUNDS, SUB-FUNDS</u></b>	
266		
267	564, 572, 581, 588, 601, 621, 629, 633,	
268	656, 657, 658, 660, 663, 668, 669, 670,	
269	677, 678, 683, 686, 687, 688, 689, 690,	
270	691, 692, 693, 694, 695, 696, 697, 698,	
271	699, 700, 701, 702, 703, 704, 705, 706,	

272		707, 708, 709, 710, 711, 712, 713, 714,	
273		715, 716, 717, 718, 719, 720, 721, 722,	
274		723, 724, 725, 726, 727, 728, 729, 730,	
275		731, 732, 733, 734 all other 500, 600,	
276		700's and designated 800's	
277			
278		TOTAL VARIOUS CAPITAL PROJECTS FUNDS	11,500,000.00
279			
280	<b>796</b>	<b><u>WATER CAPITAL IMPROVEMENT (Sub-Fund)</u></b>	
281			
282		TOTAL WATER CAPITAL IMPROVEMENT FUND	2,191,000.00
283			
284	<b>797</b>	<b><u>CAPITAL DEBT/TEMPORARY LOAN</u></b>	
285			
286		TOTAL CAPITAL DEBT/TEMPORARY LOAN FUND	0.00
287			
288	<b>798</b>	<b><u>CAPITAL PROJECTS TRANSFER</u></b>	
289			
290		TOTAL CAPITAL PROJECTS TRANSFER FUND	0.00
291			
292	<b>799</b>	<b><u>CAPITAL IMPROVEMENTS</u></b>	
293			
294		TOTAL CAPITAL IMPROVEMENTS FUND	11,184,697.00
295			
296			
297	<b>VARIOUS</b>	<b><u>TRUST &amp; ROTARY FUNDS, SUB-FUNDS</u></b>	
298			
299		Designated 200's, 300's, 801 through	
300		885 and all 800's, except 807, 808, 857	
301		and other designated 800's	
302			
303		TOTAL VARIOUS TRUST & ROTARY FUNDS	2,100,000.00
304			
305	<b>807</b>	<b><u>ADMIN. TRUST FUND – HOSPITALIZATION</u></b>	
306			
307		TOTAL ADMIN TRUST FUND – HOSPITALIZATION	554,000.00
308			
309	<b>808</b>	<b><u>EMPLOYEE HOSPITALIZATION CLAIMS</u></b>	
310			
311		TOTAL EMPLOYEE HOSPITALIZATION CLAIMS	7,125,000.00
312			
313	<b>850</b>	<b><u>STOW COMMUNITY IMPROVEMENT CORP.</u></b>	

314  
315 TOTAL STOW COMMUNITY IMPROVEMENT CORP. 25,532.00  
316  
317

318 SECTION 2. It is hereby directed that, despite enactment of this appropriation  
319 ordinance, the projected December 31, 2024, year-end unencumbered balance in the  
320 City's General Fund, as estimated and certified by the Director of Finance during the  
321 course of the year, shall not fall below the currently projected balance of \$2,426,432.82,  
322 which has been established by Council as the City's desired minimum General Fund  
323 balance, without the approval of Council.  
324

325 SECTION 3. That the Finance Director, in order to assure that the General Fund  
326 Operating Deficit is minimized for 2024, and is no greater than an amount to be determined  
327 by Council in future years, shall reduce the amount allocated to the Capital Improvements  
328 Fund from the General Fund Income Tax receipts (40%) per C.O.S. Section 194.013,  
329 Allocation of Funds by no more than \$1,500,000.00 in each calendar year.  
330

331 SECTION 4. That this appropriation ordinance repeals and supersedes all  
332 Appropriation Ordinances and Appropriation Transfer Ordinances enacted up to  
333 **Ordinance No. 2023-164**. The effective month of posting shall be January, 2024.  
334

335 SECTION 5. That the Clerk be, and she hereby is, authorized and directed to forward a  
336 certified copy hereof to the Auditor of Summit County.  
337

338 SECTION 6. That the Director of Finance is hereby authorized and directed to receive, be  
339 accountable for and disburse such funds so appropriated, all in accordance with Article VI,  
340 Charter of the City of Stow, and laws of the State of Ohio, and the Finance Director shall have the  
341 authority to reconcile, transfer and/or close all appropriations for any line accounts with each fund,  
342 including those for personal services and those for all other expenditures, at the end of the fiscal  
343 year.  
344

345 SECTION 7. This Council finds and determines that all formal actions of this Council  
346 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
347 Council and that all deliberations of this Council and of any of its committees and subcommittees  
348 that resulted in those formal actions were in meetings open to the public in compliance with the  
349 law.  
350

351 SECTION 8. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is  
352 hereby declared to be an emergency measure necessary for the immediate preservation of the  
353 public health and safety for the reason that said appropriations are necessary in order for the City  
354 services to continue, and pursuant to Section 4.13, Charter, shall take effect upon its adoption by  
355 Council and approval of Mayor, otherwise at the earliest period allowed by law.  
356

City of Stow, Ohio  
Ordinance No. 2023-164  
Page 9

357  
358 ADOPTED BY COUNCIL\_\_\_\_\_

359  
360 ATTEST \_\_\_\_\_  
361 Lorree Villers  
362 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

363  
364  
365 FILED WITH MAYOR\_\_\_\_\_

APPROVED \_\_\_\_\_  
John D. Pribonic  
MAYOR

366  
367  
368 FILED WITH CLERK\_\_\_\_\_

369  
370 APPROVED AS TO FORM

EFFECTIVE DATE\_\_\_\_\_

371  
372 \_\_\_\_\_  
373 Jaime M. Syx, LAW DIRECTOR

1 REQUESTED BY MAYOR & FINANCE  
2 DIRECTOR

3 APPROVED BY FINANCE COMMITTEE  
4 INTRODUCED BY HARRISON

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

ORDINANCE NO. 2023-178

AN ORDINANCE ALLOCATING STATE AND LOCAL FISCAL RECOVERY FUNDS AWARDED TO THE CITY AS PART OF THE AMERICAN RESCUE PLAN ACT AND REAFFIRMING THE ADOPTION OF THE STANDARD ALLOWANCE OF UP TO \$10,000,000 AS THE AMOUNT OF THE CITY OF STOW'S REVENUE LOSS DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND DECLARING AN EMERGENCY

WHEREAS, the City of Stow has the remaining amount of \$1,772,911.53 as amended from the original total award amount of \$3,651,039 in supplemental payments of State and Local Fiscal Recovery Funds (SLFRF) as part of the American Rescue Plan Act (ARPA); and

WHEREAS, the funds have been received by the City in two substantially equal parts in 2021, 2022, and in supplemental payments in 2023; and

WHEREAS, the Final Rule regarding eligible uses of the funds has now been issued by the U.S. Department of the Treasury and is effective April 1, 2022; and

WHEREAS, the SLFRF funds must be obligated by the City of Stow by December 31, 2024 and fully expended by December 31, 2026; and

WHEREAS, the Mayor and Finance Director have developed a spending plan for the City to obligate and expend the remaining portion of the SLFRF funds which is in compliance with the provisions of the Final Rule and do hereby recommend that the plan be adopted by Stow City Council; and

WHEREAS, the recommended spending plan is based on the adoption of the ARPA/SLFRF program's standard allowance of up to \$10,000,000 as the amount of the City of Stow's revenue loss due to the covid-19 public health emergency, which allowance the Mayor and Finance Director have adopted and City Council has adopted per Ordinance 2022-181; and

WHEREAS, in accordance with the Final Rule, adoption of the standard allowance requires the City of Stow to expend its awarded SLFRF funds on government services; and

WHEREAS, applying the standard allowance against the City's total SLFRF allocation results in the City being able to designate its entire estimated award amount of \$3,658,312.35 plus any additional awarded funds as lost revenue and the full amount is therefore eligible to be expended on government services, the cost for which must have been incurred on or after March 3, 2021.

NOW THEREFORE, be it ordained by the Council of the City of Stow, County of Summit and State of Ohio:



41  
42 SECTION 1. Council, effective April 1, 2022, hereby reaffirms its adoption of the  
43 ARPA/SLFRF program’s standard allowance of up to \$10,000,000 as the amount of the City of  
44 Stow’s revenue loss due to the Covid-19 public health emergency in accordance with the U.S.  
45 Department of Treasury’s Final Rule; and

46 SECTION 2. In accordance with SECTION 1, above, Council hereby directs that all of  
47 the City’s remaining awarded SLFRF funds through the ARPA program, currently estimated to be  
48 Rule Standard Allowance Provision, which is effective April 1, 2022; and

49 SECTION 3. \$1,772,911.53 be expended on Stow government services as required by the  
50 U.S. Treasury’s Final Rule. In accordance with the recommendation of the Mayor and Finance  
51 Director, Council hereby approves, allocates and appropriates up to the following SLFRF amounts  
52 received by the City of Stow in 2021, 2022 and/or 2023 to be expended and/or charged in 2023  
53 for the individual categories and/or purposes of government services in the approximate amounts  
54 as designated from individual Fund No. 219 in accordance with Finance Department accounting  
55 procedures and as previously reviewed for ARPA compliance by Julian & Grube, the City of  
56 Stow’s accounting advisory firm, as follows:

57	a. Fire Department Overtime 2023	\$ 125,000.00
58	b. Water System – Utility Line & Related Projects	\$ 600,000.00
59	c. Water System – Salaries and Benefits	\$ 293,148.53
60	d. City’s Annual Road Resurfacing Program	\$ 754,763.00
61		
62		
63	Total Allocated in 2023	<u>\$1,772,911.53</u>
64		
65	Unallocated	\$ -0-
66		

67 SECTION 4. That this Council finds and determines that all formal actions of this Council  
68 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
69 Council and that all deliberations of this Council and of any of its committees and subcommittees  
70 that resulted in those formal actions were in meetings open to the public in compliance with the  
71 law.

72 SECTION 5. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is  
73 hereby declared to be an emergency measure necessary for the immediate preservation of the  
74 public health and safety for the reason that the ARPA spending program must be implemented as  
75 soon as possible to immediately benefit the citizens of Stow and, pursuant to Section 4.13, Charter,  
76 shall take effect upon its adoption by Council and approval of the Mayor, otherwise at the earliest  
77 period allowed by law.

78

79 ADOPTED BY COUNCIL \_\_\_\_\_

80

81

82 ATTEST \_\_\_\_\_

83 Lorree Villers  
84 CLERK OF COUNCIL

85

86 FILED WITH MAYOR \_\_\_\_\_

87

88 FILED WITH CLERK \_\_\_\_\_

89

90

91

92 APPROVED AS TO FORM

93

94

95 \_\_\_\_\_

96 Jaime Syx  
97 LAW DIRECTOR

98

99

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

APPROVED

\_\_\_\_\_  
John Pribonic  
MAYOR

EFFECTIVE DATE \_\_\_\_\_

1 Version 1

REQUESTED BY MAYOR & FINANCE  
DIRECTOR

APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

2  
3  
4 ORDINANCE NO. 2023-178

5  
6  
7 AN ORDINANCE ALLOCATING STATE AND LOCAL FISCAL RECOVERY  
8 FUNDS AWARDED TO THE CITY AS PART OF THE AMERICAN RESCUE  
9 PLAN ACT AND REAFFIRMING THE ADOPTION OF THE STANDARD  
10 ALLOWANCE OF UP TO \$10,000,000 AS THE AMOUNT OF THE CITY OF  
11 STOW'S REVENUE LOSS DUE TO THE COVID-19 PUBLIC HEALTH  
12 EMERGENCY, AND DECLARING AN EMERGENCY

13  
14 WHEREAS, the City of Stow has the remaining amount of \$1,772,911.53 as amended from  
15 the original total award amount of \$3,651,039 in supplemental payments of State and Local Fiscal  
16 Recovery Funds (SLFRF) as part of the American Rescue Plan Act (ARPA); and

17 WHEREAS, the funds have been received by the City in two substantially equal parts in  
18 2021, 2022, and in supplemental payments in 2023; and

19 WHEREAS, the Final Rule regarding eligible uses of the funds has now been issued by the  
20 U.S. Department of the Treasury and is effective April 1, 2022; and

21 WHEREAS, the SLFRF funds must be obligated by the City of Stow by December 31,  
22 2024 and fully expended by December 31, 2026; and

23 WHEREAS, the Mayor and Finance Director have developed a spending plan for the City  
24 to obligate and expend the remaining portion of the SLFRF funds which is in compliance with the  
25 provisions of the Final Rule and do hereby recommend that the plan be adopted by Stow City  
26 Council; and

27 WHEREAS, the recommended spending plan is based on the adoption of the  
28 ARPA/SLFRF program's standard allowance of up to \$10,000,000 as the amount of the City of  
29 Stow's revenue loss due to the covid-19 public health emergency, which allowance the Mayor and  
30 Finance Director have adopted and City Council has adopted per Ordinance 2022-181; and

31 WHEREAS, in accordance with the Final Rule, adoption of the standard allowance  
32 requires the City of Stow to expend its awarded SLFRF funds on government services; and

33 WHEREAS, applying the standard allowance against the City's total SLFRF allocation  
34 results in the City being able to designate its entire estimated award amount of \$3,658,312.35 plus  
35 any additional awarded funds as lost revenue and the full amount is therefore eligible to be  
36 expended on government services, the cost for which must have been incurred on or after March  
37 3, 2021.

38 NOW THEREFORE, be it ordained by the Council of the City of Stow, County of Summit  
39 and State of Ohio:

40

41  
42       SECTION 1. Council, effective April 1, 2022, hereby reaffirms its adoption of the  
43 ARPA/SLFRF program’s standard allowance of up to \$10,000,000 as the amount of the City of  
44 Stow’s revenue loss due to the Covid-19 public health emergency in accordance with the U.S.  
45 Department of Treasury’s Final Rule; and

46       SECTION 2. In accordance with SECTION 1, above, Council hereby directs that all of  
47 the City’s remaining awarded SLFRF funds through the ARPA program, currently estimated to be  
48 Rule Standard Allowance Provision, which is effective April 1, 2022; and

49       SECTION 3. \$1,772,911.53 be expended on Stow government services as required by the  
50 U.S. Treasury’s Final Rule. In accordance with the recommendation of the Mayor and Finance  
51 Director, Council hereby approves, allocates and appropriates up to the following SLFRF amounts  
52 received by the City of Stow in 2021, 2022 and/or 2023 to be expended and/or charged in 2023  
53 for the individual categories and/or purposes of government services in the approximate amounts  
54 as designated from individual Fund No. 219 in accordance with Finance Department accounting  
55 procedures and as previously reviewed for ARPA compliance by Julian & Grube, the City of  
56 Stow’s accounting advisory firm, as follows:

57	a. Water System - Utility Line & Related Projects	\$ 600,000.00
58	b. City's Annual Road Resurfacing Program - 2023	\$ 754,763.00
59	c. City's Annual Road Resurfacing Program - 2024	\$ 218,148.53
60	d. Sidewalk Repair - 2024	\$ 200,000.00
61		
62		
63	Total Allocated in 2023	<u>\$1,772,911.53</u>
64		
65	Unallocated	\$ -0-
66		

67       SECTION 4. That this Council finds and determines that all formal actions of this Council  
68 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
69 Council and that all deliberations of this Council and of any of its committees and subcommittees  
70 that resulted in those formal actions were in meetings open to the public in compliance with the  
71 law.

72       SECTION 5. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is  
73 hereby declared to be an emergency measure necessary for the immediate preservation of the  
74 public health and safety for the reason that the ARPA spending program must be implemented as  
75 soon as possible to immediately benefit the citizens of Stow and, pursuant to Section 4.13, Charter,  
76 shall take effect upon its adoption by Council and approval of the Mayor, otherwise at the earliest  
77 period allowed by law.

78

79 ADOPTED BY COUNCIL \_\_\_\_\_

80

81

82 ATTEST \_\_\_\_\_

83 Lorree Villers  
84 CLERK OF COUNCIL

85

86 FILED WITH MAYOR \_\_\_\_\_

87

88 FILED WITH CLERK \_\_\_\_\_

89

90

91

92 APPROVED AS TO FORM

93

94

95 \_\_\_\_\_

96 Jaime Syx  
97 LAW DIRECTOR

98

99

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

APPROVED

\_\_\_\_\_  
John Pribonic  
MAYOR

EFFECTIVE DATE \_\_\_\_\_

1           ORDINANCE NO. 2023-179

                  REQUESTED BY CHIEF BUILDING  
INSPECTOR  
APPROVED BY COW  
INTRODUCED BY MCINTIRE

2  
3  
4  
5  
6           AN ORDINANCE AMENDING CHAPTER 1311.11 C.O.S, ENTITLED “DANGEROUS  
7 BUILDINGS.”

8  
9           WHEREAS, the Codified Ordinances of the City of Stow Section 1311 provides for the process  
10 for the Chief Building Official to declare a building to be a dangerous building, and order it razed; and

11  
12           WHEREAS, the Chief Building Official has recommended an amendment that would provide  
13 clarity for the process, and to streamline the razing of dangerous buildings while still retaining the rights  
14 of the property owners; and

15  
16           WHEREAS, for this reason, Council desires to amend Section 1311 of the City of Stow Codified  
17 Ordinances as set forth in this Ordinance;

18  
19           NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
20 COUNTY OF SUMMIT AND STATE OF OHIO:

21  
22           SECTION 1. That Chapter 1311 C.O.S., entitled “Dangerous Buildings” which currently reads:

23  
24           **1311.01 DANGEROUS BUILDING DEFINED.**

25           All buildings or structures which have any or all of the following defects shall be deemed “dangerous  
26 buildings”:

27           (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent  
28 that a plumb line passing through the center of gravity falls outside of the middle third of its base.

29           (b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or  
30 deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of  
31 the nonsupporting enclosing or outside walls or covering.

32           (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are  
33 overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

34           (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to  
35 life, safety, morals or the general health and welfare of the occupants or the people of the City.

36           (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail  
37 to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to  
38 cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those  
39 living therein.

40           (f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals,  
41 safety or general welfare of human beings who live or may live therein.

42           (g) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient  
43 stairways, elevators, fire escapes or other means of communication.

44           (h) Those which have parts thereof which are so attached that they may fall and injure members of the  
45 public or property.

46           (i) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals,  
47 safety or general welfare of the people of the City.

48 (j) Those buildings existing in violation of any provisions of the Building Code, any provision of the  
49 Fire Prevention Code or other ordinances of the City.

50 (k) Those buildings which are vacant and unguarded at the doors or windows.

51 (l) Those buildings which are the site of a clandestine drug lab and the damage from such drug lab is  
52 found to be so severe that clean-up alone is impractical or ineffective to reduce the associated health and  
53 safety risks.

54 (Ord. 2013-77. Passed 6-27-13.)  
55

56 **1311.02 DANGEROUS BUILDINGS; NUISANCES.**

57 As used in this chapter, all dangerous buildings, within the terms of Section [1311.01](#) are hereby declared  
58 and shall be deemed to be public nuisances by reason of the condition in which the same are permitted to  
59 be or remain, and which shall or may endanger the health, life, limb or property, or cause any hurt, harm,  
60 inconvenience, discomfort, damage or injury to any one or more persons in the City, in any one or more  
61 of the following particulars:

62 (a) By reason of being a nuisance to the general health of the community.

63 (b) By reason of being a fire hazard.

64 (c) By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid premises.

65 (d) By reason of being a nuisance, because of long-continued vacancy, lack of reasonable or adequate  
66 maintenance of structure and/or premises adjacent thereto, thereby depreciating the enjoyment and use of  
67 property in the immediate vicinity to such an extent that it is harmful to the community in which such  
68 structure is situated.

69 (Ord. 2012-4. Passed 1-26-12.)  
70

71 **1311.03 AGREEMENT TO REPAIR OR REMOVE.**

72 The record title holders and lienholders of the property may enter into an agreement with the City to  
73 perform the repair or removal of an unsafe building.

74 (Ord. 2012-4. Passed 1-26-12.)  
75

76 **1311.04 AUTHORITY TO EXAMINE PREMISES; REMEDIAL ORDER.**

77 (a) The Building Official or a person delegated by him shall be empowered to examine or cause to be  
78 examined any building or dwelling within the City, to determine whether such building or dwelling is  
79 dangerous, unsafe or constitutes a nuisance, as provided by this chapter, and may apply to a court of  
80 competent jurisdiction for an administrative search warrant to enter said premises for inspection.

81 (b) The Building Official shall examine or cause to be examined every building or structure or portion  
82 thereof reported or believed to be a dangerous building. Unless another deadline is established under this  
83 chapter, the owner shall comply with the notice of violation within thirty (30) days. The Building Official  
84 shall give written notice by regular 1<sup>st</sup> Class U.S. mail and posting signs on the dangerous building in  
85 accordance with Section [1311.05](#) of his intention to repair or remove the building to the record title holders  
86 and lienholders of the property. If any emergency exists, notice may be given by other means fifteen (15)  
87 days prior to repair or removal.

88 If the Notice of Violation is returned as undeliverable by the USPS, the Building Official shall cause the  
89 Notice of Violation to be made by publication in a newspaper of general circulation in the county. The  
90 publication shall be published at least once a week for four (4) successive weeks and shall contain the  
91 name, address and phone number of the office of the Building Official, the address of the dangerous  
92 building, the name and last known address of the owner of the dangerous building, a summary statement  
93 that the building has been determined to be dangerous and that the building must be repaired or removed,

94 and that the owner is required to contact the Building Official and comply with the Notice of Violation  
95 within fifteen (15) days after the publication.

96 The Building Official may grant an extension of time for compliance with the Notice of Violation upon  
97 the owner's written request and for good cause shown.

98 (c) It shall be unlawful for the owner of any dwelling unit or structure who has received a notice  
99 pursuant to paragraph (b), or whom a notice of violation has been served, to sell, transfer, mortgage, lease  
100 or otherwise dispose of property to another until the provisions of the notice of violation have been  
101 complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee,  
102 acknowledging the receipt of such notice of violation issued by the Building Official, and furnish the  
103 Building Official with a signed and notarized statement from the grantee, transferee, mortgagee or lessee,  
104 acknowledging the receipt of such notice of violation and fully accepting the responsibility, without  
105 condition, for making the corrections or repairs required by such notice of violation.

106 (Ord. 2012-4. Passed 1-26-12.)  
107

#### 108 **1311.05 POSTING OF SIGNS.**

109 The Building Official shall cause to be posted at each entrance to such building or structure or portion  
110 thereof a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT  
111 REGULATION, CITY OF STOW, OHIO." Such notice shall include the date of posting and a deadline  
112 as established in Section [1311.04\(b\)](#) of this Code. Such notice shall remain posted until the required repairs  
113 are made or demolition is completed. It shall be unlawful for any person to remove such notice without  
114 permission of the Building Official or for any person to enter the building, except for the purpose of  
115 making the required repairs or demolishing the same.

