

RESOLUTION NO. 6567-2014

Introduced By Mr. Lance
First Reading: September 15, 2014
Second Reading: October 6, 2014
Third Reading: October 20, 2014

A Resolution expressing support for the County of Summit's proposed 0.25% additional sales and use tax, and urging the citizens of the Village of Lakemore to vote YES on the issue at the November 4, 2014 General Election.

WHEREAS, the County of Summit has been fiscally responsible and made necessary cuts to deal with a substantial decline in revenue, including cutting staff by twenty percent, reducing its general fund budget by approximately \$20 million and cutting its total budget by nearly \$100 million; and

WHEREAS, the County of Summit currently operates on the lowest local sales and use tax rate in the State of Ohio at 0.50%; and

WHEREAS, the Summit County Executive and Summit County Council have proposed an additional sales and use tax of 0.25%, which is the lowest additional increment allowed by law, and Summit County voters will decide that issue in the November 2014 General Election; and

WHEREAS, even with the proposed additional 0.25% sales and use tax, The County of Summit would be one of only five counties out of 88 that operate on less than a 1% local sales and use tax; and

WHEREAS, the proposed additional tax would address serious and urgent staffing and capital needs at the Summit County Jail, which has seen an increase in lockdowns, tension and violence, all of which threaten the safety of the deputies, inmates and Summit County as a whole; and

WHEREAS, the proposed additional tax would fund critical and mandatory upgrades to Summit County's 800 MHz emergency radio system, which are necessary for the continued interoperability of the system and to ensure that Summit County's safety forces and first responders can continue to provide the best and fastest service possible to the public; and

WHEREAS, the proposed additional tax would fund necessary dispatch consolidations and looming NextGen 911 upgrades that are also critical to the public's safety; and

WHEREAS, the proposed additional tax will also provide necessary funding for capital projects such as the replacement of roofs, windows, vehicles, information technology equipment and voting equipment that are critical to the basic functions of county government; and

WHEREAS, without the proposed additional tax, the County simply does not have the revenue necessary to address these needs- jail staffing and capital repairs, emergency radio system and 911 dispatch upgrades and consolidations and basic capital repairs and replacement- and will be forced to cut services even further to the public, forego necessary and critical

investments and push the costs for these needs down to local governments; and

WHEREAS, 92.5% of the proposed additional tax will fund public safety, criminal justice and capital needs, while only 7.5% will fund general government administration; and

WHEREAS, if the additional tax is not approved, the users of the 800 MHz emergency radio system will need to pay for the costs of upgrades, which will cost the Village of Lakemore between \$120,095.33 and \$228,982.33; and

WHEREAS, this tax will cost taxpayers only \$0.25 for every \$100.00 they spend on taxable items, and is anticipated to cost the average taxpayer only \$3 per month, with those on fixed incomes being below that amount; and

WHEREAS, this Council desires to express its support for the proposed additional sales and use tax and urges the citizens of the Village of Lakemore to vote YES on the issue at the November 4, 2014 General Election.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Lakemore, County of Summit, State of Ohio, that:

SECTION 1

This Council expresses its support for the proposed additional 0.25% sales and use tax increase, and urges the citizens of the Village of Lakemore to vote YES on the issue at the November 4, 2014 General Election.

SECTION 2

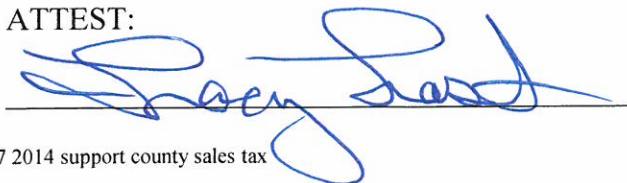
Provided this Resolution received the affirmative vote of six members, it shall take effect immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 3

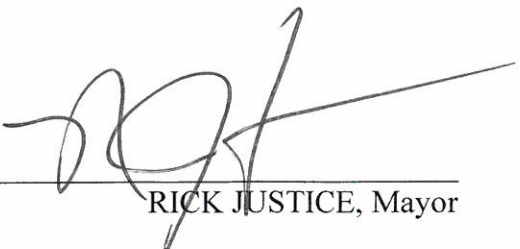
It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings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

Passed October 20, 2014

ATTEST:



A handwritten signature in blue ink, appearing to read "Garry Sand", is written over a horizontal line.

