

AGENDA

DATE: NOVEMBER 4, 2002
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS THIS EVENING
THERE WILL BE AN EXECUTIVE SESSION AT 7:00 P.M.

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TIM BRYAN (OR GUEST)
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 208 - 2002 BY: ENVIRONMENTAL COMMITTEE

125
AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

ORDINANCE NO. 209 - 2002 BY: HEALTH, WELFARE & BUILDING REGULATIONS

125
AN ORDINANCE repealing CHAPTER 753 "PEDDLERS AND SOLICITORS" of the Massillon Codified Ordinances and enacting a new CHAPTER 753 "ITINERANT RETAILERS, CHARITABLE SOLICITORS AND SOLICITORS" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 210 - 2002 BY: HEALTH, WELFARE & BUILDING REGULATIONS

135
AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" OF THE Codified Ordinances of the City of Massillon, by deleting Section 505.16 "Vicious Dogs", and enacting a new Section 505.16 "Vicious Dogs" of CHAPTER 505 "ANIMALS AND FOWL" and declaring an emergency.

ORDINANCE NO. 211 - 2002 BY: POLICE AND FIRE COMMITTEE

1200
AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to enter into a contract with Text & Data Technologies Incorporated for the purchase of a Jail Management/Booking System software package, and declaring an emergency.

ORDINANCE NO. 212 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

1200
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a revised rental agreement with South East Golf Cart Company for the leasing of golf carts at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 213 - 2002 BY: FINANCE COMMITTEE

90-3
AN ORDINANCE reducing the appropriation in The Legends Golf Fund of the City of Massillon, for the year ending December 31, 2002, and declaring an emergency.

ORDINANCE NO. 214 - 2002 BY: FINANCE COMMITTEE

125
AN ORDINANCE authorizing the extension of the \$75,000.00 advance to The Legends Golf Course by the City of Massillon and due by December 31, 2002, and declaring an emergency.

ORDINANCE NO. 215 - 2002 BY: FINANCE COMMITTEE

125
AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 235 - 2001, and declaring an emergency.

ORDINANCE NO. 216 - 2002 BY: FINANCE COMMITTEE

90-3
AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Fund, Home Health Fund and the Restaurant License Fund for the year ending December 31, 2002, and declaring an emergency.

ORDINANCE NO. 217 - 2002 BY: FINANCE COMMITTEE

90-5
AN ORDINANCE making certain transfers in the 2002 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 218 - 2002 BY: FINANCE COMMITTEE

100-90
Ref. C.C.
AN ORDINANCE amending Ordinance No. 187 - 2002, adopted by the City Council of the City of Massillon, Ohio on October 7, 2002, and declaring an emergency.

ORDINANCE NO. 219 - 2002 BY: FINANCE COMMITTEE

100-90
Ref. C.C.
AN ORDINANCE amending Ordinance No. 188 - 2002, adopted by the City Council of the City of Massillon, Ohio on October 7, 2002, and declaring an emergency.

ORDINANCE NO. 220 - 2002 BY: FINANCE COMMITTEE

100-90
Ref. L.C.D.
AN ORDINANCE amending Ordinance No. 189 - 2002, adopted by the City Council of the City of Massillon, Ohio on October 7, 2002, and declaring an emergency.

ORDINANCE NO. 221 - 2002 BY: COMMITTEE OF THE WHOLE

100-50
Finance
Adopted
AN ORDINANCE authorizing Attorney Bruce M. Soares of the law firm of Black, McCuskey, Souers and Arbaugh to appeal the lower court's decision in Case No. 2001 CV03552, Massillon City School district Board of Education, et al vs. City of Massillon et al, and declaring an emergency.

RESOLUTION NO. 19 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

fyw
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on October 10th, 2002 wherein the Zoning Board of Appeals denied a variance to allow an accessory building to remain on property located at 2109 Lincoln Way East, Massillon, Ohio, and owned by Mr. Carl Oser, and declaring an emergency.

RESOLUTION NO. 20 - 2002 BY: FINANCE COMMITTEE

*P-200
9-0*
A RESOLUTION accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DIVISION OF LIQUOR CONTROL, REGARDING A TRANSFER OF LIQUOR LICENSE FROM DICK MACIOCE, DBA DICKS RESTAURANT & LOUNGE, 7936 HILLS DALES ROAD, MASSILLON, OHIO, 44646 TO J.C. BOURBON STREET INC., DBA LA MACCHIAS RESTAURANT, 7936 HILLS DALES ROAD, MASSILLON, OHIO, 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2002

B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER - 2002

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 181 - 2002 BY: ENVIRONMENTAL COMMITTEE

Tabled
AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by enacting a new Section 925.63 "Private Extension of Public Sanitary Sewer Mains", and declaring an emergency

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

Next Com TOES 11/12

**SHARON HOWELL
CLERK OF COUNCIL**

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 208 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

That Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, be and is hereby repealed.