116 (Ord. 2012-4. Passed 1-26-12.)  
117

#### 118 **1311.06 PERMITS.**

119 In all cases of construction or repair pursuant to orders of the Building Official, permits covering such  
120 work shall be obtained as required by other sections of this Building Code.

121 (Ord. 2012-4. Passed 1-26-12.)  
122

#### 123 **1311.07 RIGHT TO DEMOLISH.**

124 In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect,  
125 or refuse to comply with the notice to repair, rehabilitate, or demolish and remove said building or  
126 structure or portion thereof, such party, either the owner of record or the purchaser under land contract,  
127 shall be subject to the penal provisions of this Building Code and the Building Official shall proceed to  
128 have the building or structure or portion thereof demolished and removed from the premises, leaving the  
129 premises in a clean, safe, and sanitary condition, and the cost of such work shall be paid by the City. If  
130 the City is not immediately reimbursed for such costs, the title cost as defined in R.C. 715.261(A) shall  
131 be collected as provided in R.C. 715.261(B)(1) or (2).

132 (Ord. 2012-4. Passed 1-26-12.)  
133

#### 134 **1311.08 UNSAFE CONDITIONS; REPORTS.**

135 Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that  
136 there exists, on the premises, a condition which may endanger other property or the life or limb of any  
137 person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall,  
138 within twenty-four hours after such discovery, report the existence of such dangerous condition to the  
139 Building Official, who shall forthwith take such steps as may be necessary to protect the public safety and



140 welfare. If the Building Official cannot be located, such report shall be made to the Director of Public  
141 Service. No person who is an owner, manager, lessee, or occupant of a building on which premises such  
142 a dangerous condition exists and who knows or should know of such dangerous condition shall fail to  
143 make such report to either the Building Official or Director of Public Service within twenty-four hours  
144 after such knowledge is obtained or should have been obtained.

145 (Ord. 2012-4. Passed 1-26-12.)  
146

147 **1311.09 FAILURE TO ACT; REMEDY BY CITY; COSTS CERTIFIED AS LIEN.**

148 Any and all costs incurred under this chapter shall be paid by the owner of such building or structure.  
149 The owner shall reimburse the City all expenses, including but not limited to the cost of securing, boarding,  
150 vacating, repairing or demolishing the Dangerous Building.

151 If any person fails to comply with any lawful order of the Building Official within the time limit  
152 specified in such order, the Building Official shall cause such building to be secured, effectively boarded,  
153 vacated, repaired or demolished, as the facts may warrant, under the standards provided for in this chapter.  
154 Council, with the assistance of the Director of Finance shall cause the costs of such securing, boarding,  
155 vacating, repair or demolition, including the costs of service or publication of notice, to be certified to the  
156 Clerk of Council, who shall certify the aforesaid costs to the County Auditor, together with a proper  
157 description of the premises for placing the same on the tax duplicate, together with all interest and penalties  
158 allowed by law. From the date of entry, a lien shall vest on the premises in accordance with Ohio R.C.  
159 715.261.

160 Notwithstanding the power and authority to certify a lien, set forth in this section, nothing shall abrogate  
161 nor limit any other right of recovery the City may have. The Law Director shall take any action necessary  
162 to collect the costs incurred under this Chapter from the owner or other responsible party.

163 (Ord. 2012-4. Passed 1-26-12.)  
164

165 **1311.10 ENFORCEMENT.**

166 The Building Inspectors, under the supervision of the Chief Building Official and on consultation of the  
167 Fire Prevention Bureau, are designated as the “Building Official” within the meaning of this chapter and  
168 have full authority to apply for warrants, issue orders, compel repair or demolition, and any other act  
169 called for by this chapter.

170 (Ord. 2012-4. Passed 1-26-12.)  
171

172 **1311.11 APPEAL TO BOARD OF ZONING AND BUILDING APPEALS.**

173 (a) Any owner, manager, lessee or occupant of a building who has received an order from the Building  
174 Official to repair or demolish a structure under this Chapter, may appeal that order within ten (10) days of  
175 notice of such order to the Board of Zoning and Building Appeals by filing a written Notice of Appeal  
176 and including the applicable fee as contained in Section [965.03\(c\)](#) as amended. The written Notice of  
177 Appeal shall state the reason for said appeal.

178 (b) Upon receipt of an appeal commenced under Section [1311.11\(a\)](#), the Board of Zoning and Building  
179 Appeals shall cause a meeting for the hearing of the appeal to be scheduled in accordance with  
180 Sections [11.04](#) and [11.05](#) of the Stow Charter and Sections [1137.05](#) (b) and (c).

181 (c) On any appeal filed under Section [1311.11\(a\)](#), the Board of Zoning and Building Appeals may  
182 modify, reverse or affirm the decision of the Building Official. All appeals shall be considered de novo.

183 (d) All appeals initiated under Section [1311.11\(a\)](#) shall be filed in writing with the secretary of the  
184 Board of Zoning and Building Appeals, who shall promptly forward the appeal to the Board of Zoning  
185 and Building Appeals. Upon the submission of an appeal under this Section, all orders of the Building

186 Official shall be stayed, unless the Building Official certifies in writing that the order is in response to an  
187 emergency situation necessary for the immediate preservation of the health, safety and welfare of the  
188 community.  
189 (Ord. 2012-4. Passed 1-26-12.)  
190

191 **1311.12 STRUCTURES VACANT AND OPEN ENTRY.**

192 (a) Legislative Findings. Council finds that structures which are vacant and open to entry at doors,  
193 windows or other points accessible to the general public:

- 194 (1) Attract children to enter;
- 195 (2) Become a harborage for vermin;
- 196 (3) Serve as temporary abode for derelicts, vagrants and criminals;
- 197 (4) Are likely to be damaged by vandals or set ablaze by arsonists;
- 198 (5) Often become dilapidated because they are not repaired by the owners or persons in control of  
199 the structures;

200 (6) Depress the market value of surrounding properties; and,

201 (7) Neglected grounds surrounding such vacant, open structures invite the dumping of garbage and  
202 rubbish thereupon.

203 (b) Building Inspector to Secure. Whenever the Building Official finds a vacant structure open to entry  
204 at doors, windows or other points accessible to the general public, the Official may cause the structure to  
205 be secured at those points of entry. The Building Official shall be authorized at any time to enter upon the  
206 premises and secure the structure in order to lessen the severity of risk caused by the dangerous building.  
207 In securing such structure, the Building Official may call upon any department, division or bureau of the  
208 City or whatever assistance may be necessary, or may, by private contract, secure such structure. Such  
209 securing shall not be deemed to constitute effective boarding pursuant to subsection (c) hereof, and shall  
210 not abate the necessity to repair or remove the dangerous building. The Notice of Violation shall include  
211 the fact that the Building Official has found it necessary to take appropriate action to secure the structure.

212 (c) Effective Boarding Pending Repair or Removal.

213 (1) Materials. The effective boarding of a structure shall include, but not be limited to, doors,  
214 windows, or other areas of the structure open to ingress or egress and to weather elements at any and all  
215 levels of the structure. Such openings shall be secured by plywood, not less than one-half inch thick, or  
216 other materials of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches  
217 wide shall be framed by two inch by four inch lumber and plywood, or equivalent material fastened  
218 twenty- four inches on center onto frame. The plywood or equivalent material shall be fastened into the  
219 openings by screw type nail or lag screws.

220 (2) Maintenance. Upon effectively boarding the structure, the owner shall monitor and maintain the  
221 structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior  
222 structure which is deemed to be potentially hazardous due to deteriorated conditions, or be structurally  
223 unsound shall be removed or treated in such a manner so as to eliminate the hazard. The exterior premises  
224 shall be maintained free from high weeds, debris, junk vehicles and conditions that may provide harborage  
225 for rodents. Failure of the owner to properly maintain the building in the above condition, will result in  
226 the structure being deemed a public nuisance, and scheduled for repair or removal.

227 (3) Rehabilitation. Rehabilitation shall commence on a time table approved by the Building Official.  
228 If rehabilitation of the effectively boarded building does not commence on the approved time table or if  
229 the permits are otherwise invalidated or revoked, then the Building Official may declare that the nuisance  
230 has not been abated and scheduled the structure for repair or removal.

231 (Ord. 2012-4. Passed 1-26-12.)

232  
233 **1311.99 PENALTY.**

234 (a) The owner of any dangerous building who fails to comply with any notice or order to repair, vacate  
235 or demolish such building, given by any person authorized by this chapter to give such notice or order,  
236 shall be guilty of a misdemeanor of the first degree for each offense. Each day of noncompliance with this  
237 chapter shall constitute a separate offense.

238 (b) Any owner of a dangerous building who sells, transfers, mortgages, leases or otherwise disposes of  
239 property to another without compliance with Section [1311.04](#)(c) shall be guilty of a misdemeanor of the  
240 first degree.

241 (c) The occupant or lessee in possession who fails to comply any notice to vacate and who fails to  
242 repair such building in accordance with any notice given, as provided in this chapter, shall be guilty of a  
243 misdemeanor of the second degree for each offense. Each day of noncompliance with this chapter shall  
244 constitute a separate offense.

245 (d) Whoever violates Section [1311.05](#) of this chapter shall be guilty of a misdemeanor of the second  
246 degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.

247  
248 **be, and the same is, hereby amended to read:**

249  
250 **1311.01 DANGEROUS BUILDING DEFINED.**

251 All buildings or structures which have any or all of the following defects shall be deemed “dangerous  
252 buildings”:

- 253 (a) Those whose interior walls or other vertical structural members list, lean or buckle to such  
254 an extent that a plumb line passing through the center of gravity falls outside of the middle  
255 third of its base.
- 256 (b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of  
257 damage or deterioration of the supporting member or members, or fifty percent (50%) of  
258 damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- 259 (c) Those which have improperly distributed loads upon the floors or roofs or in which the same  
260 are overloaded, or which have insufficient strength to be reasonably safe for the purpose  
261 used.
- 262 (d) Those which have been damaged by fire, wind or other causes so as to have become  
263 dangerous to life, safety, morals or the general health and welfare of the occupants or the  
264 people of the City.
- 265 (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so  
266 utterly fail to provide the amenities essential to decent living that they are unfit for human  
267 habitation, or are likely to cause sickness or disease, so as to cause injury to the health,  
268 morals, safety or general welfare of those living therein.
- 269 (f) Those having light, air and sanitation facilities which are inadequate to protect the health,  
270 morals, safety or general welfare of human beings who live or may live therein.
- 271 (g) Those having inadequate facilities for egress in case of fire or panic, or those having  
272 insufficient stairways, elevators, fire escapes or other means of communication.
- 273 (h) Those which have parts thereof which are so attached that they may fall and injure members  
274 of the public or property.
- 275 (i) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health,  
276 morals, safety or general welfare of the people of the City.
- 277 (j) Those buildings existing in violation of any provisions of the Building Code, any provision

278 of the Fire Prevention Code or other ordinances of the City.

279 (k) Those buildings which are vacant and unguarded at the doors or windows.

280 (l) Those buildings which are the site of a clandestine drug lab and the damage from such drug  
281 lab is found to be so severe that clean-up alone is impractical or ineffective to reduce the  
282 associated health and safety risks.

283 (Ord. 2013-77. Passed 6-27-13.)

284  
285 **1311.02 DANGEROUS BUILDINGS; NUISANCES.**

286 As used in this chapter, all dangerous buildings, within the terms of Section [1311.01](#) are hereby declared  
287 and shall be deemed to be public nuisances by reason of the condition in which the same are permitted to  
288 be or remain, and which shall or may endanger the health, life, limb or property, or cause any hurt, harm,  
289 inconvenience, discomfort, damage or injury to any one or more persons in the City, in any one or more  
290 of the following particulars:

291 (a) By reason of being a nuisance to the general health of the community.

292 (b) By reason of being a fire hazard.

293 (c) By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid  
294 premises.

295 (d) By reason of being a nuisance, because of long-continued vacancy, lack of reasonable or  
296 adequate maintenance of structure and/or premises adjacent thereto, thereby depreciating  
297 the enjoyment and use of property in the immediate vicinity to such an extent that it is  
298 harmful to the community in which such structure is situated.

299 (Ord. 2012-4. Passed 1-26-12.)

300  
301 **1311.03 AGREEMENT TO REPAIR OR REMOVE.**

302 The record title holders and lienholders of the property may enter into an agreement with the City to  
303 perform the repair or removal of an unsafe building. Should the record title holders and lienholders of the  
304 property enter into an agreement with the City to perform the repair or removal of an unsafe building, the  
305 City shall not demolish the subject building until such time as the agreement term has expired, the  
306 agreement has been terminated (by either party), or the Chief Building Official has, after the entering into  
307 of such agreement, deemed that the condition of the unsafe building has additional defects, or defects in a  
308 worse condition, as defined in 1311.01.

309 (Ord. 2012-4. Passed 1-26-12.)

310  
311 **1311.04 AUTHORITY TO EXAMINE PREMISES; REMEDIAL ORDER.**

312 (a) The Building Official or a person delegated by him shall be empowered to examine or cause  
313 to be examined any building or dwelling within the City, to determine whether such building  
314 or dwelling is dangerous, unsafe or constitutes a nuisance, as provided by this chapter, and  
315 may apply to a court of competent jurisdiction for an administrative search warrant to enter  
316 said premises for inspection.

317  
318 (b) Prior to the Building Official declaring that a building is deemed to be dangerous, the  
319 Building Official shall provide notice, by posting of the notice at the subject property, and  
320 send notice by regular 1<sup>st</sup> class U.S. mail. Such notice shall contain defects or conditions  
321 that would cause the building to be deemed dangerous. If an emergency exists, notice  
322 required under 1311.04(b) is not necessary, and the Building Official may follow all  
323 requirements under 1311.04(c). Such notice shall give the property owner at least thirty (30)

324 days from the date of posting to correct the violation before the Building Official proceeds  
325 to declaring the building dangerous under 1311.04(c).  
326

327 (b) (c) The Building Official shall examine or cause to be examined every building or structure or  
328 portion thereof reported or believed to be a dangerous building. Unless another deadline is  
329 established under this chapter, the owner shall comply with the notice of violation within  
330 thirty (30) days. The Building Official shall give written notice by regular 1<sup>st</sup> Class U.S.  
331 mail and posting signs on the dangerous building in accordance with Section [1311.05](#) of his  
332 intention to repair or remove the building to the record title holders and lienholders of the  
333 property. If any emergency exists, notice may be given by other means fifteen (15) days  
334 prior to repair or removal.  
335

336 If the Notice of Violation is returned as undeliverable by the USPS, the Building Official  
337 shall cause the Notice of Violation to be made by publication in a newspaper of general  
338 circulation in the county. The publication shall be published at least once a week for four  
339 (4) successive weeks and shall contain the name, address and phone number of the office of  
340 the Building Official, the address of the dangerous building, the name and last known  
341 address of the owner of the dangerous building, a summary statement that the building has  
342 been determined to be dangerous and that the building must be repaired or removed, and  
343 that the owner is required to contact the Building Official and comply with the Notice of  
344 Violation within fifteen (15) days after the publication.  
345

346 The Building Official may grant an extension of time for compliance with the Notice of  
347 Violation upon the owner's written request and for good cause shown. Such extensions of  
348 time may be granted at any point of time prior to demolition of said property. If an extension  
349 of time is granted, all signs posted pursuant to 1311.05 shall be updated to include the new  
350 deadline  
351

352 (e) (d) It shall be unlawful for the owner of any dwelling unit or structure who has received a  
353 notice pursuant to paragraph (b), or whom a notice of violation has been served, to sell,  
354 transfer, mortgage, lease or otherwise dispose of property to another until the provisions of  
355 the notice of violation have been complied with, or until such owner shall first furnish the  
356 grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of  
357 violation issued by the Building Official, and furnish the Building Official with a signed  
358 and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging  
359 the receipt of such notice of violation and fully accepting the responsibility, without  
360 condition, for making the corrections or repairs required by such notice of violation.

361 (Ord. 2012-4. Passed 1-26-12.)  
362

### 363 **1311.05 POSTING OF SIGNS.**

364 The Building Official shall cause to be posted at each entrance to such building or structure or portion  
365 thereof a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT  
366 REGULATION, CITY OF STOW, OHIO." Such notice shall include the date of posting and a deadline  
367 as established in Section [1311.04\(c\)](#) of this Code. Such notice shall remain posted until the required repairs  
368 are made or demolition is completed. It shall be unlawful for any person to remove such notice without  
369 permission of the Building Official or for any person to enter the building, except for the purpose of

370 making the required repairs or demolishing the same.  
371 (Ord. 2012-4. Passed 1-26-12.)

372  
373 **1311.06 PERMITS.**

374 In all cases of construction or repair pursuant to orders of the Building Official, permits covering such  
375 work shall be obtained as required by other sections of this Building Code. A permit being granted by the  
376 Building Department does not entitle the record title owner or lienholders to any extension of time, absent  
377 additional extensions granted under 1311.03 or 1311.04(c).  
378 (Ord. 2012-4. Passed 1-26-12.)

379  
380 **1311.07 RIGHT TO DEMOLISH.**

381 In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect,  
382 or refuse to comply with the notice to repair, rehabilitate, or demolish and remove said building or  
383 structure or portion thereof, such party, either the owner of record or the purchaser under land contract,  
384 shall be subject to the penal provisions of this Building Code and the Building Official shall proceed to  
385 have the building or structure or portion thereof demolished and removed from the premises, leaving the  
386 premises in a clean, safe, and sanitary condition, and the cost of such work shall be paid by the City. If  
387 the City is not immediately reimbursed for such costs, the title cost as defined in R.C. 715.261(A) shall  
388 be collected as provided in R.C. 715.261(B)(1) or (2).  
389 (Ord. 2012-4. Passed 1-26-12.)

390  
391 **1311.08 UNSAFE CONDITIONS; REPORTS.**

392 Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that  
393 there exists, on the premises, a condition which may endanger other property or the life or limb of any  
394 person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall,  
395 within twenty-four hours after such discovery, report the existence of such dangerous condition to the  
396 Building Official, who shall forthwith take such steps as may be necessary to protect the public safety and  
397 welfare. If the Building Official cannot be located, such report shall be made to the Director of Public  
398 Service. No person who is an owner, manager, lessee, or occupant of a building on which premises such  
399 a dangerous condition exists and who knows or should know of such dangerous condition shall fail to  
400 make such report to either the Building Official or Director of Public Service within twenty-four hours  
401 after such knowledge is obtained or should have been obtained.  
402 (Ord. 2012-4. Passed 1-26-12.)

403  
404 **1311.09 FAILURE TO ACT; REMEDY BY CITY; COSTS CERTIFIED AS LIEN.**

405 Any and all costs incurred under this chapter shall be paid by the owner of such building or structure.  
406 The owner shall reimburse the City all expenses, including but not limited to the cost of securing, boarding,  
407 vacating, repairing or demolishing the Dangerous Building.

408 If any person fails to comply with any lawful order of the Building Official within the time limit  
409 specified in such order, the Building Official shall cause such building to be secured, effectively boarded,  
410 vacated, repaired or demolished, as the facts may warrant, under the standards provided for in this chapter.  
411 Council, with the assistance of the Director of Finance shall cause the costs of such securing, boarding,  
412 vacating, repair or demolition, including the costs of service or publication of notice, to be certified to the  
413 Clerk of Council, who shall certify the aforesaid costs to the County Auditor, together with a proper  
414 description of the premises for placing the same on the tax duplicate, together with all interest and penalties  
415 allowed by law. From the date of entry, a lien shall vest on the premises in accordance with Ohio R.C.

416 715.261.

417 Notwithstanding the power and authority to certify a lien, set forth in this section, nothing shall abrogate  
418 nor limit any other right of recovery the City may have. The Law Director shall take any action necessary  
419 to collect the costs incurred under this Chapter from the owner or other responsible party.

420 (Ord. 2012-4. Passed 1-26-12.)

421

422 **1311.10 ENFORCEMENT.**

423 The Building Inspectors, under the supervision of the Chief Building Official and on consultation of the  
424 Fire Prevention Bureau, are designated as the “Building Official” within the meaning of this chapter and  
425 have full authority to apply for warrants, issue orders, compel repair or demolition, and any other act  
426 called for by this chapter.

427 (Ord. 2012-4. Passed 1-26-12.)

428

429 **1311.11 APPEAL TO BOARD OF ZONING AND BUILDING APPEALS.**

430 ~~(a) Any owner, manager, lessee or occupant of a building who has received an order from the~~  
431 ~~Building Official to repair or demolish a structure under this Chapter, may appeal that order~~  
432 ~~within ten (10) days of notice of such order to the Board of Zoning and Building Appeals~~  
433 ~~by filing a written Notice of Appeal and including the applicable fee as contained in~~  
434 ~~Section 965.03(c) as amended. The written Notice of Appeal shall state the reason for said~~  
435 ~~appeal.~~

436 (a) Upon the designation as a Dangerous Building by the Chief Building Official under this  
437 Section, an appeal shall be filed with the Board of Zoning and Building Appeals by the  
438 Chief Building Official. No Fee is associated with the Appeal.

439 (b) Upon receipt of an appeal commenced under Section 1311.11(a), the Board of Zoning and  
440 Building Appeals shall cause a meeting for the hearing of the appeal to be scheduled in  
441 accordance with Sections 11.04 and 11.05 of the Stow Charter and Sections 1137.05 (b)  
442 and (c).

443 (c) On any appeal filed under Section 1311.11(a), the Board of Zoning and Building Appeals  
444 may modify, reverse or affirm the decision of the Building Official. All appeals shall be  
445 considered de novo.

446 (d) All appeals initiated under Section 1311.11(a) shall be filed in writing with the secretary of  
447 the Board of Zoning and Building Appeals, who shall promptly forward the appeal to the  
448 Board of Zoning and Building Appeals. Upon the submission of an appeal under this  
449 Section, all orders of the Building Official shall be stayed, unless the Building Official  
450 certifies in writing that the order is in response to an emergency situation necessary for the  
451 immediate preservation of the health, safety and welfare of the community.

452 (e) If an appeal is successful the building official shall remove the dangerous building  
453 designation and the owner shall have one year from the date of the appeal to bring the  
454 structure into compliance with all applicable City codes and ordinance. If an appeal is  
455 denied, the building official shall cause the building to be razed and a special assessment  
456 shall be placed on the tax duplicate for the subject property covering the cost thereof.

457

458

459 (Ord. 2012-4. Passed 1-26-12.)

