AGENDA

DATE: MONDAY, MARCH 15, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL
- 2. INVOCATION BY COUNCILMAN CHUCK MAIER (GUEST JOHNNIE MAIER, SR)
- 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. 55 – 2004 BY: EN

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by repealing existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" and enacting a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" of CHAPTER 925.

ORDINANCE NO. 56 – 2004 BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1307.05(c) "Roofs, Gutters, and Downspouts" of CHAPTER 1307 "BUILDING MAINTENANCE CODE" and enacting a new Section 1307.05(c) "Roofs, Gutters, and Downspouts" of CHAPTER 1307 "BUILDING MAINTENANCE CODE."

ORDINANCE NO. 57 – 2004 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE enacting a new CHAPTER 355 "PARKING PROCEDURES", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 58 – 2004 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE amending CHAPTER 353 "ON-STREET AND OFF-STREET PARKING" of the Codified Ordinances of the City of Massillon, by repealing existing Section 353.99 "PENALTY" and enacting a new Section 353.99 "PENALTY."

ORDINANCE NO. 59 – 2004 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE directing the City Engineer and the Director of Public Safety and Service to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 815 Seneca NE., in the City of Massillon.

ORDINANCE NO. 60 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE directing the City Engineer and the Director of Public Safety and Service to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 725 Main Avenue West, in the City of Massillon.

ORDINANCE NO. 61 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE directing the City Engineer and the Public Safety and Service to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 319 Cherry Road NE., in the City of Massillon.

ORDINANCE NO. 62 – 2004

BY: FINANCE COMMITTEE



AN ORDINANCE authorizing the Auditor of the City of Massillon to change the name of the Home Health Fund to Community Health Service Fund, and declaring an emergency.

ORDINANCE NO. 63 – 2004

BY: FINANCE COMMITTEE



AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Health Services Fund, BR Lincoln Center Fund, BR Market Place TIF Fund, General Fund, and the Waste Management Grant Fund, and the Capital Improvement Fund, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 64 – 2004

BY: FINANCE COMMITTEE

AN ORDINANCE amending CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1113.06(B) "PLAN CHECKING AND FILED INSPECTIONS FEES" and enacting a new Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTIONS FEES".

ORDINANCE NO. 65 – 2004

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor to pay a 2003 bill out of the 2004 appropriations fro Massillon City Council, and declaring an emergency.

ORDINANCE NO. 66 – 2004

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with the Ohio Department of Transportation for the resurfacing of SR 21 from SR 241 to Massillon corporation limits in the year 2010, and declaring an emergency.

RESOLUTION NO. 9 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION extending support from the City of Massillon to the proposed Massillon Homes Housing Tax Credit Development.

- 7. UNFINISHED BUSINESS
- 8. PETITIONS AND GENERAL COMMUNICATIONS
- 9. BILLS, ACCOUNTS AND CLAIMS
- 10. REPORTS FROM CITY OFFICIALS
 - A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2004
 - B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2004
 - C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2004.
 - D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2004
 - E). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2004
 - F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2004
 - G). MAYOR'S 2004 CAPITAL IMPROVEMENT BUDGET.
- 11. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
- 13. CALL OF THE CALENDAR
- 14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 41 - 2004

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an extension of an Oil & Gas lease with Great Lakes Energy Partners, LLC for a 1.09 acre parcel owned by the City of Massillon, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 48 - 2004

BY: COMMUNTIY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township – No Zoning to B-3 General Business, and declaring an emergency.

ORDINANCE NO. 50 - 2004 E

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS" Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTE" and enacting a new Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS" Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDISIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND".

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ORDINANCE NO. 51 - 2004

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with Republic Services of Ohio, LLC, dba Countywide Recycling & Disposal Facility for the disposal of municipal solid waste for the City of Massillon, Ohio.

- 16. NEW AND MISCELLANEOUS BUSINESS
- 17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
- 18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE:	MARCH 15	, 2004
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CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 2004

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinance of the City of Massillon, by repealing existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" and enacting a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" of CHAPTER 925.

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

Section I:

The existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon be and hereby is enacted and shall read as follows:

925.12 SEWER CONNECTION PERMIT REQUIRED; FEE.

(b) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of one hundred dollars (\$100.00) for a residential building sewer permit and two hundred dollars (\$200.00) for a commercial building sewer permit and for an industrial waste permit shall be paid to the City Engineer at the time application is filed. A permit fee for the repair of an existing sewer shall be fifty dollars (\$50.00).