Section 2:

There be and is hereby enacted a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon. Said newly enacted section shall read as follows:

965.09 COLLECTION RATES.

(a) For garbage and rubbish collected and removed, the Director of Public Service and Safety on behalf of the City shall make a monthly charge of:

- *(1) Twelve dollars (\$14.00) per month for each single family residence or unit for weekly service.
- (2) Weekly service shall be limited to five units of trash or garbage in plastic bags no larger than thirty gallons. Bags or containers must not weigh in excess of fifty pounds.

*(b) Any quantity over the weekly limit of five units will be billed at a minimum of fifty cents (\$.50) per unit.

(c) The applicable rate shall be payable in quarterly installments in advance on the twenty-fifth day of January, April, July and October of each year at the office of the Treasurer, Collections Department. All bills not paid on or before the due date are subject to a ten percent (10%) penalty.

(d) An additional charge shall be incurred for pickup upon prior arrangements of additional items not generally characterized as garbage or rubbish except automotive or building materials which will not be picked up at all. (Example: Major appliances - approved; auto transmission - unapproved; construction brick - unapproved; furniture - approved.)

(e) The rates for additional pick-ups indicated in subsection (d) above shall be:

- (1) Ten dollars (\$10.00) for each major appliance, piece of furniture, mattress or box springs.
- (2) Special clean-up of trash: Ten dollars (\$10.00) for ten bags or boxes not weighing over fifty pounds each plus one dollar (\$1.00) per bag or box over ten.
- (3) Other large quantities or extraordinary circumstances will be determined on an individual basis and will be billed accordingly.

*(f) Rates for commercial users will be determined by the Director of Public Safety and Service.

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Solid Waste Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: Sharon Howell

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 209 - 2002

*1st Reading
Passed 11/19*

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE repealing Chapter 753; "PEDDLERS AND SOLICITORS" of the Massillon Codified Ordinances and enacting a new Chapter 753; "ITINERANT RETAILERS, CHARITABLE SOLICITORS AND SOLICITORS" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO; THAT:

Section 1:

The existing Chapter 753; "PEDDLERS AND SOLICITORS" of the Codified Ordinances of the City of Massillon, Ohio, is hereby repealed.

Section 2:

There is hereby enacted a new Chapter 753; "ITINERANT RETAILERS, CHARITABLE SOLICITORS AND SOLICITORS" of the Codified Ordinances of the City of Massillon. Ohio, and which shall read as follows:

CHAPTER 753
"ITINERANT RETAILERS, CHARITABLE SOLICITORS AND SOLICITORS"

753.01 DEFINITIONS.

Whenever used in this Chapter, the following words shall be as herein defined unless a different meaning clearly appears from the context:

- (a) An "itinerant retailer" means a person, including an individual, corporation, partnership or unincorporated association, and any employee or agent thereof, who offers for sale, barter or exchange anything of value at any place in, upon, along or through any street, alley or other public place, or on private property. The term "itinerant retailer" shall include persons selling goods door to door as well as persons selling goods from a mobile cart, trailer or similar device.

- (b) The term "itinerant retailer" does not include an owner or tenant of residential property for activities on that property or an owner or operator of a business located in a building or structure being used for commercial or retail purpose, nor to such owner or operator's activities immediately adjacent to or abutting such building or structure.
- (c) An "itinerant retailer" for charitable or religious purposes means any person who calls at a residence or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of soliciting or receiving contributions or pledges for charitable or religious purposes, or to offer or attempt to sell, or request a donation for, any advertisement, advertising space, book, card, chance, coupon, device, magazine, merchandise, ticket, token, flag, souvenir, foodstuff, service or any other article or thing in connection with which any appeal is made for any charitable or religious purpose, or when or where in connection with any such sale, donation or contribution, any statement is made that the whole or any part of the proceeds of any such sale will go to or be donated to any charitable or religious purpose.
- (d) "Charitable" includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's, medical and social research, either actual or purported. "Contribution" includes the words gift, food, clothing, money, property or donations of any kind, including those made under the guise of a loan of money or property.

753.02 PERMIT REQUIRED.

- (a) No person shall engage in business as an "itinerant retailer" without first obtaining a permit for such purpose from the City of Massillon Administrative Offices (Mayor's/SSD Office). An applicant for a permit required by this Chapter shall pay an annual permit fee to the City of Massillon in the amount of one hundred twenty-five (\$125.00) per "itinerant retailer". The permit issued shall expire December 31st of the year of issuance. (The City of Massillon's fiscal year is 1/1 - 12/31)
- (a) An "Application for "Itinerant Retailer's" License" must be filled out by said "itinerant retailer" prior to issuance of a permit. This application must be approved by the Mayor and/or Safety Service Director before an actual City permit can be issued.