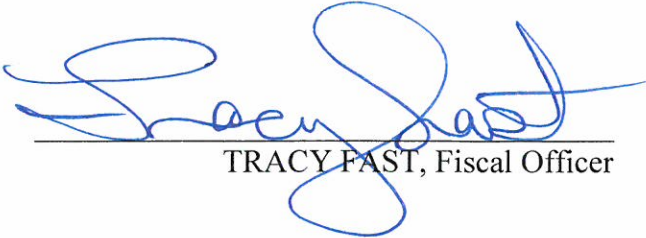


A handwritten signature in black ink, appearing to read "Rick Justice", is written over a horizontal line.

RICK JUSTICE, Mayor

TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Resolution No. 6567-2014 was duly adopted by Council at a special meeting held on October 20, 2014.



TRACY FAST, Fiscal Officer

Ordinance No. 1519 – 2014

*Introduced by: MRS. COONTZ
First Reading: September 15, 2014
Second Reading: October 6, 2014
Public Hearing: October 20, 2014
Third Reading: October 20, 2014*

AN ORDINANCE REPLACING ORDINANCE No. 1188 – 1993,
ESTABLISHING FOR OPEN BURNING AND RECREATIONAL FIRES
WITHIN THE VILLAGE OF LAKEMORE

Now, therefore, be it ordained by the Council of the Village of Lakemore, Ohio:

- Section 1: That the below ordinance and the attached appendixes replace any and all previous ordinances pertaining to open burning and recreational fires within the Village of Lakemore.
- Section 2: Ordinance 1519 - 2014, establishes guidelines per the Ohio Fire Code 2011 and the Ohio EPA open burning regulations.
- Section 3: Open burning and recreational fires shall be permitted within the Village of Lakemore subject to the following regulations:
- 1) Per Appendix A & B (Ohio EPA open burning rules & OFC 2011) attached
 - 2) The maximum number of fire(s) allowed at any one time shall be one (1);
 - 3) The maximum size of any recreational fire shall be no larger than three (3) feet in diameter and no higher than two (2) feet in height.
 - 4) The location for recreational fire shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
 - 5) Open burning; bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended/supervised by a competent adult until the fire is extinguished.
 - 6) A minimum of one (1) portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
 - 7) Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fire hazardous shall be prohibited.

8) The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to hazardous or objectionable situation.

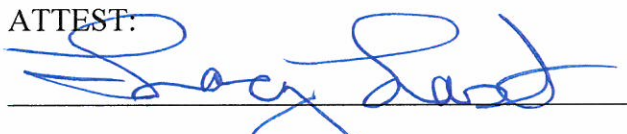
Section 4: That whoever violates this ordinance shall be subject to a penalty not to exceed \$100.00 per violation.

Section 5: That this ordinance shall be in effect from and after the earliest period allowed by law.

Passed: October 20, 2014

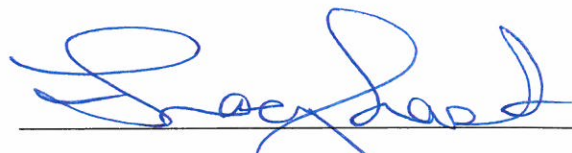


RICK JUSTICE, Mayor

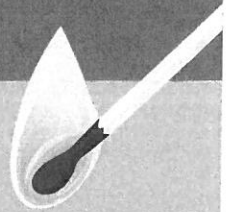
ATTEST:


TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1519-2014 was duly adopted by Council at its regular meeting held on October 20, 2014.



TRACY FAST, Fiscal Officer



What You Can Do Instead of Open Burning

- Reduce the amount of waste you generate.
- Reuse items in another way.
- Recycle - Contact your waste disposal provider about curb-side pickup or drop-off locations for bulky or hazardous items.
- Compost yard trimmings and food scraps, while creating a natural, free fertilizer.

Before You Light It...

Know Ohio's Open Burning Regulations

Open burning is any time you light an outdoor fire without a chimney or stack.

When burning refuse in burn barrels or open piles, the potential cost to your health, your home, your neighbors and your environment far exceeds the price of adequate collection services.

Protect yourself, your neighbors and your wallet by knowing the rules—what you can burn and where.