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

PASSED IN COUNCIL THISDAY OF	, 2004
ATTEST:MARY BETH BAILEY, CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT
APPROVED	FRANCIS H. CICCHINELLI JR. MAYOR

DATE:	MARCH 15, 2004		CLERK:	MARY BETH BAILEY
		CITY OF MASS	ILLON, OHIC	
COUNCIL	. CHAMBERS	ORDINANCE N	O. 56 - 2004	LEGISLATIVE DEPARTMENT JAN Planery 4/5 Passed 4/19/64
BY: HEAL	TH, WELFARE & BUII	LDING REGULAT	IONS COM	NITTEE:
Codified C Gutters, ar new Section	Ordinances of the City and Downspouts" of CH.	of Massillon, by APTER 1307 "BUI	repealing ex LDING MAIN	IG MAINTENANCE CODE" of the isting Section 1307.05(c) "Roofs ITENANCE CODE" and enacting a of CHAPTER 1307 "BUILDING
NOW, 7 STATE OF	THEREFORE, BE IT C OHIO, THAT:	PRDAINED BY TH	HE COUNCIL	. OF THE CITY OF MASSILLON,
Section I:				
The exist of the City	sting Section 1307.05(of Massillon is hereby	c) "Roofs, Gutters repealed.	, and Downs	pouts" of the Codified Ordinances
Section 2:				
That the Codified Or	re hereby is enacted nordinances of the City of	ew Section 1307. f Massillon. Said	05(c) "Roofs, newly enacte	Gutters, and Downspouts" of the ed Section shall read as follows:
weather-tigi	ht and shall be equippe	ed with gutters an	d downspout	very structure shall be maintained is maintained in good repair, and into an approved retention system.
Section 3:				
This Or law.	dinance shall take effe	ect and be in force	e from and af	ter the earliest period allowed by
PA	ASSED IN COUNCIL T	HISDA	Y OF	, 2004
ATTEST: MAR	Y BETH BAILEY, CLE	RK OF COUNCIL	DENNIS	D. HARWIG, PRESIDENT
4 DDD 0) /ED				

DATE: MARCH 15, 2004	_ CLERK:	MARY BI	ETH BAILEY
CIT	Y OF MASSILI	LON, OHIO	ত
COUNCIL CHAMBERS			LOSSELL FEGISLATIVE DEPARTMENT
ORI	DINANCE NO.	57 - 2004	
BY: STREETS, HIGHWAYS, TRAFFI	C & SAFETY (COMMITTE	E ,
TITLE: AN ORDINANCE enacting a Codified Ordinances of the City of Mas			
NOW, THEREFORE, BE IT ORDA STATE OF OHIO, THAT:	INED BY THE	COUNCIL	OF THE CITY OF MASSILLON,
Section I:			
There be and is hereby enacted a codified Ordinances of the City of Mas			
(SEE	ATTACHED E	XHIBIT "A")	
Section 2:			
This ordinance is hereby declepreservation of the health, safety and we pending lawsuit that was recently filed appeal of parking citations. Immediately deficiencies in the current procedure of Provided it receives the affirmative vot take effect and be in force immediately shall take effect and be in force from an	elfare of the co challenging thate passage of or parking apped of two-thirds upon its passage	ommunity and a post of this ordineral properties of the elections of the elections of the elections.	nd for the additional reason of the rocess currently in effect for the mance will correct any alleged ender the pending lawsuit moot. Ited members to Council, it shall oval by the Mayor. Otherwise, it
PASSED IN COUNCIL THIS	DAY OF		, 2004
APPROVED: MARY BETH BAILEY, CLERK (DENNIS D	D. HARWIG, PRESIDENT
APPROVED:	_	FRANCIS	H. CICCHINELLI, JR.,MAYOR

Exhibit "4"

CHAPTER 355Parking Procedures

355.01	Definitions	355.08	Proceedings against registration
355.02	General requirements.	41	of motor vehicle.
355.03	Procedures.	355.09	Civil fine and penalty.
355.04	Parking Violations		
	Bureau.		
355.05	Answer to charges.		
355.06	Failure to answer; procedures.		
355.07	Exemptions to owner's liability		

CROSS REFERENCES Local non-criminal parking infractions - see Ohio R.C. Ch. 4521

355.01 DEFINITIONS

- (a) "Non-criminal parking infraction" means a violation of Chapter 351, 353 or 355 of the Massillon Codified Ordinances.
- (b) "Vehicle" has the same meaning as in Section 4511.01 of the Ohio Revised Code.
 - (c) "Municipal Court" means the Massillon Municipal Court.
 - (d) "Bureau" means the City Of Massillon Parking Violations Bureau.

355.02 GENERAL REQUIREMENTS.

- (a) Except as provided in Codified Ordinance Section 351.04 pertaining to handicapped parking, a parking ticket shall be the summons and complaint for purposes of issuing parking ticket citations. The provisions of this chapter and all actions taken pursuant to this chapter are civil and remedial in nature and not designed to punish the offender and are not criminal offenses. No violation of this chapter shall be considered a misdemeanor of any class, and no person shall be arrested for a violation of this chapter.
 - (b) Each parking citation issued shall contain the following information:
 - (1) The address and phone number of the Massillon Parking Violations Bureau;
 - (2) The location as to where the person cited appears to pay the citation and the time by which the person must appear and who the person must appear in front of;
 - (3) The procedure to contest the citation;

- (4) The specific ordinance allegedly violated with a description of the offense; and
- (5) Any penalty for not paying the ticket within the time prescribed.