753.03 INSURANCE.

- (a) An applicant for an "itinerant retailer" permit shall provide a certificate of insurance for coverage in an amount not less than \$100,000.00 for property damage and injuries and/or death, and such policy shall name the City of Massillon as an additional insured. The applicant shall provide a copy of the insurance policy with the application.

- (b) Certificates shall contain an agreement signed by the insurance company that prior to modification, cancellation or termination of the policy, written notice shall be sent to the City of Massillon by the insurance company at least ten days in advance of such modification, cancellation or termination.

753.04 ITINERANT RETAILER TO DISPLAY PERMIT

- (a) An "itinerant retailer" licensed under this Chapter shall be issued a permit from the City of Massillon Administrative Offices (Mayor's/SSD Office). Such permit shall not be transferable and such permit shall be conspicuously displayed when engaged in retail sale. The permit shall bear an identification number and date of expiration. No person other than the licensee of such permit shall make use thereof.

753.05 NOTICE: VIOLATION OF "NO SOLICITORS INVITED".

- (a) Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited "itinerant retailer" and/or solicitors shall be given by displaying a weatherproof card, decal or sign not less than three inches by four inches in size nor more than one square foot in total surface area upon or near the main entrance door to the residence or place of business, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited", with letters at least one-third inch in height.
- (b) It is unlawful and shall constitute trespass for any person to go upon any premises and ring a door bell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupant(s) thereof and engage in canvassing or soliciting in defiance of the notice exhibited at the residence or place of business in accordance with the provisions in this particular section.

753.06 HOURS.

- (a) No person licensed under this Chapter shall sell or offer to sell, in the parks and on or from the streets, sidewalks and alleys of the City of Massillon anything of value before 9:00 a.m. or after 9:00 p.m., Monday through Sunday or on a State or National Holiday.

753.07 CHARITABLE OR RELIGIOUS PURPOSES.

- (a) Registration Required. No person shall act as a "itinerant retailer" or canvasser for charitable or religious purposes in the City of Massillon without first having registered as such with the Safety-Service Director. No fee shall be required. However, a registration form must be filled out and approved. A letter of approval will then be issued to each applicant and anyone going door to door must carry this identification and must show it upon request of any police officer or resident. Each "itinerant

retailer" or canvasser shall provide a written receipt and, if applicable, a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code if requested to do so by the person making a contribution or purchase. Such receipt shall show the name of the organization, amount of the contribution and the date and shall be signed by the canvasser or "itinerant retailer".

- (b) An organization which desires to place a number of canvassers or "itinerant retailers" for charitable or religious purposes in the City simultaneously may make a group application to cover all of them; however, separate registration certificates shall be issued to each individual person.
- (c) Each application shall contain, among other information, the name, address and telephone number of the person completing the application; the name, address and telephone number of the organization for which he/she purports to act; the name of an officer or other official of the organization; the nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied.
- (d) In no case shall any registration certificate for charitable or religious purposes or door to door salespersons be valid for more than a six month period.
- (e) An registration issued hereunder shall be revoked by the Safety Service Director if the holder thereof is convicted of a violation of any of the provisions of this Chapter, or has made a false material statement in the application.

Immediately upon such a revocation, written notice thereof shall be given by the Safety Service Director to the holder of the registration in person or by certified mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

753.08 PROXIMITY TO SCHOOLS; SALES ON ROADWAYS.

- (a) No "itinerant retailer" shall park, stand or stop for the purpose of making a sale within 1,000 feet of any school property between the hours of 7:00 a.m. and 4:00 p.m. on school days.
- (b) No "itinerant retailer" shall make a sale or delivery to any person while such person is standing in the roadway.
- (c) No "itinerant retailer" shall solicit or conduct business with persons in motor vehicles.
- (d) When a "itinerant retailer" sets up on-site solicitation at an individual business parking lot, corner or any other privately owned premises; he/she must obtain a letter of approval from the on-site private property owner, present this letter along with all other necessary license information before a City permit can be approved and issued.

753.09 DISPOSAL OF REFUSE

- (a) Each "itinerant retailer" or his/her vehicle shall be equipped with a receptacle for the disposal of wrappers, papers or envelopes or other refuse or solid waste. No "itinerant retailer" shall fail to pick up such refuse or solid waste after any sale or delivery of his product.