460

461 **1311.12 STRUCTURES VACANT AND OPEN ENTRY.**

- 462 (a) Legislative Findings. Council finds that structures which are vacant and open to entry at  
463 doors, windows or other points accessible to the general public:
- 464 (1) Attract children to enter;
- 465 (2) Become a harborage for vermin;
- 466 (3) Serve as temporary abode for derelicts, vagrants and criminals;
- 467 (4) Are likely to be damaged by vandals or set ablaze by arsonists;
- 468 (5) Often become dilapidated because they are not repaired by the owners or  
469 persons in control of the structures;
- 470 (6) Depress the market value of surrounding properties; and,
- 471 (7) Neglected grounds surrounding such vacant, open structures invite the dumping  
472 of garbage and rubbish thereupon.
- 473 (b) Building Inspector to Secure. Whenever the Building Official finds a vacant structure open  
474 to entry at doors, windows or other points accessible to the general public, the Official may  
475 cause the structure to be secured at those points of entry. The Building Official shall be  
476 authorized at any time to enter upon the premises and secure the structure in order to lessen  
477 the severity of risk caused by the dangerous building. In securing such structure, the  
478 Building Official may call upon any department, division or bureau of the City or whatever  
479 assistance may be necessary, or may, by private contract, secure such structure. Such  
480 securing shall not be deemed to constitute effective boarding pursuant to subsection (c)  
481 hereof, and shall not abate the necessity to repair or remove the dangerous building. The  
482 Notice of Violation shall include the fact that the Building Official has found it necessary  
483 to take appropriate action to secure the structure.
- 484 (c) Effective Boarding Pending Repair or Removal.
- 485 (1) Materials. The effective boarding of a structure shall include, but not be limited  
486 to, doors, windows, or other areas of the structure open to ingress or egress and  
487 to weather elements at any and all levels of the structure. Such openings shall be  
488 secured by plywood, not less than one-half inch thick, or other materials of equal  
489 strength, cut and fit into the openings. Openings in excess of forty-eight inches  
490 wide shall be framed by two inch by four inch lumber and plywood, or equivalent  
491 material fastened twenty- four inches on center onto frame. The plywood or  
492 equivalent material shall be fastened into the openings by screw type nail or lag  
493 screws.
- 494 (2) Maintenance. Upon effectively boarding the structure, the owner shall monitor  
495 and maintain the structure and its surrounding premises in a safe, sanitary and  
496 secured condition. Any portion of the exterior structure which is deemed to be  
497 potentially hazardous due to deteriorated conditions, or be structurally unsound  
498 shall be removed or treated in such a manner so as to eliminate the hazard. The  
499 exterior premises shall be maintained free from high weeds, debris, junk vehicles  
500 and conditions that may provide harborage for rodents. Failure of the owner to  
501 properly maintain the building in the above condition, will result in the structure  
502 being deemed a public nuisance, and scheduled for repair or removal.
- 503 (3) Rehabilitation. Rehabilitation shall commence on a time table approved by the  
504 Building Official. If rehabilitation of the effectively boarded building does not  
505 commence on the approved time table or if the permits are otherwise invalidated  
506 or revoked, then the Building Official may declare that the nuisance has not been  
507 abated and scheduled the structure for repair or removal.



(Ord. 2012-4. Passed 1-26-12.)

**1311.99 PENALTY.**

- (a) The owner of any dangerous building who fails to comply with any notice or order to repair, vacate or demolish such building, given by any person authorized by this chapter to give such notice or order, shall be guilty of a misdemeanor of the first degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.
- (b) Any owner of a dangerous building who sells, transfers, mortgages, leases or otherwise disposes of property to another without compliance with Section [1311.04\(c\)](#) shall be guilty of a misdemeanor of the first degree.
- (c) The occupant or lessee in possession who fails to comply any notice to vacate and who fails to repair such building in accordance with any notice given, as provided in this chapter, shall be guilty of a misdemeanor of the second degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.
- (d) Whoever violates Section [1311.05](#) of this chapter shall be guilty of a misdemeanor of the second degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.

(Ord. 2012-4. Passed 1-26-12.)

SECTION 2. That all other terms and provisions of Chapter 1311.11, C.O.S. not amended herein, be, and the same are, hereby incorporated, as if fully reappearing herein.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, of the City Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

ORDINANCE NO. 2023-179

REQUESTED BY CHIEF BUILDING  
INSPECTOR  
APPROVED BY COW  
INTRODUCED BY MCINTIRE

AN ORDINANCE AMENDING CHAPTER 1311.11 C.O.S, ENTITLED “DANGEROUS BUILDINGS.”

WHEREAS, the Codified Ordinances of the City of Stow Section 1311 provides for the process for the Chief Building Official to declare a building to be a dangerous building, and order it razed; and

WHEREAS, the Chief Building Official has recommended an amendment that would provide clarity for the process, and to streamline the razing of dangerous buildings while still retaining the rights of the property owners; and

WHEREAS, for this reason, Council desires to amend Section 1311 of the City of Stow Codified Ordinances as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Chapter 1311 C.O.S., entitled “Dangerous Buildings” which currently reads:

**1311.01 DANGEROUS BUILDING DEFINED.**

All buildings or structures which have any or all of the following defects shall be deemed “dangerous buildings”:

(a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.

(e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

(g) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication.

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(i) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the City.

48 (j) Those buildings existing in violation of any provisions of the Building Code, any provision of the  
49 Fire Prevention Code or other ordinances of the City.

50 (k) Those buildings which are vacant and unguarded at the doors or windows.

51 (l) Those buildings which are the site of a clandestine drug lab and the damage from such drug lab is  
52 found to be so severe that clean-up alone is impractical or ineffective to reduce the associated health and  
53 safety risks.

54 (Ord. 2013-77. Passed 6-27-13.)  
55

56 **1311.02 DANGEROUS BUILDINGS; NUISANCES.**

57 As used in this chapter, all dangerous buildings, within the terms of Section [1311.01](#) are hereby declared  
58 and shall be deemed to be public nuisances by reason of the condition in which the same are permitted to  
59 be or remain, and which shall or may endanger the health, life, limb or property, or cause any hurt, harm,  
60 inconvenience, discomfort, damage or injury to any one or more persons in the City, in any one or more  
61 of the following particulars:

62 (a) By reason of being a nuisance to the general health of the community.

63 (b) By reason of being a fire hazard.

64 (c) By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid premises.

65 (d) By reason of being a nuisance, because of long-continued vacancy, lack of reasonable or adequate  
66 maintenance of structure and/or premises adjacent thereto, thereby depreciating the enjoyment and use of  
67 property in the immediate vicinity to such an extent that it is harmful to the community in which such  
68 structure is situated.

69 (Ord. 2012-4. Passed 1-26-12.)  
70

71 **1311.03 AGREEMENT TO REPAIR OR REMOVE.**

72 The record title holders and lienholders of the property may enter into an agreement with the City to  
73 perform the repair or removal of an unsafe building.

74 (Ord. 2012-4. Passed 1-26-12.)  
75

76 **1311.04 AUTHORITY TO EXAMINE PREMISES; REMEDIAL ORDER.**

77 (a) The Building Official or a person delegated by him shall be empowered to examine or cause to be  
78 examined any building or dwelling within the City, to determine whether such building or dwelling is  
79 dangerous, unsafe or constitutes a nuisance, as provided by this chapter, and may apply to a court of  
80 competent jurisdiction for an administrative search warrant to enter said premises for inspection.

81 (b) The Building Official shall examine or cause to be examined every building or structure or portion  
82 thereof reported or believed to be a dangerous building. Unless another deadline is established under this  
83 chapter, the owner shall comply with the notice of violation within thirty (30) days. The Building Official  
84 shall give written notice by regular 1<sup>st</sup> Class U.S. mail and posting signs on the dangerous building in  
85 accordance with Section [1311.05](#) of his intention to repair or remove the building to the record title holders  
86 and lienholders of the property. If any emergency exists, notice may be given by other means fifteen (15)  
87 days prior to repair or removal.

88 If the Notice of Violation is returned as undeliverable by the USPS, the Building Official shall cause the  
89 Notice of Violation to be made by publication in a newspaper of general circulation in the county. The  
90 publication shall be published at least once a week for four (4) successive weeks and shall contain the  
91 name, address and phone number of the office of the Building Official, the address of the dangerous  
92 building, the name and last known address of the owner of the dangerous building, a summary statement  
93 that the building has been determined to be dangerous and that the building must be repaired or removed,

94 and that the owner is required to contact the Building Official and comply with the Notice of Violation  
95 within fifteen (15) days after the publication.

96 The Building Official may grant an extension of time for compliance with the Notice of Violation upon  
97 the owner's written request and for good cause shown.

98 (c) It shall be unlawful for the owner of any dwelling unit or structure who has received a notice  
99 pursuant to paragraph (b), or whom a notice of violation has been served, to sell, transfer, mortgage, lease  
100 or otherwise dispose of property to another until the provisions of the notice of violation have been  
101 complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee,  
102 acknowledging the receipt of such notice of violation issued by the Building Official, and furnish the  
103 Building Official with a signed and notarized statement from the grantee, transferee, mortgagee or lessee,  
104 acknowledging the receipt of such notice of violation and fully accepting the responsibility, without  
105 condition, for making the corrections or repairs required by such notice of violation.

106 (Ord. 2012-4. Passed 1-26-12.)  
107

#### 108 **1311.05 POSTING OF SIGNS.**

109 The Building Official shall cause to be posted at each entrance to such building or structure or portion  
110 thereof a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT  
111 REGULATION, CITY OF STOW, OHIO." Such notice shall include the date of posting and a deadline  
112 as established in Section [1311.04\(b\)](#) of this Code. Such notice shall remain posted until the required repairs  
113 are made or demolition is completed. It shall be unlawful for any person to remove such notice without  
114 permission of the Building Official or for any person to enter the building, except for the purpose of  
115 making the required repairs or demolishing the same.

116 (Ord. 2012-4. Passed 1-26-12.)  
117

#### 118 **1311.06 PERMITS.**

119 In all cases of construction or repair pursuant to orders of the Building Official, permits covering such  
120 work shall be obtained as required by other sections of this Building Code.

121 (Ord. 2012-4. Passed 1-26-12.)  
122

#### 123 **1311.07 RIGHT TO DEMOLISH.**

124 In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect,  
125 or refuse to comply with the notice to repair, rehabilitate, or demolish and remove said building or  
126 structure or portion thereof, such party, either the owner of record or the purchaser under land contract,  
127 shall be subject to the penal provisions of this Building Code and the Building Official shall proceed to  
128 have the building or structure or portion thereof demolished and removed from the premises, leaving the  
129 premises in a clean, safe, and sanitary condition, and the cost of such work shall be paid by the City. If  
130 the City is not immediately reimbursed for such costs, the title cost as defined in R.C. 715.261(A) shall  
131 be collected as provided in R.C. 715.261(B)(1) or (2).

132 (Ord. 2012-4. Passed 1-26-12.)  
133

#### 134 **1311.08 UNSAFE CONDITIONS; REPORTS.**

135 Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that  
136 there exists, on the premises, a condition which may endanger other property or the life or limb of any  
137 person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall,  
138 within twenty-four hours after such discovery, report the existence of such dangerous condition to the  
139 Building Official, who shall forthwith take such steps as may be necessary to protect the public safety and

140 welfare. If the Building Official cannot be located, such report shall be made to the Director of Public  
141 Service. No person who is an owner, manager, lessee, or occupant of a building on which premises such  
142 a dangerous condition exists and who knows or should know of such dangerous condition shall fail to  
143 make such report to either the Building Official or Director of Public Service within twenty-four hours  
144 after such knowledge is obtained or should have been obtained.

145 (Ord. 2012-4. Passed 1-26-12.)  
146

147 **1311.09 FAILURE TO ACT; REMEDY BY CITY; COSTS CERTIFIED AS LIEN.**

148 Any and all costs incurred under this chapter shall be paid by the owner of such building or structure.  
149 The owner shall reimburse the City all expenses, including but not limited to the cost of securing, boarding,  
150 vacating, repairing or demolishing the Dangerous Building.

151 If any person fails to comply with any lawful order of the Building Official within the time limit  
152 specified in such order, the Building Official shall cause such building to be secured, effectively boarded,  
153 vacated, repaired or demolished, as the facts may warrant, under the standards provided for in this chapter.  
154 Council, with the assistance of the Director of Finance shall cause the costs of such securing, boarding,  
155 vacating, repair or demolition, including the costs of service or publication of notice, to be certified to the  
156 Clerk of Council, who shall certify the aforesaid costs to the County Auditor, together with a proper  
157 description of the premises for placing the same on the tax duplicate, together with all interest and penalties  
158 allowed by law. From the date of entry, a lien shall vest on the premises in accordance with Ohio R.C.  
159 715.261.

160 Notwithstanding the power and authority to certify a lien, set forth in this section, nothing shall abrogate  
161 nor limit any other right of recovery the City may have. The Law Director shall take any action necessary  
162 to collect the costs incurred under this Chapter from the owner or other responsible party.

163 (Ord. 2012-4. Passed 1-26-12.)  
164

165 **1311.10 ENFORCEMENT.**

166 The Building Inspectors, under the supervision of the Chief Building Official and on consultation of the  
167 Fire Prevention Bureau, are designated as the “Building Official” within the meaning of this chapter and  
168 have full authority to apply for warrants, issue orders, compel repair or demolition, and any other act  
169 called for by this chapter.

170 (Ord. 2012-4. Passed 1-26-12.)  
171

172 **1311.11 APPEAL TO BOARD OF ZONING AND BUILDING APPEALS.**

173 (a) Any owner, manager, lessee or occupant of a building who has received an order from the Building  
174 Official to repair or demolish a structure under this Chapter, may appeal that order within ten (10) days of  
175 notice of such order to the Board of Zoning and Building Appeals by filing a written Notice of Appeal  
176 and including the applicable fee as contained in Section [965.03\(c\)](#) as amended. The written Notice of  
177 Appeal shall state the reason for said appeal.

178 (b) Upon receipt of an appeal commenced under Section [1311.11\(a\)](#), the Board of Zoning and Building  
179 Appeals shall cause a meeting for the hearing of the appeal to be scheduled in accordance with  
180 Sections [11.04](#) and [11.05](#) of the Stow Charter and Sections [1137.05](#) (b) and (c).

181 (c) On any appeal filed under Section [1311.11\(a\)](#), the Board of Zoning and Building Appeals may  
182 modify, reverse or affirm the decision of the Building Official. All appeals shall be considered de novo.

183 (d) All appeals initiated under Section [1311.11\(a\)](#) shall be filed in writing with the secretary of the  
184 Board of Zoning and Building Appeals, who shall promptly forward the appeal to the Board of Zoning  
185 and Building Appeals. Upon the submission of an appeal under this Section, all orders of the Building

186 Official shall be stayed, unless the Building Official certifies in writing that the order is in response to an  
187 emergency situation necessary for the immediate preservation of the health, safety and welfare of the  
188 community.

189 (Ord. 2012-4. Passed 1-26-12.)  
190

191 **1311.12 STRUCTURES VACANT AND OPEN ENTRY.**

192 (a) Legislative Findings. Council finds that structures which are vacant and open to entry at doors,  
193 windows or other points accessible to the general public:

194 (1) Attract children to enter;

195 (2) Become a harborage for vermin;

196 (3) Serve as temporary abode for derelicts, vagrants and criminals;

197 (4) Are likely to be damaged by vandals or set ablaze by arsonists;

198 (5) Often become dilapidated because they are not repaired by the owners or persons in control of  
199 the structures;

200 (6) Depress the market value of surrounding properties; and,

201 (7) Neglected grounds surrounding such vacant, open structures invite the dumping of garbage and  
202 rubbish thereupon.

203 (b) Building Inspector to Secure. Whenever the Building Official finds a vacant structure open to entry  
204 at doors, windows or other points accessible to the general public, the Official may cause the structure to  
205 be secured at those points of entry. The Building Official shall be authorized at any time to enter upon the  
206 premises and secure the structure in order to lessen the severity of risk caused by the dangerous building.  
207 In securing such structure, the Building Official may call upon any department, division or bureau of the  
208 City or whatever assistance may be necessary, or may, by private contract, secure such structure. Such  
209 securing shall not be deemed to constitute effective boarding pursuant to subsection (c) hereof, and shall  
210 not abate the necessity to repair or remove the dangerous building. The Notice of Violation shall include  
211 the fact that the Building Official has found it necessary to take appropriate action to secure the structure.

212 (c) Effective Boarding Pending Repair or Removal.

213 (1) Materials. The effective boarding of a structure shall include, but not be limited to, doors,  
214 windows, or other areas of the structure open to ingress or egress and to weather elements at any and all  
215 levels of the structure. Such openings shall be secured by plywood, not less than one-half inch thick, or  
216 other materials of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches  
217 wide shall be framed by two inch by four inch lumber and plywood, or equivalent material fastened  
218 twenty- four inches on center onto frame. The plywood or equivalent material shall be fastened into the  
219 openings by screw type nail or lag screws.

220 (2) Maintenance. Upon effectively boarding the structure, the owner shall monitor and maintain the  
221 structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior  
222 structure which is deemed to be potentially hazardous due to deteriorated conditions, or be structurally  
223 unsound shall be removed or treated in such a manner so as to eliminate the hazard. The exterior premises  
224 shall be maintained free from high weeds, debris, junk vehicles and conditions that may provide harborage  
225 for rodents. Failure of the owner to properly maintain the building in the above condition, will result in  
226 the structure being deemed a public nuisance, and scheduled for repair or removal.

227 (3) Rehabilitation. Rehabilitation shall commence on a time table approved by the Building Official.  
228 If rehabilitation of the effectively boarded building does not commence on the approved time table or if  
229 the permits are otherwise invalidated or revoked, then the Building Official may declare that the nuisance  
230 has not been abated and scheduled the structure for repair or removal.

231 (Ord. 2012-4. Passed 1-26-12.)

232  
233 **1311.99 PENALTY.**

234 (a) The owner of any dangerous building who fails to comply with any notice or order to repair, vacate  
235 or demolish such building, given by any person authorized by this chapter to give such notice or order,  
236 shall be guilty of a misdemeanor of the first degree for each offense. Each day of noncompliance with this  
237 chapter shall constitute a separate offense.

238 (b) Any owner of a dangerous building who sells, transfers, mortgages, leases or otherwise disposes of  
239 property to another without compliance with Section [1311.04](#)(c) shall be guilty of a misdemeanor of the  
240 first degree.

241 (c) The occupant or lessee in possession who fails to comply any notice to vacate and who fails to  
242 repair such building in accordance with any notice given, as provided in this chapter, shall be guilty of a  
243 misdemeanor of the second degree for each offense. Each day of noncompliance with this chapter shall  
244 constitute a separate offense.

245 (d) Whoever violates Section [1311.05](#) of this chapter shall be guilty of a misdemeanor of the second  
246 degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.

247  
248 **be, and the same is, hereby amended to read:**

249  
250 **1311.01 DANGEROUS BUILDING DEFINED.**

251 All buildings or structures which have any or all of the following defects shall be deemed “dangerous  
252 buildings”:

- 253 (a) Those whose interior walls or other vertical structural members list, lean or buckle to such  
254 an extent that a plumb line passing through the center of gravity falls outside of the middle  
255 third of its base.
- 256 (b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of  
257 damage or deterioration of the supporting member or members, or fifty percent (50%) of  
258 damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- 259 (c) Those which have improperly distributed loads upon the floors or roofs or in which the same  
260 are overloaded, or which have insufficient strength to be reasonably safe for the purpose  
261 used.
- 262 (d) Those which have been damaged by fire, wind or other causes so as to have become  
263 dangerous to life, safety, morals or the general health and welfare of the occupants or the  
264 people of the City.
- 265 (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so  
266 utterly fail to provide the amenities essential to decent living that they are unfit for human  
267 habitation, or are likely to cause sickness or disease, so as to cause injury to the health,  
268 morals, safety or general welfare of those living therein.
- 269 (f) Those having light, air and sanitation facilities which are inadequate to protect the health,  
270 morals, safety or general welfare of human beings who live or may live therein.
- 271 (g) Those having inadequate facilities for egress in case of fire or panic, or those having  
272 insufficient stairways, elevators, fire escapes or other means of communication.
- 273 (h) Those which have parts thereof which are so attached that they may fall and injure members  
274 of the public or property.
- 275 (i) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health,  
276 morals, safety or general welfare of the people of the City.
- 277 (j) Those buildings existing in violation of any provisions of the Building Code, any provision



278 of the Fire Prevention Code or other ordinances of the City.

279 (k) Those buildings which are vacant and unguarded at the doors or windows.

280 (l) Those buildings which are the site of a clandestine drug lab and the damage from such drug  
281 lab is found to be so severe that clean-up alone is impractical or ineffective to reduce the  
282 associated health and safety risks.

283 (Ord. 2013-77. Passed 6-27-13.)  
284

### 285 **1311.02 DANGEROUS BUILDINGS; NUISANCES.**

286 As used in this chapter, all dangerous buildings, within the terms of Section [1311.01](#) are hereby declared  
287 and shall be deemed to be public nuisances by reason of the condition in which the same are permitted to  
288 be or remain, and which shall or may endanger the health, life, limb or property, or cause any hurt, harm,  
289 inconvenience, discomfort, damage or injury to any one or more persons in the City, in any one or more  
290 of the following particulars:

291 (a) By reason of being a nuisance to the general health of the community.

292 (b) By reason of being a fire hazard.

293 (c) By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid  
294 premises.

295 (d) By reason of being a nuisance, because of long-continued vacancy, lack of reasonable or  
296 adequate maintenance of structure and/or premises adjacent thereto, thereby depreciating  
297 the enjoyment and use of property in the immediate vicinity to such an extent that it is  
298 harmful to the community in which such structure is situated.

299 (Ord. 2012-4. Passed 1-26-12.)  
300

### 301 **1311.03 AGREEMENT TO REPAIR OR REMOVE.**

302 The record title holders and lienholders of the property may enter into an agreement, with a term of a  
303 minimum of six (6) months, with the City to perform the repair or removal of an unsafe building. Should  
304 the record title holders and lienholders of the property enter into an agreement with the City to perform  
305 the repair or removal of an unsafe building, the City shall not demolish the subject building until such  
306 time as the agreement term has expired, the agreement has been terminated (by either party), or the Chief  
307 Building Official has, after the entering into of such agreement, deemed that the condition of the unsafe  
308 building has additional defects, or defects in a worse condition, as defined in 1311.01.

