

## AGENDA

DATE: MONDAY, DECEMBER 4, 2006  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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. 172 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Passed*  
9/10 AN ORDINANCE accepting an application for annexation for the Cottrill Annexation to the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 173 – 2006

BY: ENVIRONMENTAL COMMITTEE

*1st. Reading*  
AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" and CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinance of the City of Massillon, by repealing existing Sections 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.51 ADMINISTRATIVE PENALTIES, 937.05 PAYMENT DATES; PENALTY CHARGE, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" and enacting new Sections 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.51 ADMINISTRATIVE PENALTIES, 937.05 PAYMENT DATES; PENALTY CHARGE, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 925 and CHAPTER 937, and declaring an emergency.

ORDINANCE NO. 174 – 2006

BY: PARKS AND RECREATION COMMITTEE

*1st. Reading*  
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements with Variety Attractions, Inc., L & B Entertainment Inc., and other companies for various engagements for the 2007 summer concert series, and declaring an emergency.

ORDINANCE NO. 175 – 2006

BY: FINANCE COMMITTEE

*Passed*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Waste Grant Fund, Home Health Fund and the 1206 Muni Motor Vehicle License Fund, for the year ending December 31, 200, and declaring an emergency.

ORDINANCE NO. 176 – 2006

BY: FINANCE COMMITTEE

*Passed*  
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept the 2006 Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for the Massillon Police Department, and declaring an emergency.

MONDAY, DECEMBER 4, 2006

ORDINANCE NO. 177 – 2006

BY: FINANCE COMMITTEE

*Passed.*

AN ORDINANCE making certain transfers in the 2006 appropriations from within the General Fund for the year ending December 31, 2006, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 178 – 2006

BY: FINANCE COMMITTEE

*Passed.*

AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capital Improvement Fund", and declaring an emergency.

ORDINANCE NO. 179 – 2006

BY: FINANCE COMMITTEE

*Passed*

AN ORDINANCE amending Ordinance No. 155 – 2005 by revising Section 4 of the 2006 budget, and declaring an emergency.

ORDINANCE NO. 180 – 2006

BY: FINANCE COMMITTEE

*Passed.*

AN ORDINANCE to approve current replacement pages to the Massillon Codified Ordinances, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR NOVEMBER 2006
- B). AUDITOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2006

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 168 – 2006

BY: POLICE AND FIRE COMMITTEE

*2nd - reading*

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to adopt rules and regulations to govern all persons and entities which provide transportation or treatment of emergency medical patients, and declaring an emergency.

MONDAY, DECEMBER 4, 2006

ORDINANCE NO. 169 – 2006

BY: POLICE AND FIRE COMMITTEE

*2nd reading.*  
AN ORDINANCE amending CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon, by repealing existing SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" and enacting a new SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" and declaring an emergency..

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: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 172 - 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for the Cottrill Annexation to the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Tuscarawas Township, was duly filed by Jason Haines, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on September 7, 2006, and

WHEREAS, the Board of County Commissioners on September 7, 2006, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissions certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section 1:

The application of Jason Haines for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.



Section 3:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of the City of Massillon. 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 \_\_\_\_\_ 2006

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 173 - 2006

BY: ENVIRONMENTAL COMMITTEE

*Filed 11/2/07*  
*7/10/07 Filed 9/14/07*

TITLE: AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" and CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinance of the City of Massillon, by repealing existing Sections 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.51 ADMINISTRATIVE PENALTIES, 937.05 PAYMENT DATES; PENALTY CHARGE, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" and enacting new Sections 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.51 ADMINISTRATIVE PENALTIES, 937.05 PAYMENT DATES; PENALTY CHARGE, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 925 and CHAPTER 937, 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 Sections 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.51 ADMINISTRATIVE PENALTIES, 937.05 PAYMENT DATES; PENALTY CHARGE, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 925 and CHAPTER 937 of the Codified Ordinances of the City of Massillon be and hereby are repealed.

