

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2013-0001

Sponsored by: <b>Council President Connally/Clerk of Council and Director of Law</b>	<b>An Ordinance</b> establishing general provisions for the Cuyahoga County Code and authorizing the Clerk of Council to officially publish the Cuyahoga County Code as approved by the County's Director of Law; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Clerk of Council and Department of Law have been working on codification of the Cuyahoga County Ordinances to officially launch the Cuyahoga County Code;

WHEREAS, the Clerk of Council and Law Department have determined that it is necessary to include a General Provisions Title of the Cuyahoga County Code that is applicable to all legislation adopted by the Cuyahoga County Council; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

### **NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That Cuyahoga County Council hereby adopts Chapters 101, 102, 103, and 104 of the Cuyahoga County Code as follows:

#### Chapter 101: Definitions

In the construction of this Code of the County of Cuyahoga, the following definitions shall be observed unless an alternative definition is otherwise provided in the Code:

**“Agreement”** shall mean the writing or instrument, which evidences the understanding and intention between two or more parties with respect to their rights, duties, obligations, or performances. It shall be given its broadest definition as the term is customarily used, and it shall include, without limitation, contracts, sales and purchase agreements, lease agreements, agreements with other governmental entities or political subdivisions, or any other agreements. For purposes of this Code, “Agreement” shall be synonymous with the term “Contract,” but it shall not apply to

settlement agreements, which are specifically addressed in Ordinance No. O2011-0033.

**“Charter”** shall mean the County of Cuyahoga Charter also known as the Charter of Cuyahoga County, effective on January 1, 2010, and shall include any amendments to such Charter.

**“Code”** shall mean the Cuyahoga County Code, unless the context otherwise requires.

**“Contract”** shall be given the same meaning and definition as “Agreement”.

**“County”** shall mean the County of Cuyahoga, Ohio created by the Cuyahoga County Charter. As used in the Code, the term “County” shall include all County contracting authorities.

**“County Council”** or **“Council”** shall mean the County Council of the County of Cuyahoga, Ohio.

**“C.C.C.”** or **“CCC”** shall mean the Cuyahoga County Code.

**“County Executive”** shall mean the County Executive of the County of Cuyahoga, Ohio.

**“Day”** shall mean a calendar day, unless otherwise expressly stated.

**“Month”** shall mean a calendar month, unless otherwise expressly stated.

**“Oath”** includes affirmation and “swear” includes affirm.

**“Ohio R.C.”**, **“ORC”**, **“Revised Code”**, **“R.C.”**, or **“RC”** refer to the Ohio Revised Code.

**“Person”** includes an individual, corporation, business trust, estate, trust, partnership, and association.

**“Premises,”** as applied to property, shall include land and buildings.

**“Property”** shall mean real and personal property.

**“The State”** or **“this State”** shall mean the State of Ohio.

**“Year”** shall mean a calendar year unless otherwise expressly stated.

## Chapter 102: Home Rule Powers

It is the intent of the Cuyahoga County Council in enacting this Code to exercise the County's Home Rule powers to the fullest extent possible.

If any conflict arises between any provision, term, procedure, or other requirement of the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation, and this Code, the provision, term, procedure, or other requirement of this Code shall prevail.

## Chapter 103: Severability

If any provision or a section in this Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

## Chapter 104: Interpretation and Construction

Unless the Code expressly states otherwise with regard to a specific provision, all provisions in this Code shall be interpreted in a manner that preserves the County's intent to exercise its home rule powers to the fullest extent.

**SECTION 2.** With the incorporation of the foregoing provisions, the Clerk of Council is hereby authorized to officially publish the Cuyahoga County Code as approved by the County's Director of Law. The Clerk of Council shall continually update the Code in an expeditious manner and as approved by the County's Director of Law.

**SECTION 3.** It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County entity. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the 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.

On a motion by Mr. Schron, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Gallagher, Schron and Connally

Nays: None

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County Council President

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Date

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County Executive

\_\_\_\_\_  
Date

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Clerk of Council

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Date

First Reading/Referred to Committee: January 22, 2013

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Committee Report/Second Reading: February 12, 2013

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