309 (Ord. 2012-4. Passed 1-26-12.)  
310

### 311 **1311.04 AUTHORITY TO EXAMINE PREMISES; REMEDIAL ORDER.**

312 (a) The Building Official or a person delegated by him shall be empowered to examine or cause  
313 to be examined any building or dwelling within the City, to determine whether such building  
314 or dwelling is dangerous, unsafe or constitutes a nuisance, as provided by this chapter, and  
315 may apply to a court of competent jurisdiction for an administrative search warrant to enter  
316 said premises for inspection.  
317

318 (b) Prior to the Building Official declaring that a building is deemed to be dangerous, the  
319 Building Official shall provide notice, by posting of the notice at the subject property, and  
320 send notice by regular 1<sup>st</sup> class U.S. mail. Such notice shall contain defects or conditions  
321 that would cause the building to be deemed dangerous. If an emergency exists, notice  
322 required under 1311.04(b) is not necessary, and the Building Official may follow all  
323 requirements under 1311.04(c). Such notice shall give the property owner at least thirty (30)

324 days from the date of posting to correct the violation before the Building Official proceeds  
325 to declaring the building dangerous under 1311.04(c).  
326

327 (b) (c) The Building Official shall examine or cause to be examined every building or structure or  
328 portion thereof reported or believed to be a dangerous building. Unless another deadline is  
329 established under this chapter, the owner shall comply with the notice of violation within  
330 thirty (30) days. The Building Official shall give written notice by regular 1<sup>st</sup> Class U.S.  
331 mail and posting signs on the dangerous building in accordance with Section 1311.05 of his  
332 intention to repair or remove the building to the record title holders and lienholders of the  
333 property. If any emergency exists, notice may be given by other means fifteen (15) days  
334 prior to repair or removal.  
335

336 If the Notice of Violation is returned as undeliverable by the USPS, the Building Official  
337 shall cause the Notice of Violation to be made by publication in a newspaper of general  
338 circulation in the county. The publication shall be published at least once a week for four  
339 (4) successive weeks and shall contain the name, address and phone number of the office of  
340 the Building Official, the address of the dangerous building, the name and last known  
341 address of the owner of the dangerous building, a summary statement that the building has  
342 been determined to be dangerous and that the building must be repaired or removed, and  
343 that the owner is required to contact the Building Official and comply with the Notice of  
344 Violation within fifteen (15) days after the publication.  
345

346 The Building Official may grant an extension of time for compliance with the Notice of  
347 Violation upon the owner's written request and for good cause shown. Such extensions of  
348 time may be granted at any point of time prior to demolition of said property. If an extension  
349 of time is granted, all signs posted pursuant to 1311.05 shall be updated to include the new  
350 deadline  
351

352 (e) (d) It shall be unlawful for the owner of any dwelling unit or structure who has received a  
353 notice pursuant to paragraph (b), or whom a notice of violation has been served, to sell,  
354 transfer, mortgage, lease or otherwise dispose of property to another until the provisions of  
355 the notice of violation have been complied with, or until such owner shall first furnish the  
356 grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of  
357 violation issued by the Building Official, and furnish the Building Official with a signed  
358 and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging  
359 the receipt of such notice of violation and fully accepting the responsibility, without  
360 condition, for making the corrections or repairs required by such notice of violation.

361 (Ord. 2012-4. Passed 1-26-12.)  
362

### 363 **1311.05 POSTING OF SIGNS.**

364 The Building Official shall cause to be posted at each entrance to such building or structure or portion  
365 thereof a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT  
366 REGULATION, CITY OF STOW, OHIO." Such notice shall include the date of posting and a deadline  
367 as established in Section 1311.04(c) of this Code. Such notice shall remain posted until the required repairs  
368 are made or demolition is completed. It shall be unlawful for any person to remove such notice without  
369 permission of the Building Official or for any person to enter the building, except for the purpose of

370 making the required repairs or demolishing the same.  
371 (Ord. 2012-4. Passed 1-26-12.)

372  
373 **1311.06 PERMITS.**

374 In all cases of construction or repair pursuant to orders of the Building Official, permits covering such  
375 work shall be obtained as required by other sections of this Building Code. A permit being granted by the  
376 Building Department does not entitle the record title owner or lienholders to any extension of time, absent  
377 additional extensions granted under 1311.03 or 1311.04(c).  
378 (Ord. 2012-4. Passed 1-26-12.)

379  
380 **1311.07 RIGHT TO DEMOLISH.**

381 In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect,  
382 or refuse to comply with the notice to repair, rehabilitate, or demolish and remove said building or  
383 structure or portion thereof, such party, either the owner of record or the purchaser under land contract,  
384 shall be subject to the penal provisions of this Building Code and the Building Official shall proceed to  
385 have the building or structure or portion thereof demolished and removed from the premises, leaving the  
386 premises in a clean, safe, and sanitary condition, and the cost of such work shall be paid by the City. If  
387 the City is not immediately reimbursed for such costs, the title cost as defined in R.C. 715.261(A) shall  
388 be collected as provided in R.C. 715.261(B)(1) or (2).  
389 (Ord. 2012-4. Passed 1-26-12.)

390  
391 **1311.08 UNSAFE CONDITIONS; REPORTS.**

392 Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that  
393 there exists, on the premises, a condition which may endanger other property or the life or limb of any  
394 person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall,  
395 within twenty-four hours after such discovery, report the existence of such dangerous condition to the  
396 Building Official, who shall forthwith take such steps as may be necessary to protect the public safety and  
397 welfare. If the Building Official cannot be located, such report shall be made to the Director of Public  
398 Service. No person who is an owner, manager, lessee, or occupant of a building on which premises such  
399 a dangerous condition exists and who knows or should know of such dangerous condition shall fail to  
400 make such report to either the Building Official or Director of Public Service within twenty-four hours  
401 after such knowledge is obtained or should have been obtained.  
402 (Ord. 2012-4. Passed 1-26-12.)

403  
404 **1311.09 FAILURE TO ACT; REMEDY BY CITY; COSTS CERTIFIED AS LIEN.**

405 Any and all costs incurred under this chapter shall be paid by the owner of such building or structure.  
406 The owner shall reimburse the City all expenses, including but not limited to the cost of securing, boarding,  
407 vacating, repairing or demolishing the Dangerous Building.

408 If any person fails to comply with any lawful order of the Building Official within the time limit  
409 specified in such order, the Building Official shall cause such building to be secured, effectively boarded,  
410 vacated, repaired or demolished, as the facts may warrant, under the standards provided for in this chapter.  
411 Council, with the assistance of the Director of Finance shall cause the costs of such securing, boarding,  
412 vacating, repair or demolition, including the costs of service or publication of notice, to be certified to the  
413 Clerk of Council, who shall certify the aforesaid costs to the County Auditor, together with a proper  
414 description of the premises for placing the same on the tax duplicate, together with all interest and penalties  
415 allowed by law. From the date of entry, a lien shall vest on the premises in accordance with Ohio R.C.

416 715.261.

417 Notwithstanding the power and authority to certify a lien, set forth in this section, nothing shall abrogate  
418 nor limit any other right of recovery the City may have. The Law Director shall take any action necessary  
419 to collect the costs incurred under this Chapter from the owner or other responsible party.

420 (Ord. 2012-4. Passed 1-26-12.)

421

422 **1311.10 ENFORCEMENT.**

423 The Building Inspectors, under the supervision of the Chief Building Official and on consultation of the  
424 Fire Prevention Bureau, are designated as the “Building Official” within the meaning of this chapter and  
425 have full authority to apply for warrants, issue orders, compel repair or demolition, and any other act  
426 called for by this chapter.

427 (Ord. 2012-4. Passed 1-26-12.)

428

429 **1311.11 APPEAL TO BOARD OF ZONING AND BUILDING APPEALS.**

430 ~~(a) Any owner, manager, lessee or occupant of a building who has received an order from the~~  
431 ~~Building Official to repair or demolish a structure under this Chapter, may appeal that order~~  
432 ~~within ten (10) days of notice of such order to the Board of Zoning and Building Appeals~~  
433 ~~by filing a written Notice of Appeal and including the applicable fee as contained in~~  
434 ~~Section 965.03(c) as amended. The written Notice of Appeal shall state the reason for said~~  
435 ~~appeal.~~

436 (a) Upon the designation as a Dangerous Building by the Chief Building Official under this  
437 Section, an appeal shall be filed with the Board of Zoning and Building Appeals by the  
438 Chief Building Official. No Fee is associated with the Appeal.

439 (b) Upon receipt of an appeal commenced under Section 1311.11(a), the Board of Zoning and  
440 Building Appeals shall cause a meeting for the hearing of the appeal to be scheduled in  
441 accordance with Sections 11.04 and 11.05 of the Stow Charter and Sections 1137.05 (b)  
442 and (c).

443 (c) On any appeal filed under Section 1311.11(a), the Board of Zoning and Building Appeals  
444 may modify, reverse or affirm the decision of the Building Official. All appeals shall be  
445 considered de novo.

446 (d) All appeals initiated under Section 1311.11(a) shall be filed in writing with the secretary of  
447 the Board of Zoning and Building Appeals, who shall promptly forward the appeal to the  
448 Board of Zoning and Building Appeals. Upon the submission of an appeal under this  
449 Section, all orders of the Building Official shall be stayed, unless the Building Official  
450 certifies in writing that the order is in response to an emergency situation necessary for the  
451 immediate preservation of the health, safety and welfare of the community.

452 (e) If an appeal is successful the building official shall remove the dangerous building  
453 designation and the owner shall have one year from the date of the appeal to bring the  
454 structure into compliance with all applicable City codes and ordinance. If an appeal is  
455 denied, the building official shall cause the building to be razed and a special assessment  
456 shall be placed on the tax duplicate for the subject property covering the cost thereof.

457

458

459 (Ord. 2012-4. Passed 1-26-12.)

460

461 **1311.12 STRUCTURES VACANT AND OPEN ENTRY.**

- 462 (a) Legislative Findings. Council finds that structures which are vacant and open to entry at  
463 doors, windows or other points accessible to the general public:  
464 (1) Attract children to enter;  
465 (2) Become a harborage for vermin;  
466 (3) Serve as temporary abode for derelicts, vagrants and criminals;  
467 (4) Are likely to be damaged by vandals or set ablaze by arsonists;  
468 (5) Often become dilapidated because they are not repaired by the owners or  
469 persons in control of the structures;  
470 (6) Depress the market value of surrounding properties; and,  
471 (7) Neglected grounds surrounding such vacant, open structures invite the dumping  
472 of garbage and rubbish thereupon.
- 473 (b) Building Inspector to Secure. Whenever the Building Official finds a vacant structure open  
474 to entry at doors, windows or other points accessible to the general public, the Official may  
475 cause the structure to be secured at those points of entry. The Building Official shall be  
476 authorized at any time to enter upon the premises and secure the structure in order to lessen  
477 the severity of risk caused by the dangerous building. In securing such structure, the  
478 Building Official may call upon any department, division or bureau of the City or whatever  
479 assistance may be necessary, or may, by private contract, secure such structure. Such  
480 securing shall not be deemed to constitute effective boarding pursuant to subsection (c)  
481 hereof, and shall not abate the necessity to repair or remove the dangerous building. The  
482 Notice of Violation shall include the fact that the Building Official has found it necessary  
483 to take appropriate action to secure the structure.
- 484 (c) Effective Boarding Pending Repair or Removal.  
485 (1) Materials. The effective boarding of a structure shall include, but not be limited  
486 to, doors, windows, or other areas of the structure open to ingress or egress and  
487 to weather elements at any and all levels of the structure. Such openings shall be  
488 secured by plywood, not less than one-half inch thick, or other materials of equal  
489 strength, cut and fit into the openings. Openings in excess of forty-eight inches  
490 wide shall be framed by two inch by four inch lumber and plywood, or equivalent  
491 material fastened twenty- four inches on center onto frame. The plywood or  
492 equivalent material shall be fastened into the openings by screw type nail or lag  
493 screws.
- 494 (2) Maintenance. Upon effectively boarding the structure, the owner shall monitor  
495 and maintain the structure and its surrounding premises in a safe, sanitary and  
496 secured condition. Any portion of the exterior structure which is deemed to be  
497 potentially hazardous due to deteriorated conditions, or be structurally unsound  
498 shall be removed or treated in such a manner so as to eliminate the hazard. The  
499 exterior premises shall be maintained free from high weeds, debris, junk vehicles  
500 and conditions that may provide harborage for rodents. Failure of the owner to  
501 properly maintain the building in the above condition, will result in the structure  
502 being deemed a public nuisance, and scheduled for repair or removal.
- 503 (3) Rehabilitation. Rehabilitation shall commence on a time table approved by the  
504 Building Official. If rehabilitation of the effectively boarded building does not  
505 commence on the approved time table or if the permits are otherwise invalidated  
506 or revoked, then the Building Official may declare that the nuisance has not been  
507 abated and scheduled the structure for repair or removal.

(Ord. 2012-4. Passed 1-26-12.)

**1311.99 PENALTY.**

- (a) The owner of any dangerous building who fails to comply with any notice or order to repair, vacate or demolish such building, given by any person authorized by this chapter to give such notice or order, shall be guilty of a misdemeanor of the first degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.
- (b) Any owner of a dangerous building who sells, transfers, mortgages, leases or otherwise disposes of property to another without compliance with Section [1311.04\(c\)](#) shall be guilty of a misdemeanor of the first degree.
- (c) The occupant or lessee in possession who fails to comply any notice to vacate and who fails to repair such building in accordance with any notice given, as provided in this chapter, shall be guilty of a misdemeanor of the second degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.
- (d) Whoever violates Section [1311.05](#) of this chapter shall be guilty of a misdemeanor of the second degree for each offense. Each day of noncompliance with this chapter shall constitute a separate offense.

(Ord. 2012-4. Passed 1-26-12.)

SECTION 2. That all other terms and provisions of Chapter 1311.11, C.O.S. not amended herein, be, and the same are, hereby incorporated, as if fully reappearing herein.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, of the City Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

1  
2  
3 ORDINANCE NO. 2023-189  
4  
5

REQUESTED BY ENGINEERING DEPT.  
APPROVED BY PUBLIC IMPROVEMENTS  
INTRODUCED BY LOWDERMILK

6 AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE TRANSFER  
7 OF BRIDGE OWNERSHIP, MAINTENANCE, AND INSPECTION  
8 RESPONSIBILITIES FOR A BRIDGE LOCATED IN THE CITY OF STOW  
9 FROM SUMMIT COUNTY TO THE CITY OF STOW, AND DECLARING AN  
10 EMERGENCY.  
11

12 WHEREAS, Summit County has notified the City of Stow that ownership, maintenance, and  
13 inspection responsibilities of one bridge (the “Bridge”) on roadways that were previously designated  
14 as Township routes and are now City street should be transferred to the City of Stow, and  
15

16 WHEREAS, both Summit County and the City of Stow have a duty to repair bridges within  
17 the territorial limits of the City depending on the roadway upon which the bridge is located, and  
18

19 WHEREAS, Summit County has a duty to repair bridges on improved roads within the City  
20 of Stow when the road is a state road, county road, or a road that is of general or public utility  
21 running into or through the City of Stow, and  
22

23 WHEREAS, the City of Stow has a duty to repair bridges on improved roads that are  
24 established for the use and convenience of the City of Stow and not a party of a state or county road,  
25 and  
26

27 WHEREAS, the Bridge is located upon a road within the City of Stow that has been  
28 established for the use and convenience of the City of Stow, and  
29

30 WHEREAS, it is the desire of this Council to accept the transfer of ownership, maintenance,  
31 and inspection responsibilities of said Bridge from the County, and  
32

33 WHEREAS, the City Engineer asks that this Council waive the rule requiring three readings;  
34

35 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
36 COUNTY OF SUMMIT, STATE OF OHIO, THAT:  
37

38 SECTION 1. The Mayor is authorized to accept the ownership, maintenance, and inspection  
39 responsibilities for the bridge listed in “Exhibit A,” attached hereto and incorporated herein by  
40 reference.  
41

42 SECTION 2. The City Engineer shall notify the Ohio Department of Transportation  
43 (“ODOT”) of the transfer and shall request that the inspection of said bridge be included in ODOT’s  
44 annual inspection programs.  
45



City of Stow, OH  
Ordinance No. 2023-189  
Page 2

46           SECTION 3. This Council finds and determines that all formal actions of this Council  
47 concerning and relating to the passage of this Resolution were taken in an open meeting of this  
48 Council and that all deliberations of this Council and of any of its committees or subcommittees that  
49 resulted in those formal actions were in meetings open to the public in compliance with the law.  
50

51           SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is  
52 hereby declared to be an emergency measure necessary for the immediate preservation of the public  
53 health and safety for the reason that it is necessary to transfer ownership of this bridge at the earliest  
54 time possible, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council  
55 and approval by the Mayor, otherwise at the earliest period allowed by law.  
56

57  
58 ADOPTED BY COUNCIL \_\_\_\_\_  
59

60  
61 ATTEST \_\_\_\_\_  
62           Lorree Villers  
63           CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

64  
65 FILED WITH MAYOR \_\_\_\_\_  
66

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

67 FILED WITH CLERK \_\_\_\_\_  
68

69 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

70  
71  
72  
73 \_\_\_\_\_  
Jaime Syx, LAW DIRECTOR  
74

EXHIBIT A

SFN	ROADWAY	STREAM	MATERIAL	TYPE	DESCRIPTION	OVERALL LENGTH / SPAN (FT)	DECK WIDTH (FT)	YEAR BUILT
7753098	Allen Rd.	Branch Mud Brook	Concrete	Slab	Simple	12	33	1938

1           ORDINANCE NO. 2023-190

                  REQUESTED BY FINANCE DIRECTOR  
                  APPROVED BY FINANCE COMMITTEE  
                  INTRODUCED BY HARRISON

2  
3  
4  
5           AN ORDINANCE AMENDING CHAPTER 194 C.O.S, ENTITLED “MUNICIPAL INCOME  
6           TAX, EFFECTIVE JANUARY 1, 2016” AND DECLARING AN EMERGENCY

7  
8           WHEREAS, in July 2023, the State of Ohio passed House Bill 33, which amended Ohio Revised  
9           Code Section 718, which governs collection of municipal income tax; and

10  
11           WHEREAS, due to changes in state law, the City of Stow needs to update Chapter 194 C.O.S. to  
12           bring municipal income tax collection in compliance with state law; and

13  
14           WHEREAS, for this reason, Council desires to amend Section 194 of the City of Stow Codified  
15           Ordinances as set forth in this Ordinance;

16  
17           WHEREAS, the Finance Director requests that Council waive the rule requiring three readings in  
18           order to make the necessary changes before the end of the year;

19  
20           NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
21           COUNTY OF SUMMIT AND STATE OF OHIO:

22  
23           SECTION 1. That Chapter 194 C.O.S., entitled “Municipal Income Tax, Effective January 1,  
24           2016” which currently reads:

25  
26           **194.062           NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE**  
27           **APPORTIONMENT.**

28  
29           This section applies to any taxpayer engaged in a business or profession in the Municipality unless the  
30           taxpayer is an individual who resides in the Municipality or the taxpayer is an electric company, combined  
31           company, or telephone company that is subject to and required to file reports under Chapter 5745 of the  
32           Ohio Revised Code.

33           (A)   Net profit from a business or profession conducted both within and without the boundaries of the  
34           Municipality shall be considered as having a taxable situs in the Municipality for purposes of  
35           municipal income taxation in the same proportion as the average ratio of the following:

36           (1)   The average original cost of the real property and tangible personal property owned or used  
37           by the taxpayer in the business or profession in the Municipality during the taxable period  
38           to the average original cost of all of the real and tangible personal property owned or used  
39           by the taxpayer in the business or profession during the same period, wherever situated.