Section 2:

That there be and hereby is enacted new Sections 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.51 ADMINISTRATIVE PENALTIES, 937.05 PAYMENT DATES; PENALTY CHARGE, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 925 and CHAPTER 937 of the Codified Ordinances of the City of Massillon be and hereby are enacted and shall read as follows:

(REVISED AND AMENDED PROVISIONS ARE BOLD FACED IN THE ATTACHMENTS)

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 these changes in the rates are necessary to implement January 1, 2007 for the industrial companies. 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 \_\_\_\_\_, 2006

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

APPROVED \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

925.20 GENERAL DISCHARGE PROHIBITIONS.

No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the City wastewater collection and treatment system:

- (a) Any pollutants which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to create a fire or explosion hazard in the wastewater collection system and/or treatment plant including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.  
(Ord. 69-1991. Passed 4-15-91.)
- (c) Any wastewater having a pH less than 6.5 S.U. or higher than 10.0 S.U., or having any other corrosive property capable of causing damage to structures, equipment or personnel of the system.  
(Ord. 56-1999. Passed 4-5-99.)
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in any applicable Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Appendix A hereto.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any substance which may cause the City wastewater treatment plant effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (g) Any substance which will cause the City's wastewater treatment plant to violate its National Pollutant Discharge Elimination System (NPDES) and/or other Disposal System Permits.
- (h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the City's wastewater treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the City's wastewater treatment plant which exceeds 40 degrees Celsius ( $^{\circ}$  C.) ( $104^{\circ}$  F.).
- (j) Any slugload, which means any pollutant, including oxygen demanding pollutants released in a single extraordinary discharge episode of such volume or strength as to cause interference to the City's wastewater treatment plant.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.

- (n) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin discharged in amounts which cause pass through or interference at the wastewater treatment plant.
- (o) Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater collection system and/or treatment plant in a quantity that may cause acute worker health and safety problems.
- (p) Any garbage that has not been properly shredded.
- (q) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, or having a chlorine demand greater than 30 parts per million.
- (r) Under no conditions will the discharge of concentrated plating baths or acid pickling liquor whether neutralized or not be permitted to the sanitary sewer system.  
(Ord. 69-1991. Passed 4-15-91.)
- (s) **Limit any wastewater containing a dissolve sulfide concentration which exceeds 0.1mg/l.**
- (t) **Limit any wastewater which upon entry to the City Sanitary Sewer System creates an atmospheric hydrogen sulfide concentration which exceeds 10mg/l.**

#### 925.21 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories.  
(Ord. 69-1991. Passed 4-15-91.)

#### 925.22 STATE REQUIREMENTS.

State requirements and limitations on discharges to the City's wastewater treatment plant shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations those in this chapter or any other applicable ordinance.  
(Ord. 69-1991. Passed 4-15-91.)

#### 925.23 RIGHT OF REVISION.

The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the City's wastewater treatment plant where deemed necessary.  
(Ord. 69-1991. Passed 4-15-91.)

#### 925.24 DILUTION.

No discharger shall increase the use of potable or process water in any way, or mix separate waste streams for the use of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.  
(Ord. 69-1991. Passed 4-15-91.)

#### 925.25 SUPPLEMENTARY LIMITATIONS.

- (a) No discharger shall discharge wastewater containing concentrations or readings of pollutants in excess of those specified in its wastewater discharge permit. No, no discharger shall discharge other toxic pollutants listed in Appendix A, but not



City of Massillon, Ohio  
Wastewater Treatment Department  
Continuous Monitoring of Wastewater pH  
-Guidelines-

**Purpose:**

The purpose of these guidelines is to provide information regarding the continuous monitoring of wastewater pH and preparation of self-monitoring worksheets.

**City of Massillon Rules and Regulation:**

The applicable City of Massillon rules and regulations governing the pH of wastewater discharge are as follows:

- 925.20- General Discharge Prohibitions
- 925.25- Supplementary Limitations
- 925.28- Treatment of Industrial Wastes
- 925.40- Monitoring Facilities
- 925.41- Inspection and sampling
- 925.51- Administrative Penalties

**Allowable pH range:**

6.50 to 10.00 Standard Units

Any waste or wastewater that causes an adverse impact on the wastewater treatment process or causes the City of Massillon WWTP to be in violation on any of its NPDES permit criteria, the Director of Public Safety and Service or the Wastewater Treatment Department Manager, may by means of an administrative action or issuance of an Industrial Waste Discharge Permit, impose more stringent limitations on the pH of the waste or wastewater so as to eliminate the adverse impact or violation of the NPDES permit(s).