355.03 PROCEDURES.

(a) A parking enforcement officer or police officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the parking infraction charged. The officer shall sign the ticket and affirm the facts it contains. If the operator of the vehicle is present, the officer also shall record on the ticket the name of the operator in a space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and then shall constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in subsection (c) hereof, has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

- (b) The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the local authority and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.
- (c) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section, and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner for purposes of this chapter. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction shall not be considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Codified Ordinance section 355.07.
- (d) Except as provided in Codified Ordinance section 355.07, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine or penalty arising out of the parking infraction. Any owner of a

vehicle who pays any fine or penalty imposed for a parking infraction pursuant to this chapter may recover the amount paid from the operator of the vehicle whose act or omission resulted in the parking infraction.

355.04 PARKING TICKET VIOLATIONS BUREAU.

(a) The Massillon Parking Violations Bureau shall have the jurisdiction over any parking infraction that is in violation of any City parking ordinance. All parking infractions that are in violation of a City ordinance and that occurs within the City limits of Massillon shall be handled pursuant to and be governed by this chapter and R.C. Chapter 4521 when applicable.

(b) Personnel.

- (1) The Mayor shall appoint a Clerk for the Massillon Parking Violations Bureau.
- (2) The Mayor shall have the authority to appoint a hearing examiner who shall:
 - A. Hear challenges to parking tickets at hearings set by the Parking Violations Bureau. At such hearing the rules of evidence need not be strictly followed.
 - B. Be compensated for his services.
 - C. Hold his position in good service, being subject to discipline or discharge only pursuant to the Personnel Policy Manual.
 - D. Be a former law enforcement officer or present attorney licensed to practice law within the State of Ohio.
- (3) The Mayor shall assign such other duties to city personnel as is necessary to properly operate the Parking Violations Bureau.

355.05 ANSWER TO CHARGES.

- (a) A person who is served with a parking ticket charging the commission of a parking infraction may answer the charge by personal appearance at the Massillon City Hall during normal business hours or by mail. The answer shall be made within forty-eight (48) hours of the issuance of the parking ticket and shall be either:
 - (1) An admission that the person committed the parking infraction by payment of the fine; or
 - (2) A denial that the infraction occurred and a written request for a hearing.
 - (b) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction or who receives a notification of infraction, in his answer to the charge denies that he committed the infraction,

the Parking Ticket Violations Bureau that has jurisdiction shall conduct a hearing to determine if the person committed the parking infraction. Each hearing shall be conducted by a hearing examiner of the Parking Violations Bureau. Each hearing shall be conducted in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath

At the hearing, the Parking Violations Bureau, whose ordinance allegedly was violated and resulted in the charge, has the burden of proving, by a preponderance of the evidence, that the person for whom the hearing is being conducted committed the parking infraction. If the person, in his answer, denied that he committed the parking infraction and requested the presence at the hearing of the law enforcement officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he submits documentary evidence to the hearing examiner prior to the day of the hearing.

The Parking Violations Bureau shall submit the original parking ticket that was personally or constructively served on the person or a true copy of that ticket, and information from the bureau of motor vehicles that identifies the owner of the vehicle. The ticket and the information in proper form is prima-facie evidence that the registered owner of the vehicle was the person who committed the parking infraction. The Parking Violations Bureau may present additional evidence and testimony at the hearing. The local authority does not have to be represented at the hearing by an attorney.

- (c) If a person for whom a hearing is to be conducted under division (b) of this section appears at the scheduled hearing or submits evidence in accordance with that division, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the local authority has established, by a preponderance of the evidence, that the person committed the parking infraction.
 - (1) If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties shall be entered in the records of the Parking Violations Bureau.
 - (2) If a person for whom a hearing is to be conducted under division (b) of this section fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if he determines from any evidence and testimony presented at the hearing, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

- (3) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in division (c)(1) or (2) of this section committed the parking infraction, the hearing examiner shall enter judgment against the Parking Violations Bureau, shall dismiss the charge of the parking infraction against the person, and shall enter the judgment and dismissal in the records of the Parking Violations Bureau.
- (4) A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:
 - A. The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one year of the date of entry of the judgment;
 - B. The motion sets forth a sufficient defense to the parking infraction out of which the judgment arose;
 - C. The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of infraction.
- (d) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the violations clerk of the Parking Violations Bureau in which the judgment was entered within ten days of the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the clerk to the Parking Violations Bureau, and the clerk shall enter the fact of payment of the money and its disbursement in the records of the Parking Violations Bureau. If payment is not made within this time period, the judgment or default judgment may be filed with the clerk of the Municipal Court within whose territorial jurisdiction the parking infraction occurred, and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court.