753.10 EXEMPTIONS

- (a) "Itinerant retailers" (vendors) of food are exempt from the requirements of this Chapter provided they comply with the provisions of the Ohio Revised Code Chapter 3717, and, further, go to the Massillon City Health Department for all necessary inspections and licensing. The "itinerant retailers" (vendors) of food must then provide the City of Massillon Administrative Offices (Mayor's/SSD Office) with a copy of a valid and unexpired mobile food or temporary food license. All "itinerant retailers" (vendors) of food who have obtained a mobile food or temporary food license shall be required to register with the City of Massillon Administrative Offices (Mayor's/SSD Office) but shall be exempt from payment of the permit fee.
- (b) No "itinerant retailer" shall stop his or her motor vehicle on the street or highway of the the City of Massillon for the purpose of offering to sell anything of value. Exempted from the section shall be ice cream trucks falling within the purview of Ohio Revised Code Chapter 3717. For the purpose of this section, street or highway shall include those portions of the street or highway commonly referred to as the shoulder.
- (c) No license shall be required of a farmer or producer who is selling the product of his his own farm, or of a bona-fide representative of a charitable, church or religious organization who is selling exclusively books or tracts published by a religious group or other goods or merchandise sold in connection with an appeal to charitable or religious purposes, such latter class of sales being governed by the registration requirements.
- (d) Persons holding sales of used personal property on or within their premises shall be exempted from application of this Chapter. Personal property shall mean property which is owned, utilized and maintained by an individual or members of his/her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.
- (e) Provisions of this Chapter shall not be applicable to fund raisers or other activities sponsored by governmental, charitable, religious or educational organizations which hold a 501 (c) (3) federal income tax exemption.

753.11 PROHIBITED CONDUCT.

- (a) No merchandise or advertisement for same shall be displayed on any utility pole, planter, tree, trash container or other sidewalk fixture.
- (b) No "itinerant retailer" shall operate within the boundaries of a designated special event or on public property without the express permission of the sponsor of the special event. "Itinerant retailers" operating in special events are exempt from the permit requirement during the event. Designated special events shall include only those events for which the written or verbal approval of the Safety Service Director has been obtained for the use of public property for the special event. The Safety Service Director may grant permission for the use of the public property for special events sponsored by community service organizations and nonprofit corporations. A map designating the boundaries of the public property being utilized for the special event must be submitted to the Chief of Police and the City of Massillon Administrative Offices (Mayor's/SSD Office) after the special event has been approved.
- (c) No merchandise shall be displayed or sold in any manner that blocks, obstructs or restricts the free passage of pedestrians in the lawful use of sidewalks.
- (d) Sidewalk vendors must contain their stand, including merchandise and supplies, within an area no larger than eight feet by six feet.
- (e) No trailer may be placed on any sidewalk.
- (f) No advertising, except the posting of prices, shall be permitted on or by any stand or motor vehicle other than to identify merchandise offered for sale or to identify "itinerant retailer".

753.12 ADDITIONAL LICENSES AND CITY INCOME TAX.

- (a) All "itinerant retailers" shall obtain all additional licenses required by the City of Massillon, if any, for their activity and shall file a City of Massillon income tax return pursuant to the Income Tax Ordinance of the City of Massillon.

753.13 PENALTIES.

Whoever violates any provisions of this Chapter shall be guilty of a misdemeanor of the fourth degree and each daily violation shall constitute a separate violation.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said repeal is necessary to enact a new Chapter 753; "ITINERANT RETAILERS, CHARITABLE SOLICITORS AND SOLICITORS" in the Codified Ordinances of the City of Massillon, Ohio, for better restriction of soliciting in the City and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 210 - 2002

passed 11/18

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinance of the City of Massillon, by deleting Section 505.16 "Vicious Dogs", and enacting a new Section 505.16 "Vicious Dogs" of CHAPTER 505 "ANIMALS AND FOWL", declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO: THAT

Section 1:

Existing Section 505.16 "Vicious Dogs" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon is hereby deleted.

Section 2:

That a new Section 505.16 "Vicious Dogs", of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon shall read as follows:

505.16 VICIOUS DOGS

- (A) For the purpose of this section, the following words and phrases shall have the following meanings ascribed to them.
- (b) A vicious dog as the term is used herein means:
- (a) Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals.
- (b) Any dog that attacks a human being or domestic animal more than one time without provocation.
- (c) Any Staffordshire bull terrier, American pit bull terrier, or American Staffordshire terrier breed of dog or any mixed breed of dog that contains as an element of breeding, the breed of Staffordshire bull terrier, American pit bull terrier or American Staffordshire terrier.
- (c) Owner: Any adult (18 and older) that owns, keeps, possesses, maintains, or has care of, custody of, or control of an animal.

- (d) Muzzle: A leather, wire, or device when fitted over the dog's snout, prevents biting and eating.
- (e) At Large: Off the premises of the owner.
- (f) Legal Confinement:
 - (a) Inside a residence.
 - (b) Restrained by means of a collar, a chain type leash no longer than six feet and held by a person no younger than 18 years of age. Muzzles must be worn any time dog is off owner's premises.
 - (c) Outside in an approved structure. Structure must be locked at all times. Structure must have a roof or top that is attached to the sides of the pen. Height requirement of six (6) feet. Structure must have an attached floor with sides embedded no less than twelve (12) inches into the ground. Structure material must be good quality chain link or material equal in strength. No wood structures permitted.