40           As used in the preceding paragraph, tangible personal or real property shall include  
41           property rented or leased by the taxpayer and the value of such property shall be determined  
42           by multiplying the annual rental thereon by eight;

43           (2)   Wages, salaries, and other compensation paid during the taxable period to individuals  
44           employed in the business or profession for services performed in the Municipality to  
45           wages, salaries, and other compensation paid during the same period to individuals  
46           employed in the business or profession, wherever the individual's services are performed,  
47           excluding compensation from which taxes are not required to be withheld under

- 48 section 194.052 of this Chapter;
- 49 (3) Total gross receipts of the business or profession from sales and rentals made and services  
50 performed during the taxable period in the Municipality to total gross receipts of the  
51 business or profession during the same period from sales, rentals, and services, wherever  
52 made or performed.
- 53 (B) (1) If the apportionment factors described in division (A) of this section do not fairly  
54 represent the extent of a taxpayer's business activity in the Municipality, the  
55 taxpayer may request, or the Tax Administrator of the Municipality may require, that the  
56 taxpayer use, with respect to all or any portion of the income of the taxpayer, an  
57 alternative apportionment method involving one or more of the following:
- 58 (a) Separate accounting;
- 59 (b) The exclusion of one or more of the factors;
- 60 (c) The inclusion of one or more additional factors that would provide for a more fair  
61 apportionment of the income of the taxpayer to the Municipality;
- 62 (d) A modification of one or more of the factors.
- 63 (2) A taxpayer request to use an alternative apportionment method shall be in writing and shall  
64 accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax  
65 return. The taxpayer may use the requested alternative method unless the Tax  
66 Administrator denies the request in an assessment issued within the period prescribed by  
67 division (A) of Section 194.19 of this Chapter.
- 68 (3) The Tax Administrator may require a taxpayer to use an alternative apportionment method  
69 as described in division (B)(1) of this section only by issuing an assessment to the taxpayer  
70 within the period prescribed by division (A) of Section 194.19 of this Chapter.
- 71 (4) Nothing in division (B) of this section nullifies or otherwise affects any alternative  
72 apportionment arrangement approved by the Tax Administrator or otherwise agreed upon  
73 by both the Tax Administrator and taxpayer before January 1, 2016.
- 74 (C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only  
75 wages, salaries, or other compensation paid to an employee for services performed at any of the  
76 following locations:
- 77 (1) A location that is owned, controlled, or used by, rented to, or under the possession of one  
78 of the following:
- 79 (a) The employer;
- 80 (b) A vendor, customer, client, or patient of the employer, or a related member of such  
81 a vendor, customer, client, or patient;
- 82 (c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of  
83 this section, or a related member of such a vendor, customer, client, or patient.
- 84 (2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial,  
85 or similar administrative, judicial, or legislative matter or proceeding is being conducted,  
86 provided that the compensation is paid for services performed for, or on behalf of, the  
87 employer or that the employee's presence at the location directly or indirectly benefits the  
88 employer;
- 89 (3) Any other location, if the Tax Administrator determines that the employer directed the  
90 employee to perform the services at the other location in lieu of a location described in  
91 division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's  
92 municipal income tax liability. If the Tax Administrator makes such a determination, the  
93 employer may dispute the determination by establishing, by a preponderance of the

- 94 evidence, that the Tax Administrator's determination was unreasonable.
- 95 (D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and  
96 services performed are situated to a municipal corporation as follows:
- 97 (1) Gross receipts from the sale of tangible personal property are situated to the municipal  
98 corporation in which the sale originated. For the purposes of this division, a sale of property  
99 originates in the Municipality if, regardless of where title passes, the property meets any of  
100 the following criteria:
- 101 (a) The property is shipped to or delivered within the Municipality from a stock of  
102 goods located within the Municipality.
- 103 (b) The property is delivered within the Municipality from a location outside the  
104 Municipality, provided the taxpayer is regularly engaged through its own  
105 employees in the solicitation or promotion of sales within the Municipality and the  
106 sales result from such solicitation or promotion.
- 107 (c) The property is shipped from a place within the Municipality to purchasers outside  
108 the municipal corporation, provided that the taxpayer is not, through its own  
109 employees, regularly engaged in the solicitation or promotion of sales at the place  
110 where delivery is made.
- 111 (2) Gross receipts from the sale of services are situated to the Municipality to the extent that  
112 such services are performed in the Municipality.
- 113 (3) To the extent included in income, gross receipts from the sale of real property located in  
114 the Municipality are situated to the Municipality.
- 115 (4) To the extent included in income, gross receipts from rents and royalties from real property  
116 located in the Municipality are situated to the Municipality.
- 117 (5) Gross receipts from rents and royalties from tangible personal property are situated to the  
118 Municipality based upon the extent to which the tangible personal property is used in the  
119 Municipality.
- 120 (E) The net profit received by an individual taxpayer from the rental of real estate owned directly by  
121 the individual or by a disregarded entity owned by the individual is subject to the Municipality's  
122 tax only if the property generating the net profit is located in the Municipality or if the individual  
123 taxpayer that receives the net profit is a resident of the Municipality. The Municipality shall allow  
124 such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated  
125 under this division to the municipal corporation in which the property is located.
- 126 (F) (1) Except as provided in division (F)(2) of this section, commissions received by a real  
127 estate agent or broker relating to the sale, purchase, or lease of real estate are situated to the  
128 municipal corporation in which the real estate is located. Net profit reported by the  
129 real estate agent or broker will be allocated to the Municipality, if applicable, based upon the  
130 ratio of the commissions the agent or broker received from the sale, purchase, or lease of  
131 real estate located in the Municipality to the commissions received from the sale, purchase, or  
132 lease of real estate everywhere in the taxable year.
- 133 (2) An individual who is a resident of the Municipality must report the individual's net profit  
134 from all real estate activity on the individual's annual tax return for the Municipality. Such  
135 an individual may claim a credit for taxes the individual paid on such net profit to another  
136 municipal corporation to the extent that such credit is allowed under Section 194.081 of  
137 this Chapter.
- 138 (G) Intentionally left blank.
- 139 (H) When calculating the ratios described in division (A) of this section for the purposes of that

140 division or division (B) of this section, the owner of a disregarded entity shall include in the owner's  
141 ratios the property, payroll, and gross receipts of such disregarded entity.  
142 (Ord. 2015-146. Passed 11-19-15.)  
143

144 **194.094 EXTENSION OF TIME TO FILE.**  
145

- 146 (A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's  
147 federal income tax return shall automatically receive an extension for the filing of the  
148 Municipality's income tax return. The extended due date of the Municipality's income tax return  
149 shall be the fifteenth day (15th) of the tenth month (10th) after the last day of the taxable year to  
150 which the return relates.
- 151 (B) Any taxpayer that qualifies for an automatic federal extension for a period other than six-months  
152 for filing the taxpayer's federal income tax return shall automatically receive an extension for the  
153 filing of a municipal income tax return. The extended due date of the municipal income tax return  
154 shall be the same as that of the extended federal income tax return.
- 155 (C) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal  
156 income tax return may request that the Tax Administrator grant the taxpayer a six-month extension  
157 of the date for filing the taxpayer's Municipal income tax return. If the request is received by the  
158 Tax Administrator on or before the date the municipal income tax return is due, the tax  
159 administrator shall grant the taxpayer's requested extension.
- 160 (D) An extension of time to file under this Chapter is not an extension of the time to pay any tax due  
161 unless the Tax Administrator grants an extension of that date.
- 162 (E) If the State Tax Commissioner extends for all taxpayers the date for filing state income tax returns  
163 under division (G) of section 5747.08 of the Ohio Revised Code, a taxpayer shall automatically  
164 receive an extension for the filing of the Municipal income tax return. The extended due date of  
165 the Municipality's income tax return shall be the same as the extended due date of the state income  
166 tax return. (Ord. 2014-146. Passed 11-19-15.)  
167

168 **194.10 PENALTY, INTEREST, FEES, AND CHARGES.**  
169

- 170 (A) As used in this section:
- 171 (1) "Applicable law" means this Chapter, the resolutions, ordinances, codes, directives,  
172 instructions, and rules adopted by the Municipality provided such resolutions, ordinances,  
173 codes, directives, instructions, and rules impose or directly or indirectly address the levy,  
174 payment, remittance, or filing requirements of the Municipality's income tax.
- 175 (2) "Federal short-term rate" means the rate of the average market yield on outstanding  
176 marketable obligations of the United States with remaining periods to maturity of three  
177 years or less, as determined under section 1274 of the Internal Revenue Code, for July of  
178 the current year.
- 179 (3) "Income tax," "estimated income tax," and "withholding tax" mean any income tax,  
180 estimated income tax, and withholding tax imposed by a municipal corporation pursuant  
181 to applicable law, including at any time before January 1, 2016.
- 182 (4) "Interest rate as described in division (A) of this section" means the federal short-term rate,  
183 rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for  
184 the calendar year next following the July of the year in which the federal short-term rate is  
185 determined in accordance with division (A)(2) of this section.

- 186 (5) "Return" includes any tax return, report, reconciliation, schedule, and other document  
187 required to be filed with the Tax Administrator or the Municipality by a taxpayer,  
188 employer, any agent of the employer, or any other payer pursuant to applicable law,  
189 including at any time before January 1, 2016.
- 190 (6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date  
191 the tax is required to be paid under applicable law.
- 192 (7) "Unpaid income tax" means income tax due but not paid by the date the income tax is  
193 required to be paid under applicable law.
- 194 (8) "Unpaid withholding tax" means withholding tax due but not paid by the date the  
195 withholding tax is required to be paid under applicable law.
- 196 (9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other  
197 payer did not withhold in whole or in part from an employee's qualifying wages, but that,  
198 under applicable law, the employer, agent, or other payer is required to withhold from an  
199 employee's qualifying wages.
- 200 (B) (1) This section applies to the following:  
201 (a) Any return required to be filed under applicable law for taxable years beginning on  
202 or after January 1, 2016;  
203 (b) Income tax, estimated income tax, and withholding tax required to be paid or  
204 remitted to the Municipality on or after January 1, 2016 for taxable years beginning  
205 on or after January 1, 2016
- 206 (2) This section does not apply to returns required to be filed or payments required to be made  
207 before January 1, 2016, regardless of the filing or payment date. Returns required to be  
208 filed or payments required to be made before January 1, 2016, but filed or paid after that  
209 date shall be subject to the ordinances or rules and regulations, as adopted before January  
210 1, 2016 of the Municipality to which the return is to be filed or the payment is to be made.
- 211 (C) The Municipality shall impose on a taxpayer, employer, any agent of the employer, and any other  
212 payer, and will attempt to collect, the interest amounts and penalties prescribed in this section  
213 when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails,  
214 in whole or in part, to make to the Municipality timely and full payment or remittance of income  
215 tax, estimated income tax, or withholding tax or to file timely with the Municipality any return  
216 required to be filed.
- 217 (1) Interest shall be imposed at the rate defined as "interest rate as described in division (A) of  
218 this section", per annum, on all unpaid income tax, unpaid estimated income tax, and  
219 unpaid withholding tax. This imposition of interest shall be assessed per month, or fraction  
220 of a month.
- 221 (2) With respect to unpaid income tax and unpaid estimated income tax, a penalty equal to  
222 fifteen percent (15%) of the amount not timely paid shall be imposed.
- 223 (3) With respect to any unpaid withholding tax, a penalty not exceeding fifty percent (50%) of  
224 the amount not timely paid shall be imposed.
- 225 (4) With respect to returns other than estimated income tax returns, the Municipality shall  
226 impose a monthly penalty of twenty-five dollars for each failure to timely file each return,  
227 regardless of the liability shown thereon for each month, or any fraction thereof, during  
228 which the return remains unfiled regardless of the liability shown thereon. The penalty  
229 shall not exceed a total of one hundred fifty dollars in assessed penalty for each failure to  
230 timely file a return.
- 231 (D) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the

232 Municipality shall not impose, seek to collect, or collect any penalty, amount of interest, charges  
233 or additional fees not described in this section.

234 (E) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the  
235 Municipality shall not refund or credit any penalty, amount of interest, charges, or additional fees  
236 that were properly imposed or collected before January 1, 2016.

237 (F) The Tax Administrator may, in the Tax Administrator's sole discretion, abate or partially abate  
238 penalties or interest imposed under this section when the Tax Administrator deems such abatement  
239 or partial abatement to be appropriate. Such abatement or partial abatement shall be properly  
240 documented and maintained on the record of the taxpayer who received benefit of such abatement  
241 or partial abatement.

242 (G) The Municipality may impose on the taxpayer, employer, any agent of the employer, or any other  
243 payer the Municipality's post-judgment collection costs and fees, including attorney's fees.

244 (Ord. 2018-16. Passed 1-25-18.)  
245

246 **194.21 ADMINISTRATION OF MUNICIPAL INCOME NET PROFIT TAX FOR BUSINESSES**  
247 **WHO HAVE ELECTED TO FILE NET PROFIT RETURNS WITH THE STATE OF OHIO**  
248 **BUSINESS GATEWAY.**  
249

250 Upon a taxpayer's election, an eligible taxpayer may elect to file a net profit return with the Ohio Business  
251 Gateway administered by the Tax Commissioner and shall thereafter be subject to Sections 718.80 through  
252 718.95 of the Ohio Revised Code in lieu of the provisions set forth within Chapter [194](#). This section shall  
253 apply to taxable years beginning on or after January 1, 2018. In the event that Sections 718.80 through  
254 Section 718.95 of the Ohio Revised Code are determined by a court of competent jurisdiction to be invalid  
255 or otherwise unenforceable, this section shall be considered null and void and shall be automatically  
256 repealed until and unless further legislative action is taken by City Council.

257 (Ord. 2018-16. Passed 1-25-18.)  
258

259 **be, and the same is, hereby amended to read:**  
260

261 **194.062 NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE**  
262 **APPORTIONMENT.**  
263

264 This section applies to any taxpayer engaged in a business or profession in the Municipality unless the  
265 taxpayer is an individual who resides in the Municipality or the taxpayer is an electric company, combined  
266 company, or telephone company that is subject to and required to file reports under Chapter 5745 of the  
267 Ohio Revised Code.

268 (A) Except as otherwise provided in divisions (B) and (I) of this section, net profit from a business  
269 or profession conducted both within and without the boundaries of the Municipality shall be  
270 considered as having a taxable situs in the Municipality for purposes of municipal income taxation  
271 in the same proportion as the average ratio of the following:

272 (1) The average original cost of the real property and tangible personal property owned or used  
273 by the taxpayer in the business or profession in the Municipality during the taxable period  
274 to the average original cost of all of the real and tangible personal property owned or used  
275 by the taxpayer in the business or profession during the same period, wherever situated.

276 As used in the preceding paragraph, tangible personal or real property shall include  
277 property rented or leased by the taxpayer and the value of such property shall be determined



- 278 by multiplying the annual rental thereon by eight;
- 279 (2) Wages, salaries, and other compensation paid during the taxable period to individuals
- 280 employed in the business or profession for services performed in the Municipality to
- 281 wages, salaries, and other compensation paid during the same period to individuals
- 282 employed in the business or profession, wherever the individual's services are performed,
- 283 excluding compensation from which taxes are not required to be withheld under
- 284 section [194.052](#) of this Chapter;
- 285 (3) Total gross receipts of the business or profession from sales and rentals made and services
- 286 performed during the taxable period in the Municipality to total gross receipts of the
- 287 business or profession during the same period from sales, rentals, and services, wherever
- 288 made or performed.
- 289 (B) (1) If the apportionment factors described in division (A) of this section do not fairly
- 290 represent the extent of a taxpayer's business activity in the Municipality, the
- 291 taxpayer may request, or the Tax Administrator of the Municipality may require, that the
- 292 taxpayer use, with respect to all or any portion of the income of the taxpayer, an
- 293 alternative apportionment method involving one or more of the following:
- 294 (a) Separate accounting;
- 295 (b) The exclusion of one or more of the factors;
- 296 (c) The inclusion of one or more additional factors that would provide for a more fair
- 297 apportionment of the income of the taxpayer to the Municipality;
- 298 (d) A modification of one or more of the factors.
- 299 (2) A taxpayer request to use an alternative apportionment method shall be in writing and shall
- 300 accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax
- 301 return. The taxpayer may use the requested alternative method unless the Tax
- 302 Administrator denies the request in an assessment issued within the period prescribed by
- 303 division (A) of Section 194.19 of this Chapter.
- 304 (3) The Tax Administrator may require a taxpayer to use an alternative apportionment method
- 305 as described in division (B)(1) of this section only by issuing an assessment to the taxpayer
- 306 within the period prescribed by division (A) of Section 194.19 of this Chapter.
- 307 (4) Nothing in division (B) of this section nullifies or otherwise affects any alternative
- 308 apportionment arrangement approved by the Tax Administrator or otherwise agreed upon
- 309 by both the Tax Administrator and taxpayer before January 1, 2016.
- 310 (C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only
- 311 wages, salaries, or other compensation paid to an employee for services performed at any of the
- 312 following locations:
- 313 (1) A location that is owned, controlled, or used by, rented to, or under the possession of one
- 314 of the following:
- 315 (a) The employer;
- 316 (b) A vendor, customer, client, or patient of the employer, or a related member of such
- 317 a vendor, customer, client, or patient;
- 318 (c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of
- 319 this section, or a related member of such a vendor, customer, client, or patient.
- 320 (2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial,
- 321 or similar administrative, judicial, or legislative matter or proceeding is being conducted,
- 322 provided that the compensation is paid for services performed for, or on behalf of, the
- 323 employer or that the employee's presence at the location directly or indirectly benefits the

- 324 employer;
- 325 (3) Any other location, if the Tax Administrator determines that the employer directed the
- 326 employee to perform the services at the other location in lieu of a location described in
- 327 division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's
- 328 municipal income tax liability. If the Tax Administrator makes such a determination, the
- 329 employer may dispute the determination by establishing, by a preponderance of the
- 330 evidence, that the Tax Administrator's determination was unreasonable.
- 331 (D) For the purposes of division (A)(3) of this section, and except as provided in division (I) of this
- 332 section, receipts from sales and rentals made and services performed are situated to a municipal
- 333 corporation as follows:
- 334 (1) Gross receipts from the sale of tangible personal property are situated to the municipal
- 335 corporation in which the sale originated. For the purposes of this division, a sale of property
- 336 originates in the Municipality if, regardless of where title passes, the property meets any of
- 337 the following criteria:
- 338 (a) The property is shipped to or delivered within the Municipality from a stock of
- 339 goods located within the Municipality.
- 340 (b) The property is delivered within the Municipality from a location outside the
- 341 Municipality, provided the taxpayer is regularly engaged through its own
- 342 employees in the solicitation or promotion of sales within the Municipality and the
- 343 sales result from such solicitation or promotion.
- 344 (c) The property is shipped from a place within the Municipality to purchasers outside
- 345 the municipal corporation, provided that the taxpayer is not, through its own
- 346 employees, regularly engaged in the solicitation or promotion of sales at the place
- 347 where delivery is made.
- 348 (2) Gross receipts from the sale of services are situated to the Municipality to the extent that
- 349 such services are performed in the Municipality.
- 350 (3) To the extent included in income, gross receipts from the sale of real property located in
- 351 the Municipality are situated to the Municipality.
- 352 (4) To the extent included in income, gross receipts from rents and royalties from real property
- 353 located in the Municipality are situated to the Municipality.
- 354 (5) Gross receipts from rents and royalties from tangible personal property are situated to the
- 355 Municipality based upon the extent to which the tangible personal property is used in the
- 356 Municipality.
- 357 (E) The net profit received by an individual taxpayer from the rental of real estate owned directly by
- 358 the individual or by a disregarded entity owned by the individual is subject to the Municipality's
- 359 tax only if the property generating the net profit is located in the Municipality or if the individual
- 360 taxpayer that receives the net profit is a resident of the Municipality. The Municipality shall allow
- 361 such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated
- 362 under this division to the municipal corporation in which the property is located.
- 363 (F) (1) Except as provided in division (F)(2) of this section, commissions received by a real
- 364 estate agent or broker relating to the sale, purchase, or lease of real estate are situated to the
- 365 municipal corporation in which the real estate is located. Net profit reported by the
- 366 real estate agent or broker will be allocated to the Municipality, if applicable, based upon the
- 367 ratio of the commissions the agent or broker received from the sale, purchase, or lease of
- 368 real estate located in the Municipality to the commissions received from the sale, purchase, or
- 369 lease of real estate everywhere in the taxable year.

- 370 (2) An individual who is a resident of the Municipality must report the individual's net profit  
371 from all real estate activity on the individual's annual tax return for the Municipality. Such  
372 an individual may claim a credit for taxes the individual paid on such net profit to another  
373 municipal corporation to the extent that such credit is allowed under Section 194.081 of  
374 this Chapter.
- 375 (G) Intentionally left blank.
- 376 (H) When calculating the ratios described in division (A) of this section for the purposes of that  
377 division or division (B) of this section, the owner of a disregarded entity shall include in the owner's  
378 ratios the property, payroll, and gross receipts of such disregarded entity.  
379 (Ord. 2015-146. Passed 11-19-15.)
- 380 (I) (1) As used in this division:
- 381 (a) "Qualifying remote employee or owner" means an individual who is an employee  
382 of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer  
383 that is treated as a partnership for federal income tax purposes, provided that the  
384 individual meets both of the following criteria:
- 385 (i) The taxpayer has assigned the individual to a qualifying reporting  
386 location.
- 387 (ii) The individual is permitted or required to perform services for the  
388 taxpayer at a qualifying remote work location.
- 389 (b) "Qualifying remote work location" means a permanent or temporary location at  
390 which an employee or owner chooses or is required to perform services for the  
391 taxpayer, other than a reporting location of the taxpayer or any other location  
392 owned or controlled by a customer or client of the taxpayer. "Qualifying remote  
393 work location" may include the residence of an employee or owner and may be  
394 located outside of a municipal corporation that imposes an income tax in  
395 accordance with this chapter. An employee or owner may have more than one  
396 qualifying remote work location during a taxable year.
- 397 (c) "Reporting location" means either of the following:
- 398 (i) A permanent or temporary place of doing business, such as an office,  
399 warehouse, storefront, construction site, or similar location, that is owned  
400 or controlled directly or indirectly by the taxpayer;
- 401 (ii) Any location in this state owned or controlled by a customer or client of  
402 the taxpayer, provided that the taxpayer is required to withhold taxes  
403 under Section 194.051 of this Chapter, on qualifying wages paid to an  
404 employee for the performance of personal services at that location.
- 405 (d) "Qualifying reporting location" means one of the following:
- 406 (i) The reporting location in this state at which an employee or owner  
407 performs services for the taxpayer on a regular or periodic basis during the  
408 taxable year;
- 409 (ii) If no reporting location exists in this state for an employee or owner under  
410 division (I)(1)(d)(i) of this section, the reporting location in this state at  
411 which the employee's or owner's supervisor regularly or periodically  
412 reports during the taxable year;
- 413 (iii) If no reporting location exists in this state for an employee or owner under  
414 division (I)(1)(d)(i) or (ii) of this section, the location that the taxpayer  
415 otherwise assigns as the employee's or owner's qualifying reporting

416 location, provided the assignment is made in good faith and is recorded and  
417 maintained in the taxpayer's business records. A taxpayer may change the  
418 qualifying reporting location designated for an employee or owner under  
419 this division at any time.

420 (2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the  
421 provisions of this division to the apportionment of its net profit from a business or  
422 profession. For taxpayers that make this election, the provisions of this section apply to  
423 such apportionment except as otherwise provided in this division.

424  
425 A taxpayer shall make the election allowed under this division in writing on or with the  
426 taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a  
427 timely filed appeal of an assessment. The election applies to the taxable year for which  
428 that return or appeal is filed and for all subsequent taxable years, until the taxpayer  
429 revokes the election.

430  
431 The taxpayer shall make the initial election with the tax administrator of each municipal  
432 corporation with which, after applying the apportionment provisions authorized in this  
433 division, the taxpayer is required to file a net profit tax return for that taxable year. A  
434 taxpayer shall not be required to notify the tax administrator of a municipal corporation in  
435 which a qualifying remote employee's or owner's qualifying remote work location is  
436 located, unless the taxpayer is otherwise required to file a net profit return with that  
437 municipal corporation due to business operations that are unrelated to the employee's or  
438 owner's activity at the qualifying remote work location.

439  
440 After the taxpayer makes the initial election, the election applies to every municipal  
441 corporation in which the taxpayer conducts business. The taxpayer shall not be required  
442 to file a net profit return with a municipal corporation solely because a qualifying remote  
443 employee's or owner's qualifying remote work location is located in such municipal  
444 corporation.

445  
446 Nothing in this division prohibits a taxpayer from making a new election under this division  
447 after properly revoking a prior election.

448  
449 (3) For the purpose of calculating the ratios described in division (A) of this section, all of the  
450 following apply to a taxpayer that has made the election described in division (I)(2):

451 (a) For the purpose of division (A)(1) of this section, the average original cost of any  
452 tangible personal property used by a qualifying remote employee or owner at that  
453 individual's qualifying remote work location shall be situated to that individual's  
454 qualifying reporting location.

455 (b) For the purpose of division (A)(2) of this section, any wages, salaries, and other  
456 compensation paid during the taxable period to a qualifying remote employee or  
457 owner for services performed at that individual's qualifying remote work location  
458 shall be situated to that individual's qualifying reporting location.

459 (c) For the purpose of division (A)(3) of this section, and notwithstanding division (D)  
460 of this section, any gross receipts of the business or profession from services  
461 performed during the taxable period by a qualifying remote employee or owner for

462 services performed at that individual's qualifying remote work location shall be  
463 situated to that individual's qualifying reporting location.

464 (4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from  
465 requiring, that the taxpayer use, with respect to all or a portion of the income of the  
466 taxpayer, an alternative apportionment method as described in division (B) of this section.  
467 However, a tax administrator shall not require an alternative apportionment method in such  
468 a manner that it would require a taxpayer to file a net profit return with a municipal  
469 corporation solely because a qualifying remote employee's or owner's qualifying remote  
470 work location is located in that municipal corporation.