**Self-Monitoring Requirements:**

The following self-monitoring worksheets shall be complete and submitted whenever "pH Excursion Frequency" violations and/or "pH Range/Period" violations occur:

- Self-Monitoring Worksheet #1: pH Range/period Violations

Instructions have been provided at the bottom of each worksheet. Copies of the applicable pH recording charts shall be submitted with self-monitoring worksheets. Example pH recording charts and self-monitoring worksheets are available.

**pH Equipment Calibration:**

The calibration of pH equipment should be conducted in accordance with the requirements of the equipment manufacturer. Calibration checks should be conducted on a regular schedule. The frequency at which calibration checks are required is a function of the wastewater quality and should be determined for the specific monitoring location. A minimum calibration frequency of once/8-hours is recommended.



**Record-keeping:**

Each calibration check shall include the date, time, and operator's initials on the pH recording chart. Any records, books, documents, memoranda, reports, correspondence, and other summaries relating to the continuous monitoring of wastewater pH shall be retained for no less than (3) years. All records which pertain to enforcement or litigation activities shall be retained and preserved until all enforcement activities have concluded and all period of limitation with respect to appeals have expired.

CITY OF MASSILLON  
WASTEWATER TREATMENT PLANT  
SELF MONITORING WORKSHEET

Instructions:

1. Identify and number each continuous pH period on the pH recording sheet.
2. Determine the "Total Minutes" of each continuous pH period in the appropriate pH range column (pH<3,...pH>13.)  
NOTE: pH period "Total Minutes" should be entered in only one pH range column.
3. Divide each "Total Minutes" defined on the Worksheet by the allowable period minutes (30 Min., 15 Min., 10 Min., 3 Min., etc...) and round to the lowest whole number.  
ENTER this number in the block immediately to the right in the allowable minutes column.
4. Sum the applicable columns.
5. Multiply the Sum times the appropriate "Penalty \$" and enter this amount in the "Total \$" for each column.
6. Copies of the applicable pH recording charts shall be submitted with the Worksheet.
7. A report must be made to the Industrial Waste Control Division within 24 hours any time a continuous violation occurs which lasts greater than 3 times the period allowed for the given range.
8. The reporting week will be Sunday 00:00 hours to Saturday 24:00 hours.
9. The Total Penalty for each worksheet will be submitted with the report by the Wednesday following the reporting week.



**925.51 ADMINISTRATIVE PENALTIES.**

(a) Any discharger who is found to have violated an order of the Manager, or who has failed to comply with any provision of this chapter and the regulations or rules of the Director, shall be penalized as follows:

(1) Continuous dischargers. The City may assess administrative penalties ranging in the amount of one hundred dollars (\$100.00) to one thousand dollars (\$1,000) per violation per day upon sewer users who normally have a continuous discharge who fail to comply with numerical values or administrative orders issued by the City or other regulatory agencies. Such administrative penalties shall be determined by the City based on the severity of the violation and the enforcement category assigned to the violator. If the violation is an "average" violation, the penalty shall be applied times the number of days (i.e.,  $\$100 \times 30 = \$3,000$ ). If a discharger has both monthly average maximum and one-day maximum violations for the same parameter, the monthly violation takes precedent. If the monthly average maximum and one-day maximum violations are for different parameters, they will be assessed penalties as separate violations.

(2) Batch dischargers. The City may assess administrative penalties ranging in the amount of five hundred dollars (\$500.00) to three thousand dollars (\$3,000) per violation upon sewer users who batch discharge and fail to comply with numerical values or administrative orders issued by the City or other regulatory agencies. Such administrative penalties shall be determined by the City based on the volume of the discharge, the severity of the violation, and the enforcement category assigned to the violator. If the violations are for different parameters, they will be assessed penalties as separate violations.

NOTE: In addition to administrative penalties stated in Section 925.51(a) "surcharges" may be imposed upon violating dischargers. Such surcharges are intended to recover the additional cost associated with treating "extra strength" discharges and are not penalties.

(b) State and Federal Law. In addition to Administrative penalties, dischargers which interfere with the proper operation or cause damage to the municipal wastewater system may be liable to State and/or Federal Law which provides for penalties up to one hundred thousand dollars (\$100,000) per day and six years in jail for a repeat knowing criminal violation.

(c) Municipal Civil and Criminal Penalties. In addition to Administrative penalties, discharges which interfere with the proper operation of or cause damage to the municipal wastewater system may be liable to the City as follows:

(1) The City may seek Civil Penalties in the amount of three thousand dollars (\$3,000) per violation per day; or

(2) The City may seek criminal penalties. Any person who is found guilty shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000) per day per violation.