(B) Legal requirements for vicious dogs:

- (1) Annually, between January 2nd and January 31st, and whenever a new dog is obtained the owner must register such dogs with the Animal Control Officer.
- (2) Identifying the dog as registered by having such dog wear at all times a green fluorescent collar along with its regular collar. Collars are available through the Animal Control Officer. The City requires a fee for the collar.
- (3) Owners of vicious dogs will allow property inspections by Animal Control to assure confinement requirements are met. Color photo of dog required and to be submitted by owner or to be obtained by Animal Control.
- (4) Owners of vicious dogs are required to have all dogs over seven (7) months sprayed or neutered.
- (5) Owners of vicious dogs are required to carry One Hundred Thousand Dollars (\$100,000.00) liability insurance per dog.
- (6) Owners of vicious dogs are required within twenty-four (24) hours to obtain a complete a transfer of dog certificate if the dog is moved to another location.
- (7) Owners of vicious dogs are required to report immediately to Police or Animal Control if such dogs are stolen or escape.

- (8) Owners of vicious dogs, by virtue of the dog's nature are strictly and wholly financially liable for any damages while off the premises and on the premises if not exclusively controlled by the owner.

(A) Penalty

- (1) Whoever violates any provision of 505.16(B) Subsection (b)(f) or (g) is guilty of a minor misdemeanor for the first offence. For each subsequent offense such person is guilty of a misdemeanor of the fourth degree.
- (2) Whoever violates any provision of 505.16(B) Subsections (a)(c) and (d) is guilty of a misdemeanor of the fourth degree. For each subsequent offense such person is guilty of a misdemeanor of the third degree and shall be subject to a mandatory non-suspendable fine of Five Hundred Dollars (\$500.00).
- (3) Whoever violates any provision of 505.16(B) Subsection (e) is guilty of a misdemeanor of the first degree. For each subsequent offense such person shall be subject to a mandatory non-suspendable fine of One Thousand Dollars (\$1,000.00)
- (4) Whoever violates any provision of 505.16(A) Subsection (5)(c) is guilty of a misdemeanor of the first degree. For any subsequent offense the owner forfeits the dog in question and shall also be subject to mandatory non-suspendable fine of One Thousand Dollars (\$1,000.00).
- (5) Whoever violates 505.16(A), Subsection (5)(b) is guilty of a minor misdemeanor. Any vicious dog in the custody of any person under the age of eighteen (18) shall be subject to immediate seizure with such minor's parent or guardian being guilty of a misdemeanor of the first degree and mandatory forfeiture of the animal.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed to amend the City's ordinances concerning vicious dogs so as to provide greater safety against certain types of dogs and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 211 - 2002

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to enter into a contract with Text & Data Technologies Incorporated for the purchase of a Jail Management/Booking System software package, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to authorize the Director of Service and Safety of the City of Massillon to enter into a contract with Text & Data Technologies Incorporated for the purchase of a Jail Management/Booking System software package.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract with Text & Data Technologies Incorporated for the purchase of a Jail Management/Booking System software package. The cost of the contract shall not exceed Seventeen Thousand Nine Hundred Fifth Dollars (\$17,950.00)

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason the Massillon Police Department needs the software so as to be compatible with the Stark County Sheriff's Department System. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 212 - 2002

BY: PUBLIC UTILITIES/Golf COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a revised rental agreement with South East Golf Cart Company for the leasing of golf Carfts at The Legends of Massillon Golf Course, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to authorize the Director of Public Service and Safety of the City of Massillon to enter into a revised rental agreement with South East Golf Cart Company for the leasing of golf Carts at The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a revised rental agreement with South East Golf Cart Company for the leasing of golf Carts at The Legends of Massillon Golf Course. A copy of the rental agreement is attached hereto.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason The Legends of Massillon Golf Course needs to revise the rental agreement in that they cannot meet the finance requirement of the original agreement. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 213 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in The Legends Golf Fund of the City of Massillon, for the year ending December 31, 2002, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby is reduced the appropriation in The Legends Golf Fund for the year ending December 31, 2002, the following:

\$ 44,000.00 from an account entitled "Transfer To" 2104.920.2710

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of The Legends of Massillon Golf Course of the City of Massillon and for the preservation of the public health, safety and welfare of the community and for the additional reason that the appropriation needs to be reduced because of an audit finding. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

pt reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 214 - 2002

passed 11/8

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the extension of the \$75,000.00 advance to The Legends Golf Course by the City of Massillon and due by December 31, 2002, and declaring an emergency.

WHEREAS, it would be in the best interest of the City of Massillon that the \$75,000.00 advance given to The Legends Golf Course by the City of Massillon and which was due by December 31, 2002 be extended until December 31, 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby finds it necessary to authorize the extension of a Seventy Five Thousand Dollar (\$75,000.00) advance made to The Legends Golf Course by the City and which was due by December 31, 2002 be extended until December 31, 2003..