471 (5) Except as otherwise provided in this division, nothing in this division is intended to affect  
472 the withholding of taxes on qualifying wages pursuant to Section 194.051 of this Chapter.  
473

474 **194.094 EXTENSION OF TIME TO FILE.**

475  
476 (A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's  
477 federal income tax return shall automatically receive an extension for the filing of the  
478 Municipality's income tax return. A copy of the federal extension request shall be included with  
479 the filing of the Municipality's income tax return. The extended due date of the Municipality's  
480 income tax return shall be the fifteenth day (~~15th~~) of the tenth month (~~10th~~) after the last day of  
481 the taxable year to which the return relates. For tax years ending on or after January 1, 2023, the  
482 extended due date of the Municipality's income tax return for a taxpayer that is not an individual  
483 shall be the fifteenth day of the eleventh month after the last day of the taxable year to which the  
484 return relates.

485 (B) Any taxpayer that qualifies for an automatic federal extension for a period other than six-months  
486 for filing the taxpayer's federal income tax return shall automatically receive an extension for the  
487 filing of a municipal income tax return. The extended due date of the municipal income tax return  
488 shall be the same as that of the extended federal income tax return.

489 (C) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal  
490 income tax return may request that the Tax Administrator grant the taxpayer a six-month extension  
491 of the date for filing the taxpayer's Municipal income tax return. If the request is received by the  
492 Tax Administrator on or before the date the municipal income tax return is due, the tax  
493 administrator shall grant the taxpayer's requested extension.

494 (D) An extension of time to file under this Chapter is not an extension of the time to pay any tax due  
495 unless the Tax Administrator grants an extension of that date.

496 (E) If the State Tax Commissioner extends for all taxpayers the date for filing state income tax returns  
497 under division (G) of section 5747.08 of the Ohio Revised Code, a taxpayer shall automatically  
498 receive an extension for the filing of the Municipal income tax return. The extended due date of  
499 the Municipality's income tax return shall be the same as the extended due date of the state income  
500 tax return. (Ord. 2014-146. Passed 11-19-15.)

501 (F) If a taxpayer receives an extension for the filing of a municipal income tax return under division  
502 (A), (B), (C), or (E) of this section, the tax administrator shall not make any inquiry or send any  
503 notice to the taxpayer with regard to the return on or before the date the taxpayer files the return  
504 or on or before the extended due date to file the return, whichever occurs first.  
505

506 If a tax administrator violates division (F) of this section, the municipal corporation shall reimburse  
507 the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

508  
509 Division (F) of this section does not apply to an extension received under division (A) of this  
510 section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal  
511 extension as required to receive the extension under division (A) of this section or failed to file for  
512 an extension under division (C) of this section.  
513

514 **194.10 PENALTY, INTEREST, FEES, AND CHARGES.**  
515

516 (A) As used in this section:

- 517 (1) "Applicable law" means this Chapter, the resolutions, ordinances, codes, directives,  
518 instructions, and rules adopted by the Municipality provided such resolutions, ordinances,  
519 codes, directives, instructions, and rules impose or directly or indirectly address the levy,  
520 payment, remittance, or filing requirements of the Municipality's income tax.  
521 (2) "Federal short-term rate" means the rate of the average market yield on outstanding  
522 marketable obligations of the United States with remaining periods to maturity of three  
523 years or less, as determined under section 1274 of the Internal Revenue Code, for July of  
524 the current year.  
525 (3) "Income tax," "estimated income tax," and "withholding tax" mean any income tax,  
526 estimated income tax, and withholding tax imposed by a municipal corporation pursuant  
527 to applicable law, including at any time before January 1, 2016.  
528 (4) "Interest rate as described in division (A) of this section" means the federal short-term rate,  
529 rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for  
530 the calendar year next following the July of the year in which the federal short-term rate is  
531 determined in accordance with division (A)(2) of this section.  
532 (5) "Return" includes any tax return, report, reconciliation, schedule, and other document  
533 required to be filed with the Tax Administrator or the Municipality by a taxpayer,  
534 employer, any agent of the employer, or any other payer pursuant to applicable law,  
535 including at any time before January 1, 2016.  
536 (6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date  
537 the tax is required to be paid under applicable law.  
538 (7) "Unpaid income tax" means income tax due but not paid by the date the income tax is  
539 required to be paid under applicable law.  
540 (8) "Unpaid withholding tax" means withholding tax due but not paid by the date the  
541 withholding tax is required to be paid under applicable law.  
542 (9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other  
543 payer did not withhold in whole or in part from an employee's qualifying wages, but that,  
544 under applicable law, the employer, agent, or other payer is required to withhold from an  
545 employee's qualifying wages.

546 (B) (1) This section applies to the following:

- 547 (a) Any return required to be filed under applicable law for taxable years beginning on  
548 or after January 1, 2016;  
549 (b) Income tax, estimated income tax, and withholding tax required to be paid or  
550 remitted to the Municipality on or after January 1, 2016 for taxable years beginning  
551 on or after January 1, 2016  
552 (2) This section does not apply to returns required to be filed or payments required to be made  
553 before January 1, 2016, regardless of the filing or payment date. Returns required to be

- 554 filed or payments required to be made before January 1, 2016, but filed or paid after that  
555 date shall be subject to the ordinances or rules and regulations, as adopted before January  
556 1, 2016 of the Municipality to which the return is to be filed or the payment is to be made.
- 557 (C) The Municipality shall impose on a taxpayer, employer, any agent of the employer, and any other  
558 payer, and will attempt to collect, the interest amounts and penalties prescribed in this section  
559 when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails,  
560 in whole or in part, to make to the Municipality timely and full payment or remittance of income  
561 tax, estimated income tax, or withholding tax or to file timely with the Municipality any return  
562 required to be filed.
- 563 (1) Interest shall be imposed at the rate defined as "interest rate as described in division (A) of  
564 this section", per annum, on all unpaid income tax, unpaid estimated income tax, and  
565 unpaid withholding tax. This imposition of interest shall be assessed per month, or fraction  
566 of a month.
- 567 (2) With respect to unpaid income tax and unpaid estimated income tax, a penalty equal to  
568 fifteen percent (15%) of the amount not timely paid shall be imposed.
- 569 (3) With respect to any unpaid withholding tax, a penalty not exceeding fifty percent (50%) of  
570 the amount not timely paid shall be imposed.
- 571 (4) ~~With respect to returns other than estimated income tax returns, the Municipality shall  
572 impose a monthly penalty of twenty five dollars for each failure to timely file each return,  
573 regardless of the liability shown thereon for each month, or any fraction thereof, during  
574 which the return remains unfiled regardless of the liability shown thereon. The penalty  
575 shall not exceed a total of one hundred fifty dollars in assessed penalty for each failure to  
576 timely file a return.~~
- 577 (a) For tax years ending on or before December 31, 2022, with respect to returns other  
578 than estimated income tax returns, the Municipality may impose a penalty of  
579 twenty-five dollars for each failure to timely file each return, regardless of the  
580 liability shown thereon for each month, or any fraction thereof, during which the  
581 return remains unfiled regardless of the liability shown thereon. The penalty shall  
582 not exceed one hundred fifty dollars for each failure.
- 583 (b) For tax years ending on or after January 1, 2023, with respect to returns other than  
584 estimated income tax returns, the Municipality may impose a penalty not exceeding  
585 twenty-five dollars for each failure to timely file each return, regardless of the  
586 liability shown thereon, except that the Municipality shall abate or refund the  
587 penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer  
588 files that return.
- 589 (D) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the  
590 Municipality shall not impose, seek to collect, or collect any penalty, amount of interest, charges  
591 or additional fees not described in this section.
- 592 (E) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the  
593 Municipality shall not refund or credit any penalty, amount of interest, charges, or additional fees  
594 that were properly imposed or collected before January 1, 2016.
- 595 (F) The Tax Administrator may, in the Tax Administrator's sole discretion, abate or partially abate  
596 penalties or interest imposed under this section when the Tax Administrator deems such abatement  
597 or partial abatement to be appropriate. Such abatement or partial abatement shall be properly  
598 documented and maintained on the record of the taxpayer who received benefit of such abatement  
599 or partial abatement.

600 (G) The Municipality may impose on the taxpayer, employer, any agent of the employer, or any other  
601 payer the Municipality's post-judgment collection costs and fees, including attorney's fees.  
602 (Ord. 2018-16. Passed 1-25-18.)  
603

604 ~~**194.21 ADMINISTRATION OF MUNICIPAL INCOME NET PROFIT TAX FOR BUSINESSES**~~  
605 ~~**WHO HAVE ELECTED TO FILE NET PROFIT RETURNS WITH THE STATE OF OHIO**~~  
606 ~~**BUSINESS GATEWAY. FILING NEW PROFIT TAXES; ELECTION TO BE SUBJECT TO R.C.**~~  
607 ~~**718.80 TO 718.95.**~~  
608

609 ~~Upon a taxpayer's election, an eligible taxpayer may elect to file a net profit return with the Ohio Business~~  
610 ~~Gateway administered by the Tax Commissioner and shall thereafter be subject to Sections 718.80 through~~  
611 ~~718.95 of the Ohio Revised Code in lieu of the provisions set forth within Chapter 194. This section shall~~  
612 ~~apply to taxable years beginning on or after January 1, 2018. In the event that Sections 718.80 through~~  
613 ~~Section 718.95 of the Ohio Revised Code are determined by a court of competent jurisdiction to be invalid~~  
614 ~~or otherwise unenforceable, this section shall be considered null and void and shall be automatically~~  
615 ~~repealed until and unless further legislative action is taken by City Council.~~  
616 (Ord. 2018-16. Passed 1-25-18.)  
617

618 (A) The City of Stow hereby adopts and incorporates herein by reference Sections 718.80 to 718.95  
619 of the ORC for tax years beginning on or after January 1, 2018.

620 (B) A taxpayer, as defined in division (C) of this section, may elect to be subject to Sections 718.80  
621 to 718.95 of the ORC in lieu of the provisions of this Chapter.

622 (C) “Taxpayer” has the same meaning as in section 718.01 of the ORC, except that “taxpayer” does  
623 not include natural persons or entities subject to the tax imposed under Chapter 5745 of the  
624 ORC. “Taxpayer” may include receivers, assignees, or trustees in bankruptcy when such persons  
625 are required to assume the role of a taxpayer.  
626  
627

628 SECTION 2. That all other terms and provisions of Chapter 794, C.O.S. not amended herein, be,  
629 and the same are, hereby incorporated, as if fully reappearing herein.  
630

631 SECTION 3. That this Council finds and determines that all formal actions of this Council  
632 concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council  
633 and that all deliberations of this Council and of any committees or subcommittees that resulted in those  
634 formal actions were in meetings open to the public in compliance with the law.  
635

636 SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby  
637 declared to be an emergency measure necessary for the immediate preservation of the public health and  
638 safety for the reason that it is necessary bring City of Stow Ordinances in compliance with State law before  
639 the beginning of tax year 2024, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption  
640 by Council and approval by the Mayor, otherwise at the earliest period allowed by law..  
641  
642



643  
644  
645  
646 ADOPTED BY COUNCIL \_\_\_\_\_  
647  
648  
649 ATTEST \_\_\_\_\_  
650 Lorree Villers \_\_\_\_\_  
651 CLERK OF COUNCIL  
652  
653  
654 FILED WITH MAYOR \_\_\_\_\_ APPROVED \_\_\_\_\_  
655 John Pribonic  
656 FILED WITH CLERK \_\_\_\_\_ MAYOR  
657  
658 APPROVED AS TO FORM EFFECTIVE DATE \_\_\_\_\_  
659  
660 \_\_\_\_\_  
661 Jaime Syx  
662 LAW DIRECTOR

1  
2  
3 ORDINANCE NO. 2023-191  
4  
5

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER  
7 INTO A CONTRACT WITH THE EAST OHIO GAS COMPANY, A BEST  
8 PRACTICAL SOURCE UTILITY PROVIDER, FOR PURCHASE OF  
9 NATURAL GAS SERVICE TO HEAT CITY FACILITIES FOR THE  
10 CALENDAR YEAR OF **2024**, WITHOUT THE NECESSITY OF PUBLIC BIDS.  
11

12 WHEREAS, the Service Director has requested authorization for purchase of natural gas  
13 service to heat City facilities, for the calendar year **2024**, from East Ohio Gas Company; and  
14

15 WHEREAS, the purchase is exempt from public bidding pursuant to C.O.S. Sections  
16 173.07(a)(1)C and 173.07(b)(1)E; and  
17

18 WHEREAS, since the expenditure is over \$20,000.00 the Service Director requests  
19 legislative approval by this Council; and  
20

21 WHEREAS, the Service Director requests Council suspend the rule requiring three  
22 readings;  
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
25 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
26

27 SECTION 1. That the Mayor be, and he hereby is, authorized to make and enter into a  
28 contract with the East Ohio Gas Company for purposes of providing natural gas service for the  
29 calendar year of **2024**.  
30

31 SECTION 2. That the Finance Director be, and he hereby is, authorized to appropriate,  
32 encumber, and pay funds in an amount not to exceed **Seventy One Thousand Five Hundred**  
33 **Dollars and 00/100 (\$71,500.00)** to the East Ohio Gas Company for said service.  
34

35 SECTION 3. This Council finds and determines that all formal actions of this Council  
36 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
37 Council and that all deliberations of this Council and of any committees or subcommittees that  
38 resulted in those formal actions were in meetings open to the public in compliance with the law.  
39

40 SECTION 4. That this ordinance was adopted pursuant to Section 4.11 Charter, and is  
41 hereby declared to be an emergency measure necessary for the immediate preservation of the  
42 public health and safety for the purpose of providing this necessary service to City buildings in  
43 order to continue necessary City services, and, pursuant to Section 4.13 Charter, shall take effect  
44 upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed  
45 by law  
46

City of Stow, Ohio  
Ordinance No. 2023-191  
Page 2

47  
48 ADOPTED BY COUNCIL \_\_\_\_\_  
49

50  
51 ATTEST \_\_\_\_\_  
52 Lorree Villers  
53 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

54  
55 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

56  
57 FILED WITH CLERK \_\_\_\_\_

58  
59 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

60  
61 \_\_\_\_\_  
62 Jaime Syx  
63 LAW DIRECTOR  
64

1  
2  
3 ORDINANCE NO. 2023-192  
4

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

5 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER  
6 INTO A CONTRACT WITH THE SUMMIT COUNTY DEPARTMENT OF  
7 SANITARY SEWER SERVICES, WITHOUT THE NECESSITY OF PUBLIC  
8 BIDS, TO PROVIDE SEWER SERVICES TO ALL CITY FACILITIES FOR  
9 THE CALENDAR YEAR OF **2024**.

10  
11 WHEREAS, pursuant to C.O.S. Sections 173.07(a)(1)C and 173.07(b)(1)A, the Summit  
12 County Department of Sanitary Sewer Services is a utility sole source provider and a contract may  
13 be entered into without the necessity of public bids as required by Ohio Statute and the Codified  
14 Ordinances of Stow; and

15  
16 WHEREAS, the Service Director requests that the rule requiring three readings be  
17 suspended so that this ordinance may take effect by January 2024;

18  
19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
20 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

21  
22 SECTION 1. That the Mayor be, and he hereby is, authorized to make and enter into a  
23 contract with the Summit County Department of Sanitary Sewer Services for purposes of providing  
24 sewer services for the calendar year of **2024**.

25  
26 SECTION 2. That the Finance Director be, and he hereby is, authorized to appropriate,  
27 encumber, and pay funds in an amount not to exceed **Twenty Five Thousand Eight Hundred**  
28 **and 00/100 Dollars (\$25,800.00)** to Summit County Department of Sanitary Sewer Services for  
29 said services.

30  
31 SECTION 3. This Council finds and determines that all formal actions of this Council  
32 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
33 Council and that all deliberations of this Council and of any committees or subcommittees that  
34 resulted in those formal actions were in meetings open to the public in compliance with the law.

35  
36 SECTION 4. That this Ordinance was adopted pursuant to Section 4.11 Charter and,  
37 pursuant to Section 4.13 Charter, shall take effect thirty (30) days after its adoption by Council  
38 and approval by the Mayor, otherwise at the earliest period allowed by law.

39  
40  
41 ADOPTED BY COUNCIL \_\_\_\_\_

42  
43 ATTEST \_\_\_\_\_  
44 Lorree Villers  
45 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

46  
47  
Fund Account Numbers – 216 Water, 101 General, 218 Fox Den, 284 Fire, 207 Street, 826  
Cemetery, 284 EMS

City of Stow, Ohio  
Ordinance No. 2023-192  
Page 2

48  
49 FILED WITH MAYOR \_\_\_\_\_ APPROVED \_\_\_\_\_  
50 John Pribonic  
51 FILED WITH CLERK \_\_\_\_\_ MAYOR  
52  
53 APPROVED AS TO FORM EFFECTIVE DATE \_\_\_\_\_  
54  
55 \_\_\_\_\_  
56 Jaime Syx  
57 LAW DIRECTOR  
58

1  
2  
3 ORDINANCE NO. 2023-193  
4  
5

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
7 CONTRACT WITH HI-VAC CORPORATION, FOR THE REPAIR OF A 2020  
8 FREIGHTLINER, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND  
9 DECLARING AN EMERGENCY  
10

11 WHEREAS, the Service Director has requested authorization for the Mayor to make and  
12 enter into a contract for the repair of a 2020 Freightliner, covering the parts and labor for the  
13 repairs; and  
14

15 WHEREAS, the expenditure is exempt from public bidding requirements pursuant to  
16 C.O.S. 173.07(a)(1)G and 173.07(b)(1)A; and  
17

18 WHEREAS, since the expenditure is over \$20,000.00, the Service Director requests  
19 legislative approval by this Council; and  
20

21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
22 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
23

24 SECTION 1. That the Mayor be, and he hereby is, authorized to enter into a contract with  
25 HI-VAC Corporation for the repair of a 2020 Freightliner. The contract shall be in a form approved  
26 by the Law Director.  
27

28 SECTION 2. That the Finance Director be, and he hereby is, authorized to appropriate,  
29 encumber, and pay funds in an amount not to exceed **Twenty Three Thousand Nine Hundred**  
30 **Forty-Four Dollars and One Cent (\$23,944.01)**, to HI-VAC Corporation, for the repair of a 2020  
31 Freightliner.  
32

33 SECTION 3. That this Council finds and determines that all formal actions of this Council  
34 concerning and relating to the passage of this ordinance were taken in an open meeting of this  
35 Council and that all deliberations of this Council and of any committees or subcommittees that  
36 resulted in those formal actions were in meetings open to the public in compliance with the law.  
37

38 SECTION 4. That this ordinance was adopted pursuant to Section 4.11 Charter, and is  
39 hereby declared to be an emergency measure necessary for the immediate preservation of the  
40 public health and safety in order to provide functioning equipment for the City, and, pursuant to  
41 Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor,  
42 otherwise at the earliest period allowed by law.  
43

44  
45 ADOPTED BY COUNCIL \_\_\_\_\_  
46  
47  
48  
49

City of Stow, Ohio  
Ordinance No. 2023-193  
Page 2

50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_

FILED WITH CLERK \_\_\_\_\_

John Pribonic  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

1  
2  
3 ORDINANCE NO. 2023-194  
4  
5

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING EXPENDITURES FOR OFFSITE BACKUP  
7 SUPPORT AND BUSINESS CONTINUITY DISASTER RECOVERY  
8 PROTECTION FROM PROFESSIONAL SERVICES AND BEST PRACTICAL  
9 SOURCE PROVIDERS ATNET PLUS, INC., WITHOUT THE NECESSITY OF  
10 PUBLIC BIDS, AND DECLARING AN EMERGENCY.  
11

12 WHEREAS, the Chief of Staff/Service Director has requested authorization for off-site  
13 backup support and continuation of the Business Continuity Disaster Recovery (BCDR) protection  
14 from Atnet Plus Inc.; and  
15

16 WHEREAS, the purchase is exempt from public bidding pursuant to C.O.S. Sections  
17 173.07(a)(1)(B) and 173.07(b)(1)(D); and  
18

19 WHEREAS, since the expenditure is over \$20,000.00 the Service Director requests  
20 legislative approval by this Council; and  
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW,  
23 COUNTY OF SUMMIT AND STATE OF OHIO:  
24

25 SECTION 1. That the Finance Director be, and he hereby is, authorized to appropriate,  
26 encumber, and pay funds in an amount not to exceed **Thirty Thousand Dollars and Zero Cents**  
27 **(\$30,000.00)** to Atnet Plus, Inc. for the second year of a three (3) year contract for Atnet Vault  
28 BCDR monthly services.  
29

30 SECTION 2. This Council finds and determines that all formal actions of this Council  
31 concerning and relating to the passage of this ordinance were taken in an open meeting of this  
32 Council and that all deliberations of this Council and of any committees or subcommittees that  
33 resulted in those formal actions were in meetings open to the public in compliance with the law.  
34

35 SECTION 3. That this ordinance was adopted pursuant to Section 4.11 Charter, and is  
36 hereby declared to be an emergency measure necessary for the immediate preservation of the public  
37 health and safety for the reason that having a disaster recovery plan in place is a necessity, and,  
38 pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the  
39 Mayor, otherwise at the earliest period allowed by law.  
40

41 ADOPTED BY COUNCIL \_\_\_\_\_  
42

43  
44 ATTEST \_\_\_\_\_  
45 Lorree Villers  
46 CLERK OF COUNCIL  
47

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL  
48



City of Stow, Ohio  
Ordinance No. 2023-194  
Page 2

49 FILED WITH MAYOR \_\_\_\_\_

50

51 FILED WITH CLERK \_\_\_\_\_

52

53 APPROVED AS TO FORM

54

55

56 \_\_\_\_\_  
Jaime Syx

57 LAW DIRECTOR

APPROVED \_\_\_\_\_

John Pribonic

MAYOR

EFFECTIVE DATE \_\_\_\_\_

1  
2  
3 ORDINANCE NO. 2023-195  
4  
5

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND  
7 ENTER INTO A THREE-YEAR CONTRACT FOR EXPENDITURES UP  
8 TO BINARY DEFENSE SYSTEMS, LLC, FOR THE PURCHASE OF  
9 EDR SOFTWARE (MANAGEMENT ENDPOINT DETECTION AND  
10 RESPONSE), AND DECLARING AN EMERGENCY.  
11

12 WHEREAS, the Service Director has requested authorization for the Mayor to enter into a  
13 three-year contract for the purchase of EDR Software (management endpoint detection and  
14 response) for the City of Stow network, from Binary Defense Systems, LLC, pursuant to  
15 173.07(a)(1)(B) and 173.07(b)(1)(D); and  
16

17 WHEREAS, since the expenditure is over \$20,000.00 the Service Director requests  
18 legislative approval by this Council; and  
19

20 WHEREAS, the yearly cost is expected to be \$18,433.00, bringing the contract total to  
21 \$55,299.00; and  
22

23 WHEREAS, the purchase of this software includes, but is not limited to, monitoring the  
24 City's entire network for threats and unusual behavior, notification and resolution of detected  
25 threats, Dark Web and bandwidth monitoring, and performing deception techniques.  
26

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
28 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
29

30 SECTION 1. That the Finance Director be, and he hereby is, authorized to appropriate,  
31 encumber, and pay funds in an amount not to exceed **Fifty-Five Thousand Two Hundred Ninety-**  
32 **Nine Dollars and Zero Cents (\$55,299.00)** to Binary Defense Systems, LLC, a professional  
33 services and preferred source provider, for the purchase of EDR Software (management endpoint  
34 detection and response) for the City of Stow network.  
35

36 SECTION 2. This Council finds and determines that all formal actions of this Council  
37 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
38 Council and that all deliberations of this Council and of any committees or subcommittees that  
39 resulted in those formal actions were in meetings open to the public in compliance with the law.  
40

41 SECTION 3. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is  
42 hereby declared to be an emergency measure necessary for the immediate preservation of the  
43 public health and safety for the reason that computer vulnerability and threat protection is of the  
44 utmost importance, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by  
45 Council and approval by the Mayor, otherwise at the earliest period allowed by law.  
46  
47  
48

City of Stow, Ohio  
Ordinance No. 2023-195  
Page 2

49  
50 ADOPTED BY COUNCIL \_\_\_\_\_

51  
52 ATTEST \_\_\_\_\_  
53 Lorree Villers  
54 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

55  
56 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

57  
58 FILED WITH CLERK \_\_\_\_\_

59  
60 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

61  
62  
63 \_\_\_\_\_  
64 Jaime Syx  
65 LAW DIRECTOR

1 REQUESTED BY FINANCE DIRECTOR  
2 AND HUMAN RESOURCES DIRECTOR  
3 APPROVED BY FINANCE COMMITTEE  
4 INTRODUCED BY HARRISON

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

ORDINANCE NO. 2023-196

AN ORDINANCE AUTHORIZING THE CITY OF STOW TO CONTINUE THE PROGRAM OF PARTIALLY SELF-FUNDED INSURANCE, FOR PURPOSES OF PROVIDING HEALTH INSURANCE/HOSPITALIZATION COVERAGE AND DENTAL BENEFITS, SUPPLEMENTED BY FULLY INSURED LIFE INSURANCE, AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Stow has heretofore participated in fully insured health insurance/hospitalization coverage, life insurance, accidental death and dismemberment and dental programs; and

WHEREAS, the City of Stow has determined to proceed with a plan of partially self-funded insurance supplemented by fully insured programs providing such benefits as determined in the master policies; and

WHEREAS, Council has determined that by the purchase of aggregate stop/loss insurance and specific stop/loss insurance, it may potentially save the City of Stow otherwise paid insurance premiums, without substantial risk to the public treasury;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Council has determined to initiate and implement a policy of partially self-funded insurance for the provision of health insurance/hospitalization coverage, and dental coverage, supplemented by fully insured life insurance and accidental death and dismemberment insurance.