Judgments and default judgments filed with a court pursuant to this division shall be maintained in a separate index and judgment roll from other judgments rendered in the court. Computer printouts, microfilm, microdot, microfiche, or other similar data recording techniques may be utilized to record such judgments. When a judgment or default judgment is filed with a court, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that court. The municipal or county court may assess costs against the judgment debtor, in an amount not exceeding ten dollars for each parking infraction, to be paid upon satisfaction of the judgment.

(e) Any person against whom a judgment or default judgment is entered pursuant to this section and the Parking Violations Bureau against whom a judgment is entered pursuant to this section may appeal the judgment or default judgment to the municipal court by filing notices of appeal with the Parking Violations Bureau in which the judgment was entered, and the

municipal court within fifteen days of the date of entry of the judgment and by the payment of such reasonable costs as the court requires. Upon the filing of an appeal, the court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the court in accordance with the rules of the court. Service of a notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau, in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

Notwithstanding any other provision of law, the judgment on appeal of the municipal court is final, and no other appeal of the judgment of the Parking Violations Bureau, and no appeal of the judgment of the municipal court may be taken.

- (f) A judgment or default judgment entered pursuant to this section may be filed with the municipal court under division (d) of this section at any time within three years after the date of issuance of the parking ticket charging the parking infraction out of which the judgment arose. This division applies to any ticket issued for an offense that would be a parking infraction on or after the effective date of this section, if the ticket was issued within three years prior to the effective date of this section and a warrant has not been issued and served on the operator or owner of the vehicle involved in the offense.
- (g) If a person fails to timely answer to a parking ticket citation, after that person has been personally or constructively served with the citation, charging the offense, the City of Massillon Parking Violations Bureau shall issue a notice of infraction and shall proceed pursuant to Codified Ordinance Section 355.06.

355.06 FAILURE TO ANSWER; PROCEDURES.

- (a) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction and the person fails to answer the charge within the time specified by the local authority, the Massillon Parking Violations Bureau, shall send notifications of infraction as follows:
 - (1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;
 - (2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

- (b) A notification of infraction shall be sent within twelve months after the expiration of the time specified by the local authority pursuant to section 4521.02 of the Revised Code for the making of an answer, shall be sent by first class mail, and shall contain all of the following:
 - (1) An identification of the parking infraction with which the person was charged and the time and date of the parking infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;
 - (2) An identification of the amount of the fine, penalties, and costs arising out of the parking infraction that are due;
 - (3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;
 - (4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau Hearing Examiner if he denies in his answer that he committed the parking infraction;
 - (5) An identification of the manners in which and the entity to which an answer may be made;
 - (6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;
 - (7) A warning that the registration of the vehicle involved in the parking infraction, if the vehicle is registered in this State, may not be renewed or transferred if a civil judgment or a default civil judgment is entered against the person until the judgment is paid or until it is otherwise finally disposed of in a manner specified in this chapter.
- (c) A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he is charged that is identified in the notification of infraction in any of the manners provided in Section 355.05(a). An answer under this section shall be made within thirty days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in Section 355.05 for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provisions of Section 355.05 for answers relative to parking infractions charged in a parking ticket.
- (d) If a person who is issued a notification of infraction fails to timely answer, as provided in subsection (c) hereof, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of the additional penalties prescribed by this chapter and Chapters 351 and 353.

(e) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the Massillon Parking Violations Bureau.

355.07 EXEMPTIONS TO OWNER'S LIABILITY

- (a) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act or omission resulted in a parking infraction for the parking infraction or any fine, penalty, or processing fee arising out of the parking infraction under this chapter if either of the following apply:
 - (1) The owner answers the charge of the parking infraction under the Codified Ordinance Section 355.05, the answer denies that he committed the infraction and requests a hearing concerning the infraction, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking infraction, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau determines that the vehicle was being used without the owner's express or implied consent at that time. If the bureau does not so determine, it shall conduct the hearing concerning the infraction according to section 355.05.
 - (2) The owner answers the charge of the parking infraction under the Codified Ordinance Section 355.05, the answer denies that he committed the parking infraction, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the infraction, the owner was engaged in the business of renting or leasing vehicles under written rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement. If the owner does not so prove, The Parking Violations Bureau, shall conduct a hearing relative to the infraction according to section 355.05.
 - (3) The owner, at a hearing concerning the parking infraction conducted in accordance with section 355.05, proves that the vehicle, at the time of the parking infraction, was being used by the operator without the owner's express or implied consent or proves the facts described in division (a)(2) of this section.

(b) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or lease agreements, but who does not satisfy the additional requirements of division (a)(2) of this section is not liable for any penalties or processing fees arising out of a parking infraction involving the vehicle if at the time of the commission of the parking infraction, the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking infraction by denying that he committed the parking infraction or by paying the fine arising out of the parking infraction within thirty days after actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction.

Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking infraction shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the Parking Violations Bureau thirty days after the date of receipt by the owner of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima-facie evidence that a vehicle was in the care, custody, or control of a person other than the owner. The affidavit authorized by this section shall be accompanied by a postage-paid, self-addressed envelope, shall be in a form the registrar of motor vehicles shall prescribe, and shall include space for the Parking Violations Bureau to indicate receipt of the affidavit. Within thirty days of receipt of the affidavit, the bureau shall return a receipted copy of the affidavit to the rental or lease company. In addition, any information required by division (a)(2) of this section may be provided on magnetic tape or another computer readable media in a format acceptable to the Parking Violations Bureau.

355.08 PROCEEDINGS AGAINST REGISTRATION OF MOTOR VEHICLE.

- (a) If three or more judgments or default judgments have been entered against a person pursuant to the Codified Ordinance Sections 355.05 and 355.06 and the person has not paid the judgments or default judgments within ten days of the date of entry of the third judgment, the Parking Violations Bureau may give notice of that fact to the registrar of motor vehicles. The notice, if given, shall be given not earlier than sixteen days nor later than three years after the date of entry of the third judgment, and shall be in a form and manner, and contain such information, as the registrar prescribes.
 - (b) Upon receipt of a notice as provided in division (a) of this section:
 - (1) Neither the registrar nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the notice unless the person presents a release as provided in division (c) of this section or unless the registrar is properly notified by the Parking Violations Bureau that the judgments or

- default judgments have been paid, dismissed, or reversed on appeal, or that the initial notice was given in error and is therefore canceled.
- (2) The registrar shall not be required to give effect to any notice provided by the Parking Violations Bureau, under division (a) of this section unless the information contained in the "Ohio uniform traffic tickets" described in Traffic Rule 3 (a) and (b) that the bureau processes is transmitted to the registrar by means of an electronic transfer system.
- (c) When a notice as provided in division (a) of this section is given to the registrar and the judgments or default judgments are subsequently paid, dismissed, or reversed on appeal, or it is discovered that the notice was given in error and is therefore canceled, the Parking Violations Bureau giving the initial notice shall immediately notify the registrar of such payment, dismissal, reversal, or cancellation. The notification shall be in a form and manner, and contain such information, as the registrar prescribes. If the initial notice was not given in error, the Parking Violations Bureau, shall charge the person a Five and no/100 dollar (\$5.00) processing fee for each judgment or default judgment to cover the costs of the bureau of motor vehicles in administering this section. Upon payment of the fee, the Parking Violations Bureau shall give to the person a release to be presented at the time of registering or transferring the registration of a motor vehicle owned or leased by him. All fees collected under this division shall be transmitted monthly to the registrar for deposit in the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.
- (d) The registrar shall cause the information contained in each notice received pursuant to division (a) of this section to be removed from the records of the bureau of motor vehicles and of the deputy registrars thirteen months after the date the information was entered into the records, unless the registrar receives a further notice from the Parking Violations Bureau submitting the initial notice that the judgments or default judgments are still outstanding.
- (e) When any application for the registration or transfer of registration of a motor vehicle is refused as provided in division (b) of this section, the registrar or deputy registrar to whom application is made shall inform the person that no such application may be accepted unless the person presents a release as provided in division (c) of this section or the records of the bureau of motor vehicles and of the deputy registrar indicate that each judgment and default judgment against the person is paid, dismissed, reversed on appeal, or canceled.
- (f) When any person named in a notice as provided in division (a) of this section applies for the registration or transfer of registration of any motor vehicle owned or leased by him and presents a release as provided in division (c) of this section or the records of the bureau of motor vehicles and of any deputy registrar to whom the application is made indicate that each judgment and default judgment against the person has been paid, dismissed, or reversed on appeal, the registrar shall accept the application for registration or transfer of registration and may issue a certificate of registration or amended certificate of registration for the motor vehicle.
- (g) The registrar shall adopt such rules as he considers necessary to ensure the orderly operation of this section and the Parking Violations Bureau shall conform to those rules.

355.09 CIVIL FINE AND PENALTY.

- (a) Civil fines and penalties shall be as set forth in Chapters 351 and 353.
- (b) The filing of an answer denying a parking infraction within forty-eight (48) hours of the issuance of the parking citation shall temporarily suspend any additional penalties.

(c) Whosoever files an answer of denial of a parking infraction shall, if the denial is
overruled by the hearing examiner, pay the hearing cost of Fifteen and no/100 dollars (\$15.00)
and shall be further subject to additional penalties as set forth in Chapters 351 and 353.
(Ord Passed)

DATE: MARCH 15, 2004 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 353 "ON-STREET AND OFF-STREET PARKING" of the Codified Ordinances of the City of Massillon, by repealing existing Section 353.99 "PENALTY" and enacting a new Section 353.99 "PENALTY".