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that The Legends of Massillon Golf Course cannot pay the advance due at this time. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force form and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 215 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 235 - 2001, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

Ordinance No. 235 - 2001 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

- (A) Effective December 1, 2002 through December 31, 2002 the funds collected under the provision of this ordinance shall be disbursed as follows:
- (1) One Hundred (100) percent shall be deposited in the General Fund and shall be used to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (B) Effective January 1, 2003 the funds collected under the provisions of this ordinance shall be disbursed as follows:
- (1) Ninety (90) percent shall be deposited in the General Fund and shall be used to defray operating expenses of the city including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.

- (2) There is hereby created a separate fund entitled "Income Tax Capital Improvement Fund". Ten (10) percent shall be deposited in said Fund and shall be used for capital improvements.
- (3) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including "Chip and Seal" method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety and the emergency being the necessity of providing funds for the operation of necessary governmental functions imposed by law, including the proper police and fire protection, but not limited thereto, for, without said funds, said governmental functions would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 216 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Fund, Home Health Fund, and the Restaurant License Fund for the year ending December 31, 2002, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund for the year ending December 31, 2002, the following:

• 10,200.00 to an account entitled "Administrative Expense" 2102.605.2377

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Home Health Fund for the year ending December 31, 2002, the following:

\$ 5,900.00 to an account entitled "Salary" 1235.705.2110
\$ 1,600.00 to an account entitled "Supplies" 1235.705.2410
\$ 1,000.00 to an account entitled "Services/Contracts" 1235.705.2392
\$ 800.00 to an account entitled "P.E.R.S." 1235.705.2230
\$ 400.00 to an account entitled "Workers Comp." 1235.705.2270
\$ 400.00 to an account entitled "Travel/Seminar" 1235.705.2389
\$ 60.00 to an account entitled "Medicare" 1235.705.2231

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Restaurant License Fund for the year ending December 31, 2002, the following:

1,350.00 to an account entitled "P.E.R.S." 1211.720.2230
\$ 695.00 to an account entitled "Workers Comp" 1211.720.2270
\$ 2.00 to an account entitled "Medicare" 1211.720.2231

Section 4:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Sharon Howell
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 217 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2002 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and is hereby transferred from the 2002 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 1,857.00 FROM: "Furtherance of Justice" 1100.315.2387
TO: "Police Central Dispatch" 1100.305.2375

\$ 2,336.25 FROM "Supplies/Materials/Postage" 1100.315.2410
TO: "Police Central Dispatch" 1100.305.2375

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the efficient operation of the various departments for the end of the year and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATED: NOVEMBER 4, 2002

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 218 - 2002

BY: THE FINANCE COMMITTEE

AMENDING ORDINANCE NO. 187 - 2002, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MASSILLON, OHIO ON OCTOBER 7, 2002, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Massillon (the "City") adopted Ordinance No. 187 - 2002 on October 7, 2002 (the "Bond Ordinance"), which Bond Ordinance authorized the issuance of not to exceed \$3,767,000 of bonds (the "Bonds") for the purpose of currently refunding the City's \$3,767,000 Golf Course Improvement Notes dated January 10, 2002 (the "Outstanding Notes"); and

WHEREAS, in addition to currently refunding the Outstanding Notes, the City desires to currently refund the City's \$200,000 Golf Course Improvement Notes, Series 2002A dated April 17, 2002 (the "2002A Outstanding Notes") with the Bonds; and

WHEREAS, the additional current refunding of the 2002A Outstanding Notes and changes in preliminary pricing for the Bonds have required that the City issue and sell not to exceed \$4,400,000 of such Bonds to currently refund the Outstanding Notes and the 2002A Outstanding Notes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO, THAT:

Section 1. Ordinance No. 187 - 2002 is hereby amended as follows:

Section 2. It is hereby declared necessary to issue the Bonds in the principal sum of not to exceed Four Million Four Hundred Thousand Dollars (\$4,400,000), or such lesser amount as shall be determined by the City Auditor and certified to this Council.

Section 3. All other terms and provisions of Ordinance No. 187 - 2002 shall remain in full force and effect.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance 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.

Section 5. The City Clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of Stark County, Ohio.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this ordinance must be immediately effective so that the Combined Bonds can be sold as soon as possible to take advantage of favorable interest rates; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 4th day of November, 2002.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 218 - 2002 duly adopted by the Council of the City of Massillon, Stark County, Ohio on November 4, 2002 and that a true copy thereof was certified to the County Auditor of Stark County, Ohio on November __, 2002.