SECTION 2. That Council declares the same to be an integral program of benefits, the implementation of which requires technical and expert advice in securing and implementing certain portions of the coverage plan.

SECTION 3. That the program of partially self-funded insurance, originally effective as of December 15, 1981, shall be effective on a continuing basis through **December 31, 2024**, and the health insurance/hospitalization and dental coverage shall be defined in the master policies for said coverage as initially established and further amended administratively by the City of Stow, in consultation with the plan administrator, pending adoption in legislative form by Council.

SECTION 4. That the fully insured plan for life insurance and accidental death and dismemberment shall be as authorized by separate legislation. The dental program shall be as required in Ordinance No. 1981-270, or as further ordinances may require, and it may be initially fully insured and then converted administratively to a self-funded program.

City of Stow, Ohio  
Ordinance No. 2023-196  
Page 2

47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79

SECTION 5. That this Ordinance shall be effective **January 1, 2024.**

SECTION 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it is imperative to have continual insurance coverage for employees of the City of Stow, and, pursuant to Section 4.13 Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

1 REQUESTED BY FINANCE DIRECTOR  
2 AND HUMAN RESOURCES DIRECTOR  
3 APPROVED BY FINANCE COMMITTEE  
4 INTRODUCED BY HARRISON

5 ORDINANCE NO. 2023-197  
6

7 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER  
8 INTO CONTRACTS WITH AND THROUGH MEDICAL MUTUAL OF OHIO  
9 (MMO) AND/OR ITS SUBSIDIARY, MUTUAL HEALTH SERVICES (MHS)  
10 TO SECURE AGGREGATE AND SPECIFIC STOP/LOSS INSURANCE AND  
11 ORGAN TRANSPLANT INSURANCE FOR THE CITY OF STOW, AND  
12 DECLARING AN EMERGENCY.  
13

14 WHEREAS, Council has heretofore resolved to implement a plan for partially self-funded  
15 group health insurance supplemented by fully insured and/or self-funded dental benefits, and fully  
16 insured life insurance and accidental death and dismemberment insurance; and  
17

18 WHEREAS, the City has secured health plan administrative services and, Council has  
19 determined that aggregate stop/loss insurance, specific stop/loss insurance and organ transplant  
20 insurance are necessary in conjunction with such services to implement and continue a partially  
21 self-funded program, in accordance with Section 173.07(a)(1)D, C.O.S.;

22  
23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
24 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
25

26 SECTION 1. For purposes of continuing the City's proposed plan for partially self-funded  
27 insurance, the Mayor shall be authorized to enter into an agreement with and through Medical  
28 Mutual of Ohio (MMO) and/or Mutual Health Services (MHS) to secure from authorized carriers,  
29 as an integral part of the plan of partially self-funded group health insurance in accordance with  
30 Chapter 173, C.O.S., aggregate stop/loss insurance, specific stop/loss insurance and organ  
31 transplant insurance (if purchased) to limit the potential exposure of the municipality for payment  
32 of health insurance/hospitalization coverage claims; provided, however, that the cost of such  
33 insurance and related fees and other charges or related costs shall not exceed the sum of Four  
34 Hundred and Fifty Thousand Dollars (\$450,000.00) annually; and further provided that the  
35 Finance Director of the City of Stow shall review and approve all such expenditures for aggregate,  
36 specific stop/loss insurance and organ transplant insurance for the calendar year **2024**.  
37

38 SECTION 2. That the Finance Director is hereby authorized to make all payments required  
39 to secure the insurance coverage specified in Section 1 above directly or to the authorized claims  
40 administrator, Medical Mutual of Ohio (MMO) and/or Mutual Health Services (MHS), acting as  
41 agent for the carriers.  
42

43 SECTION 3. That this Ordinance shall be effective **January 1, 2024**.  
44

45 SECTION 4. This Council finds and determines that all formal actions of this Council  
46 concerning and relating to the passage of this Ordinance were taken in an open meeting of this

47  
48 Council and that all deliberations of this Council and of any committees or subcommittees  
49 that resulted in those formal actions were in meetings open to the public in compliance with the  
50 law.

51  
52 SECTION 5. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is  
53 hereby declared to be an emergency measure necessary for the immediate preservation of the  
54 public health and safety for the reason that it is imperative that the employees of the City of Stow  
55 be continually covered by insurance, and, pursuant to Section 4.13 Charter, shall take effect upon  
56 its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by  
57 law.

58  
59 ADOPTED BY COUNCIL \_\_\_\_\_

60  
61 ATTEST \_\_\_\_\_  
62 Lorree Villers  
63 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

64  
65  
66 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

67  
68 FILED WITH CLERK \_\_\_\_\_

69  
70 APPROVED AS TO FORM  
71 DATE \_\_\_\_\_

EFFECTIVE

72  
73  
74 \_\_\_\_\_  
75 Jaime Syx  
76 LAW DIRECTOR

77

1 REQUESTED BY FINANCE DIRECTOR  
2 AND HUMAN RESOURCES DIRECTOR  
3 APPROVED BY FINANCE COMMITTEE  
4 INTRODUCED BY HARRISON

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

ORDINANCE NO. 2023-198

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO RENEWAL CONTRACTS WITH MEDICAL MUTUAL OF OHIO (MMO) AND/OR ITS SUBSIDIARY, MUTUAL HEALTH SERVICES (MHS), FOR HEALTH PLAN ADMINISTRATIVE SERVICES FOR 2024 AND DECLARING AN EMERGENCY.

WHEREAS, Council has heretofore implemented a plan for partially self-funded group health insurance; and

WHEREAS, Council has determined the same to continue to require administrative and technical assistance and expertise through the bidding process, in accordance with Chapter 173, C.O.S.; and

WHEREAS, the contract for administrative services was authorized per C.O.S. Section 173.07(a)(1)D, 173.07(a)(1)B and 173.07(a)(1)(H) per the RFP process;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That the Mayor be, and he hereby is, authorized to make and enter into a one-year renewal contract with Medical Mutual of Ohio (MMO) and/or Mutual Health Services (MHS) in accordance with the provisions of Chapter 173, C.O.S., authorizing said administrator to design the benefit plan, administer the implementation of the City's plan of partially self-funded group health insurance on behalf of its employees, including utilization review, managed care and related services and authorizing said administrator to receive and process claims against said plan of partially self-funded insurance.

SECTION 2. That such contract with Medical Mutual of Ohio (MMO) and/or Mutual Health Services (MHS) shall be for a period of one-year, all in accordance with Section 173.11, C.O.S.

SECTION 3. That the Finance Director be, and he hereby is, authorized and directed to appropriate, encumber and pay funds for said administrative services in an amount not to exceed One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) for the calendar year 2024.

SECTION 4. That the Finance Director be, and he hereby is, authorized and directed to appropriate, encumber and pay claims as processed by the administrator against the plan of partially self-funded group health insurance on behalf of the City in an amount not to exceed the amount appropriated by Council.

SECTION 5. That this ordinance shall be effective **January 1, 2024.**



47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76

SECTION 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. That this ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it is imperative that the employees of the City of Stow be continually covered by insurance, and pursuant to Section 4.13 Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_

FILED WITH CLERK \_\_\_\_\_

John Pribonic  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

1 REQUESTED BY FINANCE DIRECTOR  
2 AND HUMAN RESOURCES DIRECTOR  
3 RECOMMENDED BY FINANCE COM.  
4 INTRODUCED BY HARRISON

5 ORDINANCE NO. 2023-199  
6

7 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A  
8 ONE-YEAR CONTRACT WITH THE GUARDIAN LIFE INSURANCE COMPANY OF  
9 AMERICA AND AUTHORIZING RELATED EXPENDITURES FOR CITY OF STOW  
10 EMPLOYEE LIFE INSURANCE, VISION, AND DENTAL COVERAGE, WITHOUT THE  
11 NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.  
12

13 WHEREAS, Council has heretofore resolved to implement a plan for partially self-funded  
14 group health insurance supplemented by fully insured and/or self-funded dental and vision  
15 benefits, and fully insured life insurance and accidental death and dismemberment insurance for  
16 City of Stow Employees; and  
17

18 WHEREAS, Council has determined that employee life insurance and accidental death and  
19 dismemberment insurance, vision, and dental coverage are an integral and necessary part of the  
20 partially self-funded program; and  
21

22 WHEREAS, said insurance is exempt from public bidding and should be secured on an  
23 informal bid basis, and/or renewal basis in accordance with Section 1 73.07(A)(1)D C.O.S.;  
24

25 WHEREAS, since the expenditure is over \$20,000.00 the Finance Director requests  
26 legislative approval by this Council;  
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
29 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
30

31 SECTION 1. For purposes of continuing the City's proposed plan for partially self-funded  
32 insurance, the Mayor shall be authorized to enter into a one-year agreement to secure from The  
33 Guardian Life Insurance Company, as an integral part of the plan of self-funded insurance, the life  
34 insurance and accidental death and dismemberment insurance, vision, and dental coverage as  
35 currently provided in the City's plan of employee benefits, as may be amended from time to time;  
36 provided, however, that the annual cost of such insurance shall not exceed the sum of Fifty-five  
37 Thousand and 00/100 dollars (\$55,000.00); further provided that the Finance Director of the City  
38 of Stow shall review and approve all such expenditures for such insurance for the policy year **2024**;  
39 and further provided that any and all contractual agreements are reviewed and approved as to form  
40 by the Stow Law Director.  
41

42 SECTION 2. That the Finance Director is hereby authorized to make all payments required  
43 to secure the insurance coverage specified in Section 1 above to the authorized agent for The  
44 Guardian Life Insurance Company.  
45

46 SECTION 3. That this ordinance shall be effective **January 1, 2024**.  
47

48 SECTION 4. This Council finds and determines that all formal actions of this Council  
49 concerning and relating to the passage of this ordinance were taken in an open meeting of this  
50 Council and that all deliberations of this Council and of any committees or subcommittees that

Fund Account Numbers – 101 General, 207 Street, 211 EMS, 216 Water, 218 Golf Course, and  
217 Storm Water

City of Stow, Ohio  
Ordinance No. 2023-199  
Page 2

51 resulted in those formal actions were in meetings open to the public in compliance with the law.

52

53 SECTION 5. That this ordinance was adopted pursuant to Section 4.1 1 Charter, and is  
54 hereby declared to be an emergency measure necessary for the immediate preservation of the  
55 public health and safety for the reason that it is imperative that the employees of the City of Stow  
56 be continually covered by insurance, and pursuant to Section 4.13 Charter, shall take effect upon  
57 its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by  
58 law.

59

60 ADOPTED BY COUNCIL \_\_\_\_\_

61

62

63 ATTEST \_\_\_\_\_

64 Lorree Villers  
65 CLERK OF COUNCIL

66

67 FILED WITH MAYOR \_\_\_\_\_

68

69 FILED WITH CLERK \_\_\_\_\_

70

71 APPROVED AS TO FORM

72

73 \_\_\_\_\_

74 Jaime Syx  
75 LAW DIRECTOR

76

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

APPROVED \_\_\_\_\_

John Pribonic  
MAYOR

EFFECTIVE DATE \_\_\_\_\_

1  
2  
3 RESOLUTION NO. 2023-200  
4  
5

REQUESTED BY APPLICANT  
APPROVED BY PLANNING COMM.  
INTRODUCED BY FIOCCA

6 A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE  
7 APPROVAL TO STREAK UNITS, LLC, TO ALLOW FOR THE USE OF AN  
8 INDOOR COMMERCIAL RECREATION/ENTERTAINMENT USE,  
9 LOCATED AT 3087 GRAHAM ROAD, PARCEL NO. 56-18748, IN THE CITY  
10 OF STOW, OHIO.  
11

12 WHEREAS, on November 14, 2023 (P.C. 2023-035), the Planning Commission did prudently  
13 consider and now recommends to this Council the granting of a conditional zoning certificate to  
14 permit the use of a building as an indoor commercial recreation/entertainment, located at 3087  
15 Graham Road (Parcel No. 56-18748), as hereinafter set forth, per C.O.S. Section 1145.02; and  
16

17 WHEREAS, Streak Units, LLC, the applicant, plans to open the “We Rock the Spectrum Kids  
18 Gym,” to be used as a sensory-based, inclusive gym for children; and  
19

20 WHEREAS, the Planning Commission determined that the subject property is zoned C-3,  
21 Community Retail, and this use is conditionally permitted in this district, subject to site plan  
22 approval; and  
23

24 WHEREAS, Council is in agreement with Planning Commission’s recommendations and now  
25 wishes for this Resolution to be adopted accordingly;  
26

27 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW,  
28 COUNTY OF SUMMIT AND STATE OF OHIO, THAT:  
29  
30

31 SECTION 1. Streak Units, LLC, Applicant, is hereby granted a conditional zoning  
32 certificate to permit indoor commercial recreation/entertainment use, located at 3087 Graham  
33 Road (Parcel No. 56-18748), in Stow, Ohio.  
34

35 SECTION 2. This Council finds and determines that all formal actions of this Council  
36 concerning and relating to the passage of this Resolution were taken in an open meeting of this  
37 Council and that all deliberations of this Council and of any committees or subcommittees that  
38 resulted in those formal actions were in meetings open to the public in compliance with the law.  
39

40 SECTION 3. This Resolution was adopted pursuant to Section 4.11 Charter and, pursuant  
41 to Section 4.13 Charter, shall take effect thirty (30) days after its adoption by Council and approval  
42 by the Mayor, otherwise at the earliest period allowed by law.  
43  
44

City of Stow, Ohio  
Resolution No. 2023-200  
Page 2

45 ADOPTED BY COUNCIL \_\_\_\_\_  
46  
47

48 ATTEST  
49

50 \_\_\_\_\_  
51 Lorree Villers  
52 DEPUTY CLERK OF COUNCIL

50 \_\_\_\_\_  
51 Jeremy McIntire  
52 PRESIDENT OF COUNCIL

53 FILED WITH MAYOR \_\_\_\_\_  
54

53 APPROVED \_\_\_\_\_  
54

55 FILED WITH CLERK \_\_\_\_\_  
56

54 John Pribonic  
55 MAYOR

57 APPROVED AS TO FORM  
58

57 EFFECTIVE DATE \_\_\_\_\_  
58

59 \_\_\_\_\_  
60  
61 Jaime Syx  
62 LAW DIRECTOR  
63  
64  
65  
66  
67  
68  
69

70 ASSENT AND ACCEPTANCE BY APPLICANTS  
71

72 The undersigned, Samantha Howard-Cantu, on behalf of Streak Units, LLC, has read the  
73 foregoing enactment by Stow City Council and do assent and accept all terms and conditions  
74 contained in this Resolution as being the basis on which approval was granted and upon which the  
75 authorized activity is expressly conditioned.  
76  
77  
78  
79  
80

81 \_\_\_\_\_  
82 Date

81 By \_\_\_\_\_  
82 Samantha Howard-Cantu

1  
2  
3 RESOLUTION NO. 2023-201  
4  
5

REQUESTED BY APPLICANT  
APPROVED BY PLANNING COMM.  
INTRODUCED BY FIOCCA

6 A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND  
7 SITE PLAN APPROVAL TO FRAMMARTINO CONSTRUCTION COMPANY  
8 LLC, APPLICANT, TO CONSTRUCT A TWO FAMILY DWELLING,  
9 LOCATED AT 3903 GENEVIEVE BLVD., PARCEL NO. 56-00448, IN THE  
10 CITY OF STOW, OHIO.  
11

12 WHEREAS, on November 14, 2023 (P.C. 2023-032), the Planning Commission did prudently  
13 consider and now recommends to this Council the granting of a conditional zoning certificate and  
14 site plan approval, to permit the construction of an approximately 1,792 square foot duplex, to be  
15 located at 3903 Genevieve Road (Parcel No. 56-00448), as hereinafter set forth, per C.O.S. Section  
16 1143.02; and  
17

18 WHEREAS, the Planning Commission determined that the subject property is zoned R-3,  
19 Residential, and this use is conditionally permitted in this district, subject to site plan approval;  
20 and  
21

22 WHEREAS, the Planning Commission further recommends that this site plan should be  
23 approved, and the Building and Engineering Department has approved construction plans,  
24 Engineering has performed storm water review and subject to Council's approval of the  
25 conditional use allowance and site plan; and  
26

27 WHEREAS, Council is in agreement with Planning Commission's recommendations and now  
28 wishes for this Resolution to be adopted accordingly;  
29

30 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW,  
31 COUNTY OF SUMMIT AND STATE OF OHIO, THAT:  
32  
33

34 SECTION 1. Frammartino Construction Company, LLC, Applicant, is hereby granted site  
35 plan approval and a conditional zoning certificate to permit the construction of an approximately  
36 1,792 square foot duplex, to be located at 3903 Genevieve Road (Parcel No. 56-00448), in Stow,  
37 Ohio. The proposed site plan is subject to the Building and Engineering Department's approval  
38 of construction plans and Engineering's storm water review; The property is zoned R-3,  
39 Residential.  
40

41 SECTION 2. Additionally, the applicant needs to resolve the following conditions prior to  
42 approval of any building permits:

43 1. A note needs to be added to the site plan that drive aprons shall be installed per the City of  
44 Stow Standards and Specifications.

45 2. A note needs to be added to the site plan that silt fence will be installed prior to basement  
46 excavation.

City of Stow, Ohio  
Resolution No. 2023-201  
Page 2

47 3. The applicant needs to contact the Summit County Department of Sanitary Sewer Services  
48 and request the lowering of the sanitary manhole in the roadside ditch.

49 4. The applicant needs to contact the City of Stow Water Department to discuss water service  
50 at the property.

51 5. The culverts inverts need revised to face south to north.

52  
53 SECTION 3. This Council finds and determines that all formal actions of this Council  
54 concerning and relating to the passage of this Resolution were taken in an open meeting of this  
55 Council and that all deliberations of this Council and of any committees or subcommittees that  
56 resulted in those formal actions were in meetings open to the public in compliance with the law.

57  
58 SECTION 4. This Resolution was adopted pursuant to Section 4.11 Charter and, pursuant  
59 to Section 4.13 Charter, shall take effect thirty (30) days after its adoption by Council and approval  
60 by the Mayor, otherwise at the earliest period allowed by law.

61  
62 ADOPTED BY COUNCIL \_\_\_\_\_

63  
64  
65 ATTEST

66 \_\_\_\_\_  
67 Lorree Villers  
68 DEPUTY CLERK OF COUNCIL

\_\_\_\_\_   
Jeremy McIntire  
PRESIDENT OF COUNCIL

69  
70 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

71  
72 FILED WITH CLERK \_\_\_\_\_

73  
74 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

75  
76  
77 \_\_\_\_\_  
78 Jaime Syx  
79 LAW DIRECTOR

80  
81 ASSENT AND ACCEPTANCE BY APPLICANTS

82  
83 The undersigned, Vincent Frammartino, on behalf of Frammartino Construction Company,  
84 LLC, has read the foregoing enactment by Stow City Council and do assent and accept all terms  
85 and conditions contained in this Resolution as being the basis on which approval was granted and  
86 upon which the authorized activity is expressly conditioned.

87  
88  
89  
90 \_\_\_\_\_  
91 Date

By \_\_\_\_\_  
Vincent Frammartino

1  
2  
3 RESOLUTION NO. 2023-202  
4  
5

REQUESTED BY APPLICANT  
APPROVED BY PLANNING COMM.  
INTRODUCED BY FIOCCA

6 A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO  
7 THE STOW-MUNROE FALLS PUBLIC LIBRARY, APPLICANT, TO  
8 RECONFIGURE THE PARKING LOT, LOCATED AT 3512 DARROW ROAD,  
9 PARCEL NOS. 56-07877 & 56-02630, IN THE CITY OF STOW, OHIO.