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

Section I:

Existing Section 353.99 "PENALTY" is hereby repealed in its entirely and there be and is hereby enacted a new Section 353.99 "PENALTY". of CHAPTER 353 "ON-STREETS AND OFF – STREET PARKING" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

353.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

- (a) Whoever violates any provisions of Chapter 353, shall be fined as follows:
 - (1) Five dollars (\$5.00) if paid within 48 hours of the violation, Sundays and legal holidays excluded.
 - (2) Ten dollars (\$10.00) if paid on or before the seventh day following the violation, Sundays and legal holidays excluded.
 - (3) Fifteen dollars (\$15.00) if paid later than the seventh day following the violation, Sundays and legal holidays excluded.
 - (4) If the fine is not paid before the forty-fifth day following such violation the offender shall be guilty of a minor misdemeanor.
- (b) Whoever violates Section 351.03 shall in addition to any other penalty provided for in the Traffic Code be fined as follows:
 - (1) Fifteen dollars (\$15.00) if the fine is paid before the tenth day following the violation.
 - (2) Twenty-five dollars (\$25.00) if the fine is paid later than 10:00 a.m. on the tenth day following the violation.

- (c) Whoever violates Section 351.20 shall in addition to any other penalty provided for in the Traffic Code be fined as follows:
 - (1) Twenty-five dollars (\$25.00) if the fine is paid before the tenth day following the violation.
 - (2) Fifty dollars (\$50.00) if the fine is paid later than the tenth day following the violation.

Section 2:

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_	, 2004
APPRO	OVED: MARY BETH BAILEY, CLERK OF	COUNCIL	DENNIS D. HARWIG, PRESIDENT
∧PPR(OVED:		ERANCIS H. CICCHINELLI, IR. MAYOF

DATE: MARCH 15, 2004	CLERK:_	MARY BETH BAILEY
CITY OF	MASSILLON, OHIC)
COUNCIL CHAMBERS		LEGISLATIVE DEPARTMENT
	NCE NO. 59 - 2004	Julea Ja
BY: STREETS, HIGHWAYS, TRAFFIC & S	AFETY COMMITTE	E 13- Jubleshulf.
TITLE: AN ORDINANCE directing the City E to prepare cost estimates, plans, profiles ar Seneca NE., in the City of Massillon.	_	
NOW, THEREFORE, BE IT ORDAINED STATE OF OHIO, THAT:	BY THE COUNCIL	OF THE CITY OF MASSILLON,
Section I:		
Plans, specifications, cost estimates and p by the City Engineer and the Director of P Council for the replacement of the sidewalks	ublic Safety and Se	ervice and filed with the Clerk of
Section 2:		
When the cost estimates, plans, profiles completed, the City Engineer and the Directo Clerk of Council.		
Section 3:		
This Ordinance shall take effect and be in	force from and after	the earliest period allowed by law.
P G		
PASSED IN COUNCIL THIS_	DAY OF	, 2004
ATTEST:	INCII DENNICI	NADWIC PRESIDENT
MARY BETH BAILEY, CLERK OF CO	DINCIL DENINIS I	J. HARWIG, PRESIDENT
PPROVED:		
	FRANCIS	H. CICCHINELLI, JR., MAYOR

DATE:_	MARCH 15, 2004		CLERK:	MARY BETH BAILEY
		CITY OF MASS	SILLON, OHIO	
	*			129 heading
COUNCI	L CHAMBERS			LEGISLATIVE DEPARTMENT
		ORDINANCE I	NO. 60 - 2004	Indreading 45 Irbled 3
BY: STR	EETS, HIGHWAYS, TR	AFFIC & SAFET	Y COMMITTE	Ē
to prepare		profiles and spe		ector of Public Safety and Service replacement of sidewalks at 725
	THEREFORE, BE IT C F OHIO, THAT:	PRDAINED BY T	HE COUNCIL	OF THE CITY OF MASSILLON,
Section I:				
hy the Cit	y Engineer and the Dir	rector of Public	Safety and Ser	d improvement shall be prepared vice and filed with the Clerk of West, in the City of Massillon
Section 2:				
	, the City Engineer and			f the proposed replacement are d Service shall file them with the
Section 3:				
This Or	dinance shall take effec	t and be in force t	rom and after th	ne earliest period allowed by law.
	PASSED IN COUN	CIL THIS	DAY OF	, 2004
TTEST:_				
MAR	Y BETH BAILEY, CLEF	RK OF COUNCIL	DENNIS D.	HARWIG, PRESIDENT
PPROVE	D:			
			FRANCIS H	I. CICCHINELLI, JR., MAYOR