Clerk
City of Massillon
Stark County, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS

I, Janet Weir Creighton, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of Ordinance No. 218 - 2002 duly adopted by the City Council of the City of Massillon, Stark County, Ohio (the "City") on November 4, 2002, amending Ordinance No. 187 - 2002 and providing for the issuance of general obligation bonds of the City in the amount of not to exceed \$4,400,000, was filed in this office on November __, 2002.

WITNESS my hand and official seal at Canton, Ohio on November __, 2002.

[SEAL]

County Auditor
Stark County, Ohio

DATED: NOVEMBER 7, 2002

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 219 - 2002

BY: THE FINANCE COMMITTEE

AMENDING ORDINANCE NO. 188 - 2002, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MASSILLON, OHIO ON OCTOBER 7, 2002, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Massillon (the "City") adopted Ordinance No. 188 - 2002 on October 7, 2002 (the "Bond Ordinance"), which Bond Ordinance authorized the issuance of not to exceed \$2,645,000 of bonds (the "Bonds") for the purpose of advance refunding a portion of the outstanding principal amount of the City's Golf Course Construction Bonds dated October 1, 1995, originally issued in the aggregate principal amount of \$3,095,000 (the "Outstanding Bonds"); and

WHEREAS, changes in preliminary pricing for the Bonds have required that the City issue and sell not to exceed \$3,100,000 of such Bonds to advance refund the Outstanding Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO, THAT:

Section 1. Ordinance No. 188 - 2002 is hereby amended as follows:

It is hereby declared necessary to issue the Bonds in the principal sum of not to exceed Three Million One Hundred Thousand Dollars (\$3,100,000), or such lesser amount as shall be determined by the City Auditor and certified to this Council.

Section 2. All other terms and provisions of Ordinance No. 188 - 2002 shall remain in full force and effect.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance 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.

Section 4. The City Clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of Stark County, Ohio.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this ordinance must be immediately effective so that the Combined Bonds can be sold as soon as possible to take advantage of favorable interest rates; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 4th day of November, 2002.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 219 - 2002 duly adopted by the Council of the City of Massillon, Stark County, Ohio on November 4, 2002 and that a true copy thereof was certified to the County Auditor of Stark County, Ohio on November __, 2002.

Clerk
City of Massillon
Stark County, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS

I, Janet Weir Creighton, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of Ordinance No. 219 - 2002 duly adopted by the City Council of the City of Massillon, Stark County, Ohio (the "City") on November 4, 2002, amending Ordinance No. 188 - 2002 and providing for the issuance of general obligation bonds of the City in the amount of not to exceed \$3,100,000, was filed in this office on November __, 2002.

WITNESS my hand and official seal at Canton, Ohio on November __, 2002.

[SEAL]

County Auditor
Stark County, Ohio

DATED: NOVEMBER 4, 2002

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 220 - 2002

BY: THE FINANCE COMMITTEE

AMENDING ORDINANCE NO. 189 - 2002, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MASSILLON, OHIO ON OCTOBER 7, 2002, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Massillon (the "City") adopted Ordinance No. 189 - 2002 on October 7, 2002 (the "Bond Ordinance"), which Bond Ordinance authorized the issuance of not to exceed \$2,805,000 of bonds (the "Bonds") for the purpose of advance refunding a portion of the outstanding principal amount of the City's Lincoln Centre Phase II Bonds dated August 1, 1994, originally issued in the aggregate principal amount of \$3,650,000 (the "Outstanding Bonds"); and

WHEREAS, changes in preliminary pricing for the Bonds have required that the City issue and sell not to exceed \$3,200,000 of such Bonds to advance refund the Outstanding Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO, THAT:

Section 1. Ordinance No. 189 - 2002 is hereby amended as follows:

It is hereby declared necessary to issue the Bonds in the principal sum of not to exceed Three Million Two Hundred Thousand Dollars (\$3,200,000), or such lesser amount as shall be determined by the City Auditor and certified to this Council.

Section 2. All other terms and provisions of Ordinance No. 189 - 2002 shall remain in full force and effect.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance 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.

Section 4. The City Clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of Stark County, Ohio.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this ordinance must be immediately effective so that the Combined Bonds can be sold as soon as possible to take advantage of favorable interest rates; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 4th day of November, 2002.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 220 - 2002 duly adopted by the Council of the City of Massillon, Stark County, Ohio on November 4, 2002 and that a true copy thereof was certified to the County Auditor of Stark County, Ohio on November __, 2002.

Clerk
City of Massillon
Stark County, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS

I, Janet Weir Creighton, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of Ordinance No. 220 - 2002 duly adopted by the City Council of the City of Massillon, Stark County, Ohio (the "City") on November 4, 2002, amending Ordinance No. 189 - 2002 and providing for the issuance of general obligation bonds of the City in the amount of not to exceed \$3,200,000, was filed in this office on November __, 2002.

WITNESS my hand and official seal at Canton, Ohio on November __, 2002.