For a complete copy of Ohio's open burning regulations, contact:



Ohio EPA
 Division of Air Pollution Control
 P.O. Box 1049
 Columbus, OH 43216-1049
 (614) 644-2270

epa.ohio.gov/dapc/general/openburning.aspx
 May 2013

Before You Light It... Know Ohio's Open Burning Regulations

Why is open burning a problem?

Open burning can release many kinds of toxic fumes. Leaves and plant materials send aloft millions of spores when they catch fire, causing many people with allergies to have difficulty breathing.

The pollutants released by open burning also make it more difficult to meet health-based air quality standards, especially in or near large cities. The gases released by open burning can also corrode metal siding and damage paint on buildings.

What open burning is never allowed?

Under Ohio law, these materials may not be burned anywhere in the state at any time:

- garbage—any wastes created in the process of handling, preparing, cooking or consuming food;
- materials containing rubber, grease and asphalt or made from petroleum, such as tires, cars and auto parts, plastics or plastic-coated wire; and
- dead animals—unless approved for control of disease by a governing agency.

Other restrictions:

- Open burning is not allowed when air pollution warnings, alerts or emergencies are in effect.
- Fires cannot obscure visibility for roadways, railroad tracks or air fields.
- No wastes generated off the premises may be burned. For example, a tree trimming contractor may not haul branches and limbs to another site to burn.

Does Ohio EPA ever allow exceptions to the rules?

Under certain circumstances, yes. However, to burn a prohibited material or set a fire in a restricted area, you must receive written permission from Ohio EPA *before* you begin burning. This may take two weeks.

Can a community regulate open burning?

Yes. However, local ordinances cannot be less strict than the state law.

What happens if I'm caught illegally open burning?

Ohio EPA has the authority to enforce the state's open burning laws. Violations can result in substantial penalties. If you have any questions, or would like to report a suspected open burning incident, contact your Ohio EPA district office or your local air pollution control agency. See the map in this brochure for the agency to contact in your area.

Health Concerns

Burning household waste produces many toxic chemicals and is one of the largest known sources of dioxin in the nation. Other air pollutants from open burning include particulate matter, sulfur dioxide, lead and mercury.

These pollutants have been linked to several health problems, including asthma, respiratory illnesses, nervous system damage, kidney and liver damage, and reproductive or developmental disorders.

What can I burn?

The following open fires are **allowed** in Ohio:

May 2013

TYPE OF FIRE	INSIDE A VILLAGE OR CITY* if generated on property	OUTSIDE A VILLAGE OR CITY* if generated on property
Barbeques, campfires cookouts	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood or equivalent.	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood or equivalent.
Agricultural waste	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but does not include buildings, land clearing waste, dead animals or animal waste. <i>Fire must be more than 1,000 feet from neighbor's inhabited building. Must notify Ohio EPA in advance.</i>	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but does not include buildings, land clearing waste, dead animals or animal waste. <i>Fire must be more than 1,000 feet from neighbor's inhabited building. Request permission from Ohio EPA if pile greater than 20 ft. wide x 10 ft. high (4,000 cubic feet). This may take two weeks.</i>
Land-clearing waste	Not permitted in city limits.	Plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and crop residues. <i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Residential waste	Not permitted in city limits.	Plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and crop residues. Also wastes such as wood or paper products that are generated by one-, two-, or three-family residences. <i>Fire must be more than 1,000 feet from neighbor's inhabited building. Request permission from Ohio EPA if pile greater than 10 ft. x 10 ft. x 10 ft. This may take two weeks.</i>
Ceremonial fires	Wood stack no larger than 5 ft. high x 5 ft. wide. Duration no longer than three hours. Use clean, seasoned firewood or equivalent. <i>Must notify Ohio EPA in advance.</i>	Wood stack no larger than 5 ft. high x 5 ft. wide. Duration no longer than three hours. <i>No notification required.</i>
Occupational fires: welding torches, heating tar, heating for warmth of outdoor workers and strikers	Use clean, seasoned firewood contained in a 55-gallon drum.	Use clean, seasoned firewood contained in a 55-gallon drum.
Firefighter training, Explosive material disposal	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Horticultural, silvicultural, range or wildlife management practices	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Disease or pest control	Local health department, Ohio Department of Agriculture or U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method <i>and must notify Ohio EPA in advance.</i>	Local health department, Ohio Department of Agriculture or U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method.