DATE: MARCH 15, 2004	CLERK:_	MARY BETH BAILEY
CITY O	F MASSILLON, OHIO	
COUNCIL CHAMBERS		LEGISLATIVE DEPARTMENT
ORDIN	ANCE NO. 61 - 2004	Juled 73
BY: STREETS, HIGHWAYS, TRAFFIC &	SAFETY COMMITTE	E 5/3 plile help.
TITLE: AN ORDINANCE directing the City to prepare cost estimates, plans, profiles Cherry Road NE., in the City of Massillon.	and specifications for	
NOW, THEREFORE, BE IT ORDAINE STATE OF OHIO, THAT:	ED BY THE COUNCIL	OF THE CITY OF MASSILLON,
Section I:		
Plans, specifications, cost estimates and the City Engineer and the Director of Council for the replacement of the sidewal	Public Safety and Se	rvice and filed with the Clerk of
Section 2:		
When the cost estimates, plans, profile completed, the City Engineer and the Directlerk of Council.		
Section 3:		
This Ordinance shall take effect and be i	n force from and after t	he earliest period allowed by law.
PASSED IN COUNCIL THIS	SDAY OF	, 2004
TTEST:		
MARY BETH BAILEY, CLERK OF C	OUNCIL DENNIS D	. HARWIG, PRESIDENT
PPROVED:		
	FRANCIS H	H. CICCHINELLI, JR., MAYOR

DATE:_	MARCH 15, 2004	CLERK:	MARY BETH BAILEY
COUNC	IL CHAMBERS	CITY OF MASSILLON	OHIO Jessel LEGISLATIVE DEPARTMENT
		ORDINANCE NO. 62	2004
BY: FIN	ANCE COMMITTEE		
			ty of Massillon to change the name of the and declaring an emergency.
	, THEREFORE, BE IT C OF OHIO, THAT:	ORDAINED BY THE CO	UNCIL OF THE CITY OF MASSILLON,
Section I	<u>:</u>		
Home He			s it necessary to change the name of the as requested by the Auditor's Office, for
Section 2	<u>::</u>		
	City Auditor is hereby a ity Health Service Fund		to change the Home Health Fund to es.
Section 3	<u>:</u>		
oreservat s necess Provided ake effec	ion of the health, safety a ary to establish this fur it receives the affirmativ	and welfare of the commind for accounting procedure vote of two-thirds of the ately upon its passage and	neasure immediately necessary for the unity and for the additional reason that it dures within the Auditor's Department. ne elected members to Council, it shall nd approval by the Mayor. Otherwise, it period allowed by law.
PASS	SED IN COUNCIL THIS	DAY OF	2004
APPROVI	ED: MARY BETH BAILEY,	CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT
)			
PPROVI	=D:	FRA	ANCIS H. CICCHINELLI, JR., MAYOR

DATE:	MARCH 15, 2004	CLERK:_	MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Health Services Fund, BR Lincoln Center Fund, BR Market Place TIF Fund, General Fund, Waste Management Grant Fund, and the Capital Improvement Fund, for the year ending December 31, 2004, 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 Community Health Services Fund, for the year ending December 31, 2004, the following:

' 1235.705.2392
1235.705.2110
1235.705.2410
1235.705.2395
1235.705.2230
1235.705.2270
1235.705.2270
1235.705.2231

Section 2:

There be and hereby is appropriated from the unappropriated balance of the BR Lincoln Center Fund, for the year ending December 31, 2004, the following:

\$56,000.00 to an account entitled "Services/Contracts" 1303.940.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the BR Market Place F Fund, for the year ending December 31, 2004, the following:

\$53,000.00 to an account entitled "Services/Contracts" 1340.905.2392

Section 4:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2004, the following:

\$50,000.00 to an account entitled "Accumulated Sick Time" 1100.905.2150

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Grant Fund, for the year ending December 31, 2004, the following:

\$16,000.00 to an account entitled "Recycling Services/Contracts" 1222.605.2392

Section 6:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2004, the following:

\$15,000.00 to an account entitled "Supplies/Contracts" 1100.440.2410

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2004, the following:

\$4,251.50 to an account entitled "Services/Contracts" 1237.845.2392

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2004, the following:

\$2,150.00 to an account entitled "Roof Repairs" 1401.410.2512

Section 9:

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 THISDAY OF_	2004
	3
ATTEST: MARY BETH BAILEY, CLERK OF COUNCIL	DENNIS HARWIG, PRESIDENT
APPROVED:	FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: MARCH 15, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGIŞLATIVE DEPARTMENT

ORDINANCE NO. 64 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1113.06(b) "PLAN CHECKING AND FILED INSPECTION FEES" and enacting a new Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTIONS FEES".