10  
11 WHEREAS, on November 14, 2023 (P.C. 2023-030), the Planning Commission did prudently  
12 consider and now recommends to this Council the granting of site plan approval, to permit the  
13 construction and reconfiguration of the Stow-Munroe Falls Public Library parking lot, located at  
14 3512 Darrow Road (Parcel Nos. 56-07877 & 56-02630), as hereinafter set forth, per C.O.S. Section  
15 1137.03(d); and

16  
17 WHEREAS, the project site area comprises approximately 3.5 acres upon which the applicant  
18 plans to expand parking from the current 119 spaces to a proposed 152 spaces; and

19  
20 WHEREAS, the Planning Commission determined that the subject property is zoned R-2,  
21 Residential, and R-B, Residential Business, and DRO-1, Darrow Road Overlay, and this use is  
22 permitted in these districts and overlays, subject to site plan approval; and

23  
24 WHEREAS, the Planning Commission further recommends that this site plan should be  
25 approved, and the Building and Engineering Department has approved construction plans,  
26 Engineering has performed storm water review and subject to Council's approval of the site plan  
27 and variance; and

28  
29 WHEREAS, Council is in agreement with Planning Commission's recommendations and now  
30 wishes for this Resolution to be adopted accordingly;

31  
32 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW,  
33 COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

34  
35  
36 SECTION 1. Stow-Munroe Falls Public Library, Applicant, is hereby granted site plan  
37 approval to permit the construction and reconfiguration of the parking lot, to be located at 3512  
38 Darrow Road (Parcel Nos. 56-07877 & 56-02630), in Stow, Ohio. The proposed site plan is  
39 subject to the Building and Engineering Department's approval of construction plans and  
40 Engineering's storm water review; The property is zoned R-2, Residential, RB, Residential  
41 Business, and is partially located in the DRO-1, Darrow Road Overlay.

42  
43 SECTION 2. This Council finds and determines that Applicants' request for a variance  
44 found below, are hereby granted:

- 45  
46 1. Variance to allow for a parking lot to be located within the required 20ft front landscaped



City of Stow, Ohio  
Resolution No. 2023-202  
Page 2

47 area, per Section 1185.01(b)(3).

48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Resolution was adopted pursuant to Section 4.11 Charter and, pursuant to Section 4.13 Charter, shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST

\_\_\_\_\_  
Lorree Villers  
DEPUTY CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_

FILED WITH CLERK \_\_\_\_\_

John Pribonic  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANTS

The undersigned, Robert Howell, on behalf of the Stow-Munroe Falls Public Library, has read the foregoing enactment by Stow City Council and do assent and accept all terms and conditions contained in this Resolution as being the basis on which approval was granted and upon which the authorized activity is expressly conditioned.

\_\_\_\_\_  
Date

By \_\_\_\_\_  
Robert Howell

1  
2  
3 RESOLUTION NO. 2023-203  
4  
5

REQUESTED BY APPLICANT  
APPROVED BY PLANNING COMM.  
INTRODUCED BY FIOCCA

6 A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO  
7 1155 BRENTWOOD LLC, APPLICANT, TO RECONFIGURE THE PARKING  
8 LOT, LOCATED AT 3102 GRAHAM ROAD, PARCEL NO. 56-02789, IN THE  
9 CITY OF STOW, OHIO.

10  
11 WHEREAS, on November 14, 2023 (P.C. 2023-026), the Planning Commission did prudently  
12 consider and now recommends to this Council the granting of site plan approval, to permit the  
13 construction and reconfiguration of a parking lot, located at 3102 Graham Road (Parcel No. 56-  
14 02789), as hereinafter set forth, per C.O.S. Section 1137.03(d); and  
15

16 WHEREAS, the proposed project is to expand the current parking lot located at the property  
17 by added an additional five parking spaces in front of the building; and  
18

19 WHEREAS, the Planning Commission determined that the subject property is zoned R-B,  
20 Residential Business, which prohibits parking in the front of the building; and  
21

22 WHEREAS, the Planning Commission further recommends that this site plan should be  
23 approved, and the Building and Engineering Department has approved construction plans,  
24 Engineering has performed storm water review and subject to Council's approval of the site plan  
25 and variance; and  
26

27 WHEREAS, Council is in agreement with Planning Commission's recommendations and now  
28 wishes for this Resolution to be adopted accordingly;  
29

30 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW,  
31 COUNTY OF SUMMIT AND STATE OF OHIO, THAT:  
32  
33

34 SECTION 1. 1155 Brentwood LLC, Applicant, is hereby granted site plan approval to  
35 permit the construction and reconfiguration of a parking lot, to be located at 3102 Graham Road  
36 (Parcel No. 56-02789), in Stow, Ohio. The proposed site plan is subject to the Building and  
37 Engineering Department's approval of construction plans and Engineering's storm water review;  
38 The property is zoned RB, Residential Business.  
39

40 SECTION 2. This Council finds and determines that Applicants' request for variances  
41 found below, are hereby granted:  
42

43 1. Variance to the prohibition of parking in the front of the building, per C.O.S. 1143.10(d) to  
44 allow for a parking lot in the front of the building.

45 2. Variance from the prohibition of a parking lot to be within the required 20ft front  
46 landscaped area, per 1185.01(b)(3) to allow for the parking lot to be within the 20ft landscaped

47 area.

48

49 SECTION 3. This Council finds and determines that all formal actions of this Council  
50 concerning and relating to the passage of this Resolution were taken in an open meeting of this  
51 Council and that all deliberations of this Council and of any committees or subcommittees that  
52 resulted in those formal actions were in meetings open to the public in compliance with the law.

53

54 SECTION 4. This Resolution was adopted pursuant to Section 4.11 Charter and, pursuant  
55 to Section 4.13 Charter, shall take effect thirty (30) days after its adoption by Council and approval  
56 by the Mayor, otherwise at the earliest period allowed by law.

57

58 ADOPTED BY COUNCIL \_\_\_\_\_

59

60

61 ATTEST

62

63 \_\_\_\_\_  
64 Lorree Villers  
65 DEPUTY CLERK OF COUNCIL

63 \_\_\_\_\_  
64 Jeremy McIntire  
65 PRESIDENT OF COUNCIL

66

66 FILED WITH MAYOR \_\_\_\_\_

66 APPROVED \_\_\_\_\_

67

68 FILED WITH CLERK \_\_\_\_\_

67 John Pribonic  
68 MAYOR

69

70 APPROVED AS TO FORM

70 EFFECTIVE DATE \_\_\_\_\_

71

72

73

74 \_\_\_\_\_  
74 Jaime Syx  
75 LAW DIRECTOR

76

77

78

79 ASSENT AND ACCEPTANCE BY APPLICANTS

80

81 The undersigned, Yvonne Kinkopf, on behalf of 1155 Brentwood LLC, has read the  
82 foregoing enactment by Stow City Council and do assent and accept all terms and conditions  
83 contained in this Resolution as being the basis on which approval was granted and upon which the  
84 authorized activity is expressly conditioned.

85

86

87

88

89

90

91 \_\_\_\_\_  
Date

By \_\_\_\_\_  
Yvonne Kinkopf

REQUESTED BY FINANCE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

ORDINANCE NO. 2023-204

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. **2022-164**, WHICH PROVIDES FUNDS FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR **2023**, AND ALL AMENDMENTS AND SUPPLEMENTS THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5705.38, Ohio Revised Code, provides that the annual appropriation ordinance providing for the expenses of the City shall be approved by City Council no later than the first day of April of the current year and, thereafter, Council may pass any supplemental appropriation measures as it finds necessary; and

WHEREAS, Council finds that the herein amendment is necessary to increase appropriation of funds for the year **2023** for the below funds and, therefore, this Ordinance must go into immediate effect;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. The following sums and amounts based upon the official certificate of estimated resources, and amendments thereof, the appropriation of funds not otherwise encumbered, are hereby set aside and appropriated for the year **2023**, as follows:

ADDITIONAL (INCREASED) APPROPRIATIONS (2023)

<u>FUND NO</u>	<u>FUND NAME</u>	<u>Dollars</u>
<b>209</b>	<b><u>POLICE PENSION</u></b>	
	TOTAL POLICE PENSION FUND	50,000.00
<b>210</b>	<b><u>FIRE PENSION</u></b>	
	TOTAL FIRE PENSION FUND	200,000.00
<b>213</b>	<b><u>MOTOR VEHICLE LICENSE TAX</u></b>	
	TOTAL MOTOR VEHICLE LICENSE TAX FUND	20,000.00
<b>218</b>	<b><u>GOLF COURSE</u></b>	
	TOTAL GOLF COURSE	120,000.00
<b>225</b>	<b><u>COURT SPECIAL PROJECTS</u></b>	
	TOTAL COURT SPECIAL PROJECTS	250,000.00

52	<b>226</b>	<b><u>PROBATION SERVICES</u></b>	
53			
54		TOTAL PROBATION SERVICES	50,000.00
55			
56	<b>230</b>	<b><u>IDIA MONITORING</u></b>	
57			
58		TOTAL IDIA MONITORING	20,000.00
59			
60	<b>287</b>	<b><u>COMMUNITY EVENTS</u></b>	
61			
62		TOTAL COMMUNITY EVENTS	45,000.00
63			
64	<b>289/290</b>	<b><u>SAFETY TOWN</u></b>	
65			
66		TOTAL SAFETY TOWN FUND	7,000.00
67			
68	<b>294</b>	<b><u>LODGING TAX</u></b>	
69			
70		TOTAL LODGING TAX FUND	135,000.00
71			
72	<b>301</b>	<b><u>BOND RETIREMENT FUND</u></b>	
73			
74		TOTAL BOND RETIREMENT FUND	20,000.00
75			
76	<b>807</b>	<b><u>ADMINISTRATIVE INSURANCE TRUST</u></b>	
77			
78		TOTAL ADMINSTRATIVE INSURANCE TRUST	20,000.00
79			
80	<b>800'S</b>	<b><u>VARIOUS FUNDS, SUB-FUNDS</u></b>	
81			
82		TOTAL 800'S FUNDS, SUB-FUNDS	600,000.00
83			
84			

85 SECTION 2. That all other terms and provisions of Ordinance No. **2022-164** and relating legislation not  
86 amended herein, be, and the same hereby are, reaffirmed as if fully appearing herein.

87  
88 SECTION 3. That the Clerk be, and she hereby is, authorized and directed to forward a certified copy  
89 hereof to the Auditor of Summit County.

90  
91 SECTION 4. That the Director of Finance is hereby authorized and directed to receive, be accountable  
92 for, and disburse such funds so appropriated, all in accordance with Article VI, Charter of the City of Stow, and  
93 laws of the State of Ohio, and the Finance Director shall have the authority to reconcile, transfer and/or close all  
94 appropriations for any line accounts with each fund, including those for personal services and those for all other  
95 expenditures, at the end of the fiscal year.

96

City of Stow, Ohio  
Ordinance No. 2023-204  
Page 3

97           SECTION 5. This Council finds and determines that all formal actions of this Council concerning and  
98 relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of  
99 this Council and of any of its committees and subcommittees that resulted in those formal actions were in meetings  
100 open to the public in compliance with the law.

101  
102           SECTION 6. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby declared to  
103 be an emergency measure necessary for the immediate preservation of the public health and safety for the reason  
104 that said appropriations are necessary in order for the City services to continue, and pursuant to Section 4.13,  
105 Charter, shall take effect upon its adoption by Council and approval of Mayor, otherwise at the earliest period  
106 allowed by law.

107  
108 ADOPTED BY COUNCIL \_\_\_\_\_

109  
110 ATTEST \_\_\_\_\_  
111 Lorree Villers  
112 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

113  
114  
115  
116 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John D. Pribonic  
MAYOR

117  
118 FILED WITH CLERK \_\_\_\_\_

119  
120 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

121  
122 \_\_\_\_\_  
123 Jaime M. Syx  
124 LAW DIRECTOR  
125

ORDINANCE NO. 2023-205

REQUESTED BY FINANCE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS BETWEEN  
VARIOUS FUNDS FOR 2023, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5705.14, Ohio Revised Code, provides that transfers made from one fund to another fund shall only be made by resolution of the taxing authority passed with the affirmative vote of two thirds of its members.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO, WITH AT LEAST FIVE OF SAID MEMBERS ELECTED OR APPOINTED THERETO CONCURRING:

SECTION 1. That as provided by Section 5705.14, O.R.C., there are funds transferred as follows:

<u>FUND</u>	<u>FROM</u>	<u>AMOUNT</u>
101	GENERAL FUND	\$1,298,817.00
	<b>TO</b>	
209	POLICE PENSION	\$532,512.00
210	FIRE PENSION	\$685,305.00
287	COMMUNITY EVENTS	\$ 50,000.00
289	SAFETY TOWN	\$ 6,000.00
295	RESIDENTIAL SNOW REMOVAL	\$ 15,000.00
862	POLICE DARE DRUG	\$ 10,000.00

SECTION 2. That the effective month of posting shall be **December, 2023.**

SECTION 3. The amounts to be transferred from the General Fund to Funds 209 and 210 are approximate only. The Finance Director shall have the authority to transfer more or less than the amounts listed for these funds, as well as Fund 873 (Flexible Spending), to balance them for **2023** only.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that said transfers are necessary to meet the expenses of the

City of Stow, Ohio  
Ordinance No. 2023-205  
Page 2

49 City, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and  
50 approval by the Mayor, otherwise at the earliest period allowed by law.

51  
52

53 ADOPTED BY COUNCIL \_\_\_\_\_

54  
55

56 ATTEST \_\_\_\_\_  
57 Lorree Villers  
58 CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

59

60 FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_

61  
62

62 FILED WITH CLERK \_\_\_\_\_

John Pribonic  
MAYOR

63  
64

64 APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

65  
66

67 \_\_\_\_\_  
Jaime Syx  
68 LAW DIRECTOR



1  
2  
3 ORDINANCE NO. 2023-206  
4  
5

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER  
7 INTO A CONTRACT WITH OHIO EDISON COMPANY, A SOLE SOURCE  
8 UTILITY PROVIDER, FOR PURCHASE OF ELECTRIC SERVICES TO ALL  
9 CITY FACILITIES FOR THE CALENDAR YEAR **2024**, WITHOUT THE  
10 NECESSITY OF PUBLIC BIDS AND DECLARING AN EMERGENCY.  
11

12 WHEREAS, the Service Director has requested authorization for the purchase of electric  
13 utility services to all City facilities for the calendar year **2024**, from Ohio Edison Company; and  
14

15 WHEREAS, the purchase is exempt from public bidding pursuant to C.O.S. Sections  
16 173.07(a)(1)C and 173.07(b)(1)A; and  
17

18 WHEREAS, since the expenditure is over \$20,000.00 the Service Director requests  
19 legislative approval by this Council; and  
20

21 WHEREAS, the Service Director requests Council suspend the rule requiring three  
22 readings;  
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
25 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
26

27 SECTION 1. That the Mayor be, and he hereby is, authorized to make and enter into a  
28 contract with Ohio Edison Company, a sole source provider, for purposes of providing electric  
29 utility services at all City facilities, for the calendar year **2024**.  
30

31 SECTION 2. That the Finance Director be, and he hereby is, authorized to appropriate,  
32 encumber, and pay funds in an amount not to exceed **Five Hundred Thirty Five Thousand Nine**  
33 **Hundred Dollars and Zero Cents (\$5325,900.00)** to Ohio Edison Company for said services.  
34

35 SECTION 3. This Council finds and determines that all formal actions of this Council  
36 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
37 Council and that all deliberations of this Council and of any committees or subcommittees that  
38 resulted in those formal actions were in meetings open to the public in compliance with the law.  
39

40 SECTION 4. That this ordinance was adopted pursuant to Section 4.11 Charter, and is  
41 hereby declared to be an emergency measure necessary for the immediate preservation of the  
42 public health and safety for the purpose that all departments depend on this service in order to  
43 continue providing City services, and, pursuant to Section 4.13 Charter, shall take effect upon its  
44 adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.  
45

46 ADOPTED BY COUNCIL \_\_\_\_\_  
47

Fund Account Numbers – 101 General, 207 Street, 216 Water, 218 Fox Den, 284 EMS, 325 S  
Assess, 826 Cemetery

City of Stow, Ohio  
Ordinance No. 2023-206  
Page 2

48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

1  
2  
3 ORDINANCE NO. 2023-207  
4  
5

REQUESTED BY SERVICE DIRECTOR  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER  
7 INTO A CONTRACT WITH AT&T, FOR PURCHASE OF TELEPHONE,  
8 FIBER OPTIC, AND INTERNET SERVICES FOR THE CALENDAR YEAR  
9 **2024**, WITHOUT THE NECESSITY OF PUBLIC BIDS AND DECLARING AN  
10 EMERGENCY.  
11

12 WHEREAS, the Service Director has requested authorization for the purchase of local and  
13 long distance telephone, Fiber Optic, and internet services for the calendar year **2024**, from AT&T  
14 Services, Inc.; and  
15

16 WHEREAS, the purchase is exempt from public bidding pursuant to C.O.S. Sections  
17 173.07(a)(1)C and 173.07(b)(1)E; and  
18

19 WHEREAS, since the expenditure is over \$20,000.00 the Service Director requests  
20 legislative approval by this Council; and  
21

22 WHEREAS, the Service Director requests Council suspend the rule requiring three  
23 readings;  
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
26 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
27

28 SECTION 1. That the Mayor be, and he hereby is, authorized to make and enter into a  
29 contract with Ohio Edison Company, a sole source provider, for purposes of providing local and  
30 long distance telephone, Fiber Optic, and internet services, for the calendar year **2024**.  
31

32 SECTION 2. That the Finance Director be, and he hereby is, authorized to appropriate,  
33 encumber, and pay funds in an amount not to exceed **Ninety Eight Thousand Three Hundred**  
34 **Dollars and Zero Cents (\$98,300.00)** to AT&T Services for said services.  
35

36 SECTION 3. This Council finds and determines that all formal actions of this Council  
37 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
38 Council and that all deliberations of this Council and of any committees or subcommittees that  
39 resulted in those formal actions were in meetings open to the public in compliance with the law.  
40

41 SECTION 4. That this ordinance was adopted pursuant to Section 4.11 Charter, and is  
42 hereby declared to be an emergency measure necessary for the immediate preservation of the  
43 public health and safety for the purpose that all departments depend on this service in order to  
44 continue providing City services, and, pursuant to Section 4.13 Charter, shall take effect upon its  
45 adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.  
46

47 ADOPTED BY COUNCIL \_\_\_\_\_  
48

Fund Account Numbers – 101 General, 207 Street, 216 Water, 284 EMS

City of Stow, Ohio  
Ordinance No. 2023-207  
Page 2

49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65

ATTEST \_\_\_\_\_  
Lorree Villers  
CLERK OF COUNCIL

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_

John Pribonic  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Jaime Syx  
LAW DIRECTOR

1  
2  
3 ORDINANCE NO. 2023-208  
4  
5

REQUESTED BY CITY ENGINEER  
APPROVED BY FINANCE COMMITTEE  
INTRODUCED BY HARRISON

6 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
7 ADVERTISE AND SOLICIT BIDS, ON BEHALF OF THE CITY OF STOW,  
8 FOR THE FOLLOWING STORM SEWER PROJECTS:  
9

10 FOREST HILL STORM IMPROVEMENTS, 2424 NORTON ROAD STORM  
11 IMPROVEMENTS, AND CALL/FRIAR 60” STORM REPLACEMENT  
12

13 AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS  
14 PREPARED BY OR FOR THE CITY OF STOW THEREFOR; AUTHORIZING  
15 THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID  
16 SERVICES SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED  
17 IN ACCORDANCE WITH SECTION 173.05, C.O.S.  
18  
19

20 WHEREAS, several storm projects are necessary in order to deal with storm water issues  
21 throughout the City; and  
22

23 WHEREAS, it is necessary for the City to comply with the competitive bid precepts of  
24 Ohio law and the enactments of this Council governing the awarding of contracts; and  
25

26 WHEREAS, it is necessary for this Council to clearly indicate its assent, so long as the  
27 same is accomplished in accordance with law; and  
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
30 STOW, COUNTY OF SUMMIT AND STATE OF OHIO:  
31

32 SECTION 1. That the Director of Public Service be, and he hereby is, authorized to prepare  
33 plans and specifications, or to have the same prepared, and thereafter, to advertise and solicit bids,  
34 according to statutory law, for the following storm water improvement projects: Forest Hill Storm  
35 Improvements, 2424 Norton Road Storm Improvements, and the Call/Friar 60” Storm  
36 Replacement. The Law Director shall review the completed bid package(s) for legal form and  
37 correctness prior to advertisement.  
38

39 SECTION 2. That the Mayor be, and he hereby is, authorized to make and enter into  
40 contracts with the lowest responsive and responsible bidders for said services as specified in  
41 Section 1 hereof, according to law, so long as the proper authorization for such contracts have first  
42 been secured, in accordance with Section 173.05, C.O.S., and adequate appropriations exist.  
43

44 SECTION 3. That this Council does hereby adopt, ratify, and confirm the plans and  
45 specifications, profiles and estimates of cost hereby delegated to be prepared by the proper officers  
46 of the City of Stow, under the authority of the Director of Public Service.  
47

48 SECTION 4. That this Council finds and determines that all formal actions of this Council

Fund Account Number – 217 Stormwater

City of Stow, Ohio  
Ordinance No. 2023-208  
Page 2

49 concerning and relating to the passage of this Ordinance were taken in an open meeting of this  
50 Council and that all deliberations of this Council and of any committees or subcommittees that  
51 resulted in those formal actions were in meetings open to the public in compliance with the law.  
52

53 SECTION 5. That this Ordinance was adopted pursuant to Section 4.11, Charter and,  
54 pursuant to Section 4.13, Charter, shall take effect thirty (30) days after its adoption by Council  
55 and approval by the Mayor, otherwise at the earliest period allowed by law.  
56

57 ADOPTED BY COUNCIL \_\_\_\_\_  
58

59 ATTEST \_\_\_\_\_  
60 Lorree Villers  
61 CLERK OF COUNCIL  
62

\_\_\_\_\_  
Jeremy McIntire  
PRESIDENT OF COUNCIL

63  
64 FILED WITH MAYOR \_\_\_\_\_  
65

APPROVED \_\_\_\_\_  
John Pribonic  
MAYOR

66 FILED WITH CLERK \_\_\_\_\_  
67

68 APPROVED AS TO FORM  
69

EFFECTIVE DATE \_\_\_\_\_  
70

71 \_\_\_\_\_  
72 Jaime Syx  
73 LAW DIRECTOR  
74