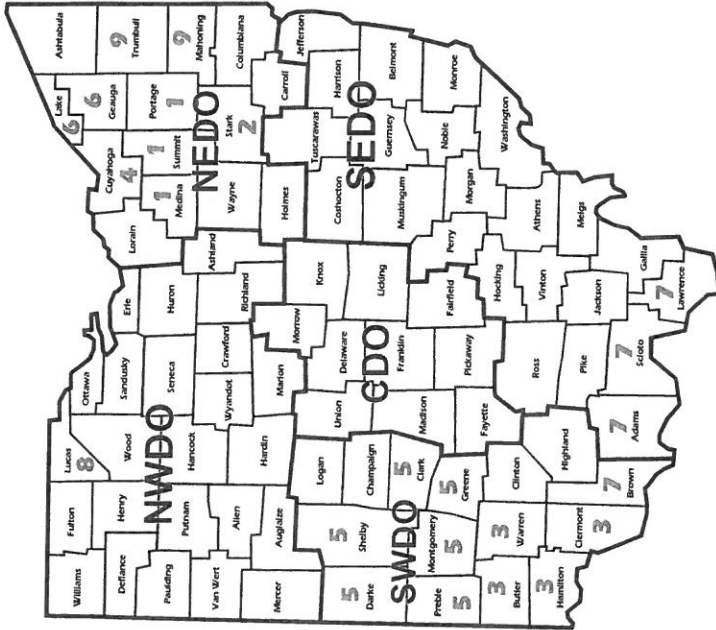
* villages and cities are considered "restricted areas," which include:

- within the boundaries of any municipal corporation;
- within corporation limits and a 1,000-foot zone outside any municipal corporation having a population of 1,000 to 10,000; and
- within corporation limits and a one-mile zone outside any municipal corporation with a population of more than 10,000.
Call your local municipality for corporation boundaries.

If you live in a county where there is a number on the map, contact the local air agency that is identified. In all other counties, contact an Ohio EPA district office.

Local Air Pollution Control Agencies

1. Akron Regional Air Quality Management District
(800) 589-2480
araqmd.org
2. Canton Division of Air Pollution Control
(330) 489-3385
cantonhealth.org/apc/
3. Southwest Ohio Air Quality Agency
(800) 889-0474
southwestohioair.org
4. Cleveland Division of Air Quality
(216) 664-2297
clevelandhealth.org/network/air_quality/air_quality.php
5. Regional Air Pollution Control Agency
(800) 458-2115
rapca.org
6. Lake County Air Pollution Control
(440) 350-2543
lcghd.org/air_quality/
7. Portsmouth Air Pollution Control
(740) 353-5156
portsmouthoh.org/health/air-division/
8. Toledo Division of Environmental Services
(419) 936-3015
toledo.oh.gov/departments/public-utilities/div-environmental-services/air-monitoring/
9. Mahoning-Trumbull Air Pollution Control Agency
(330) 743-3333
ychd.com/Services/AirPollution.aspx



Ohio EPA District Offices

- CDO** Central District Office
(800) 686-2330* (614) 728-3778
- NEDO** Northeast District Office
(800) 686-6330* (330) 963-1200
- NWDO** Northwest District Office
(800) 686-6930* (419) 352-8461
- SEDO** Southeast District Office
(800) 686-7330* (740) 385-8501
- SWDO** Southwest District Office
(800) 686-8930* (937) 285-6357

* Toll-free numbers are for calls within Ohio.

the device to roll, fall or slide on to any area or land containing combustible material.

(4) **305.4 Deliberate or negligent burning.** It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

(F) SECTION 306

MOTION PICTURE PROJECTION ROOMS AND FILM

(1) **306.1 Motion picture projection rooms.** Electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the building code as listed in rule 1301:7-7-47 of the Administrative Code.

(2) **306.2 Cellulose nitrate film storage.** Storage of cellulose nitrate film shall be in accordance with NFPA 40 as listed in rule 1301:7-7-47 of the Administrative Code.

(G) SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

(1) **307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this paragraph.

(a) **307.1.1 Prohibited open burning.** Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

(2) **307.2 Permit required.** A permit shall be obtained from the fire code official in accordance with rule 1301:7-7-01 of the Administrative Code prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(a) **307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

(3) **307.3 Extinguishment authority.** The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

(4) **307.4 Location.** The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and pro-

visions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

(a) **307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

(b) **307.4.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

(c) **307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

(5) **307.5 Attendance.** Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with paragraph (F)(906) of rule 1301:7-7-09 of the Administrative Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(H) SECTION 308 OPEN FLAMES

(1) **308.1 General.** Open flame, fire and burning on all premises shall be in accordance with paragraphs (H)(1)(a) (308.1.1) to (H)(4)(a)(308.4.1) of this rule and with other applicable paragraphs of this code.