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

Section I:

Existing Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTION FEES" is hereby repealed and there be and is hereby enacted a new Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTION FEES", of CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

1113.06 FEES.

(b) Plan Checking and Filed Inspection Fees. At the time such plans, profiles, and specifications are submitted for review, the City Engineer shall prepare and estimate of cost for office checking of all improvement plans. The subdivider shall thereupon deposit with the City an amount of money equal to such estimated cost. All work done by the Engineer in connection with checking, computing and correcting such plans for improvements shall be charged against such deposit. Plan checking fee shall be based upon the following schedule:

\$100.00 plus

5.00 per 100 L.F. of street

5.00 per 100 L.F. of sanitary sewer

7.00 per 100 L.F. of storm sewer

The subdivider shall also pay to the City a fee to defray the cost of field inspection of the improvements. The inspection fee shall be determined by the City Engineer based upon the following schedule:

\$200.00 plus 7.00 per 100 L.F. of walk 7.00 per 100 L.F. of curb 9.00 per 100 L.F. of paving 16.00 per 100 L.F. of sanitary sewer 16.00 per 100 L.F. of storm sewer

The subdivider is held responsible for inspection fees which will be payable upon commencement of improvements. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

Section 2:

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

PASSED IN COUNCIL THISDAY OF	, 2004
APPROVED: MARY BETH BAILEY, CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT
APPROVED:	FRANCIS H. CICCHINELLI, JR.,MAYOR

DATE:	MARCH 15, 2004	CLERK:	MARY BETH BAILEY	
		CITY OF MASSILLON	, OHIO	
COUNCI	L CHAMBERS	ORDINANCE NO. 65	LEGISLATIVE DEPARTMENT	Γ
BY: FINA	ANCE COMMITTEE			
		izing the Auditor to pay a eclaring an emergency.	a 2003 bill out of the 2004 appropriation	IS
	THEREFORE, BE IT (F OHIO, THAT:	ORDAINED BY THE CO	UNCIL OF THE CITY OF MASSILLON	۱,
Section I:				
The Co to pay a 2 follows:	ouncil of the City of Mas 2003 bill out of the 2004	sillon, Ohio, hereby finds appropriation for Massill	it necessary to authorize the City Audito Ion City Council. Said bill is to be paid a	or S
\$1,237.50	to the Independent for	legal advertising for the	period of 12/1/03 - 12/27/03.	
Section 2				
being that to the Cit communit Council, it	said funds are immedia y Auditor, and for the y. Provided it receive shall take effect and	ately necessary to pay a 2 preservation of the pu s the affirmative vote of be in force immediately	measure, the reason for the emergence 2003 bill that has recently been submitted ablic health, safety and welfare of the f two-thirds of the elected members to upon its passage and approval by the and after the earliest period allowed by	d e o e
PASS	ED IN COUNCIL THIS	DAY OF	2004	
APPROVE	ED: MARY BETH BAILEY	, CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT	
PPROVE	ED:	FRA	ANCIS H. CICCHINELLI, JR., MAYOR	_

DATE: MARCH 15, 2004 C	LERK:	MARY BETH BAILEY
------------------------	-------	------------------

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 66 - 2004

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with the Ohio Department of Transportation for the resurfacing of SR 21 from SR 241 to the Massillon corporation limits in the year 2010, 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 finds that it is necessary to enter into an agreement with the Ohio Department of Transportation for the resurfacing of SR 21 from SR 241 to ne Massillon corporation limits.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Ohio Department of Transportation for the resurfacing of SR21 from SR 241 to the Massillon corporation limits.

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 reason that it is necessary to enter into an agreement with the Ohio Department of Transportation so as to proceed with the resurfacing of SR 21. 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 THISDAY	OF2004
APPROVED: MARY BETH BAILEY, CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT
APPROVED:	
	FRANCIS H. CICCHINELLI, JR., MAYOR

DATE:	MARCH 15, 2004	CLERK:	MARY BETH BAILEY
COUNCIL	CHAMBERS	Y OF MASSILLON	LEGISLATIVE DEPARTMENT
	IXE.	occorron No. o	2004
BY.COMM	UNITY DEVELOPMENT C	OMMITTEE	
TITLE: A RESOLUTION extending support from the City of Massillon to the proposed Massillon Homes Housing Tax Credit Development.			
WHEREAS, the project will be comprised of up to fifty (50) single family homes to be located on scattered sites in the City of Massillon, and			
WHE	REAS, none of the project	s units will be marl	ket rate units, and
	REAS, all of the units will ess of the Area Median Gro		seholds whose annual incomes are 60
	REAS, 5 percent of the tota e and persistent mental illn		ide for households with a member(s) who
WHE	REAS, the project will utiliz	e Housing Tax Cre	edits, therefore,
	RESOLVED ON THE OF THE CITY OF MASSILL		IN THE YEAR 2004 BY THE
Section 1:			
	the Massillon City Council at of single family homes in		port to Massillon Homes, an affordable on.
Section 2:			

Section 2:

That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this Resolution to the project owner care of The NRP Group LLC at 5309 Transportation Blvd, Cleveland, Ohio 44125 and that a copy of the Resolution be recorded in the minutes of this meeting.

PASSED THISDAY OF	2004
ATTEST:	
MARY BETH BAILEY, CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT
APPROVED:	
	FRANCIS H. CICCHINELLI, JR., MAYOR