[SEAL]

County Auditor
Stark County, Ohio

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 221 - 2002

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing Attorney Bruce M. Soares of the law firm of Black, McCuskey, Souers and Arbaugh to appeal the lower court's decision in Case No. 2001 CV03552, Massillon City School District Board of Education, et al vs. City of Massillon et al, and declaring an emergency.

WHEREAS, on October 15, 2002, Judge Richard Reinbold of the Stark County Common Pleas Court ruled against the City of Massillon's position in the action that was filed against the City of Massillon by the Massillon and Perry School District;

WHEREAS, it would be in the City's best interest to appeal the decision in that the City of Massillon believes its interpretation of the state statute is correct;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council hereby determines that it would be in the City of Massillon's best interest to appeal the lower court's decision in Case No. 2001 CVO3552.

Section 2:

The Council of the City of Massillon hereby authorizes Attorney Bruce M. Soares of the law firm of Black, McCuskey, Souers and Arbaugh to appeal the lower court's decision in Case No. 2001 CV03552, Massillon City School District Board of Education, et al vs. City of Massillon et al

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to authorize the City's Attorney to appeal in the decision by November 14, 2002 the last day to file a notice of appeal. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 19 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on October 10th, 2002 wherein the Zoning Board of Appeals denied a variance to allow an accessory building to remain on property located at 2109 Lincoln Way East, Massillon, Ohio, and owned by Mr. Carl Oser, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on October 10th, 2002 denied a variance to allow an accessory building to remain on property located at 2109 Lincoln Way East, Massillon, Ohio, and owned by Mr. Carl Oser, and

WHEREAS, on October 11th, 2002 a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Attorney Rex W. Miller representing Mr. Carl Oser, appealing the decision in Case No. 1071 of the Massillon Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on October 10th, 2002 in Case No. 1071, in regards to a denial of a variance to allow an accessory building to remain on property located at 2109 Lincoln Way East, Massillon, Ohio, and owned by Mr. Carl Oser. Further the City of Massillon shall refund the filing fee to the owner.

Section 2:

This Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Therefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 4, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Sharon Howell
LEGISLATIVE DEPARTMENT

RESOLUTION NO.20 - 2002

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

(SEE ATTACHED PAGES)

PASSED THIS _____ DAY OF _____, 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL GLENN GAMBER, ACTING PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

Janet Weir Creighton
STARK COUNTY AUDITOR

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR

Revised Code, Secs. 5705.34-5705.35

The (Council of the) **MASSILLON CITY**,
Of Stark County, Ohio, met in _____ Session on the _____ day of
_____ at the office of _____ with the following members present:

Mr./Ms. _____ moved the adoption of the following Resolution:

WHEREAS, This council in accordance with the provisions of law has previously adopted
a Tax Budget for the next succeeding fiscal year commencing January 1st, _____; and

WHEREAS, The Budget Commission of Stark County, Ohio, has certified its action thereon to this council
together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this (Council/Board),
and what part thereof is without, and what part within the ten mill limitation; there be it

RESOLVED, by the (Council) of _____ City/Village, Stark County, Ohio that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted:
and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said (Village/City) the rate of each
tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

<u>FUND</u>	Amount to be derived from Levies outside 10 mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside	Outside
General Fund		1,271,467	7.10	
Firemen Pension		140,826	0.30	
Police Pension		140,826	0.30	
Museum	317,633			1.00
Total	317,633	1,553,119	7.70	1.00

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND

Maximum Rate
Authorized
to be Levied

County Auditor's
Estimate of Yield
of Levy

GENERAL FUND:

Current expense levy authorized by voters on
for not to exceed Continued years.

Emergency Current expense levy authorized by voters on
for not to exceed 5 years.

Emergency Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed 5 years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed Continued years.

Current expense levy authorized by voters on
for not to exceed years.

Mr. Levy authorized by voters on 8/4/98
for not to exceed 5 years.

1.00

317,633

Fund: Levy authorized by voters on
for not to exceed years.

Fund: Levy authorized by voters on
for not to exceed years.

Fund: Levy authorized by voters on
for not to exceed years.

Fund: Levy authorized by voters on
for not to exceed years.

And be it further

Resolved, That the clerk of this Board be and he is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Mr./Ms. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Adopted the _____ day of _____, 20_____.

Clerk

City/Village

County, Ohio.

CERTIFICATE TO COPY
ORIGINAL ON FILE

The State of Ohio, Stark County, Ss.

I, _____ Clerk City/Village of _____

Within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the Original now on file, that the foregoing has been compared by me with said original document, and that the same is true and correct copy thereof.

Witness my signature, this _____ day of _____, _____.

Clerk

No. _____

City/Village _____, Stark County Ohio.

Resolution

Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Adopted _____, _____

Clerk

Filed _____, _____

County Auditor

By _____
Deputy Auditor