(a) **308.1.1 Where prohibited.** A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.

(b) **308.1.2 Throwing or placing sources of ignition.** No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

AN ORDINANCE ESTABLISHING REGULATIONS FOR
OPEN BURNING AND RECREATIONAL FIRES
WITHIN THE VILLAGE OF LAKEMORE

Now, Therefore, Be it Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: That open burning and recreational fires shall be permitted within the Village of Lakemore subject to the following regulations:

- 1) A maximum number of fires allowed at any one time shall be One (1);
- 2) The Maximum size of any recreational fire shall be Four feet wide and Four feet long;
- 3) The fire shall not be more than Three feet high;
- 4) A minimum distance of two feet around the fire shall be cleaned of any combustibles;
- 5) An extinguishing agent (garden hose or fire extinguisher) shall be accessible for immediate extinguishment;
- 6) The recreational fire shall be a minimum of twenty (20) feet from any building;
- 7) The smoke generated by the fire shall not cause unreasonable annoyance to any person(s); Example: Smoke blowing into surrounding houses or buildings. If annoyance of this type occurs, the fire shall be extinguished;
- 8) The fuel shall be chosen to minimize the generation and emission of air contaminants;
- 9) Only seasoned wood shall be allowed for any recreational fires - No exception;
- 10) Recreational fires shall be supervised by a competent adult at all times;

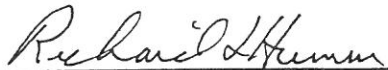
11) All unattended recreational fires shall be totally extinguished.

Section 2:

That whoever violates this Ordinance shall be subject to a penalty not to exceed \$100.00 per violation.

Section 3: That this Ordinance shall be in effect from and after the earliest period allowed by law.

Passed: August 2, 1993.


RICHARD L. HUMM, Mayor

ATTEST:


SANDRA L. STAFFORD, Clerk

I, Sandra L. Stafford, Clerk of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1188 - 1993 was duly adopted by Council at its regular meeting held on August 21, 1993.


SANDRA L. STAFFORD, Clerk

LK1/1188.93

ORDINANCE NO. 1524-2014

*Introduced by: MR. LANCE
Dispense with Three Readings*

AN ORDINANCE AMENDING ORDINANCE 1507-2013 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF LAKEMORE, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014.

Be it Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: The Council approves amending the permanent appropriations for 2014 to make the following appropriation adjustments:

Increase CDBG for Mohican Waterline Phase I project \$85,701.85 that will be reimbursed by Summit County.

Section 2: The appropriation adjustments will be made to afford expenses for 2014.

Section 3: And the Village Fiscal Officer is hereby authorized to draw warrants on the Village Treasury for payments from the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditure. It shall be provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village and for purposes other than those covered by other specific appropriations herein made.

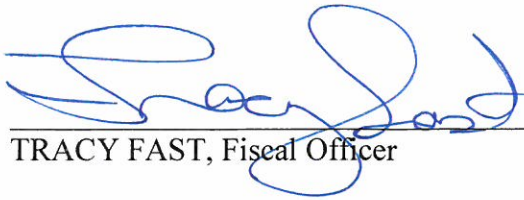
Section 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the citizens of the Village of Lakemore, Ohio, for the reason that the appropriations are necessary for the continued operation of the Village of Lakemore. Therefore, this Ordinance shall go into effect immediately.

Passed: October 20, 2014



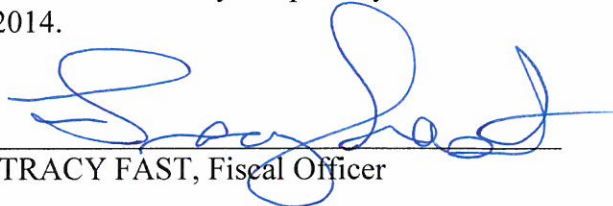
RICK JUSTICE, Mayor

ATTEST:



TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1524-2014 was duly adopted by Council at its regular meeting held on October 20, 2014.



TRACY FAST, Fiscal Officer