(Ord. 69-1991. Passed 4-15-91.)

Effective Date: \_\_\_\_\_

Authorized by: \_\_\_\_\_

## City of Massillon Administrative Penalty Schedule

Any Industrial User violating any of the following regulations will receive administrative penalties accordingly.

Discharge slug load which causes WWTP (POTW) upset	\$ 500
Discharge slug load which causes pass-through	\$1,000
(Either of the above would also be subject to pay Massillon's NPDES fines for the excursion(s))	

Deliberately discharge constituents known to be in violation of local or categorical limits \$1,000

Report or administrative penalty submitted late:

1 to 10 days	\$ 250
11 to 20 days	\$ 500
21 to 30 days	\$ 750
> 30 days	\$1,000

Failure to report (within 24 hours):

A change in discharge	\$ 100
Any permit discharge violation	\$ 250
A slug load (no harm to POTW)	\$ 250
A slug load (harm to POTW)	\$ 500

Failure to report:

Analysis for required parameters (per parameter)	\$ 100
Incomplete or missing files (recurrent)	\$ 100
Additional monitoring (EPA approved method)	\$ 250

Reporting violations:

Report is improperly completed	\$ 100
Report is improperly signed or certified	\$ 100
Report is improperly signed or certified after notice by POTW	\$ 250

Unpermitted discharge:

Unaware of requirement (no harm)	NOV
Unaware of requirement (harm to POTW)	\$ 500
Failure to apply for permit and discharge continues after notice by POTW	\$ 750

Monitoring:

Failure to monitor all pollutants as required by permit (per parameter)	\$ 100
Failure to install monitoring equipment for more than 30 days (each day)	\$ 200
Improper sampling or analysis (i.e. wrong techniques or methods)	\$ 200
Recurring failure to monitor	\$ 500

POTW personnel denied entry to facility for inspection or sampling	\$1,000
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Sample results which exceed local or categorical limits will result in the assessment of administrative penalty or penalties as defined by the tables below.

Exceed Permit Limit By (Excluding pH violations)

Flows	<25%	25-50%	51-75%	76-100%	>100%
<1,000 GPD	NOV	NOV	\$100	\$250	\$500
1,000-10,000 GPD	NOV	\$100	\$200	\$400	\$650
10,001-50,000 GPD	NOV	\$150	\$300	\$500	\$750
50,001-100,000 GPD	NOV	\$200	\$400	\$750	\$900
>100,000 GPD	NOV	\$250	\$500	\$900	\$1,000

pH Violations (Grab samples only)

	6.0-6.49	5.5-5.99	<5.5
Flows	10.01-10.50	10.51-12.50	>12.50
<1,000 GPD	NOV	\$100	\$200
1,000-10,000 GPD	NOV	\$200	\$400
10,001-50,000 GPD	NOV	\$300	\$600
50,001-100,000 GPD	NOV	\$400	\$800
>100,000 GPD	NOV	\$500	\$1,000

Other permit violations:

Waste streams are diluted in lieu of treatment	\$ 500
Failure to properly maintain pretreatment facility	\$ 500
Failure to correct noncompliance or halt discharge:	
No harm to POTW	\$ 500
Harm to POTW	\$1,000

Repeated violations will be penalized, in addition to the administrative penalty, \$200 for each event. This penalty will carry over and increase by \$200 with every event in a series of recurrent violations.

Administrative penalty range increments increase per event, not per day.

Three successive administrative penalties will result in the issuance of a compliance schedule.

Fines will be levied for missed milestone dates during compliance schedule implementation.

Maximum administrative penalty per event is \$5,000. Fines may be levied by the courts in excess of these amounts.

Any or all administrative penalties may be waived or modified per the discretion of the Director of Public Safety and Service.

Any user who violates any provision of the City of Massillon Sewer Use Code ordinance may be liable for a fine(s) up to a maximum amount of \$1,000 for each violation, with each day being separate violation. (925.51)



## ADMINISTRATIVE PENALTY EXAMPLE

**EXAMPLE INDUSTRY:**

FLOW 15,000 GPD  
3 DAY SAMPLING EVENT

<u>EVENT #1</u>	DAY 1	Zinc Over Limits 25% pH – 12.8 S.U.	\$150.00 OL Fine \$600.00 OL Fine
	DAY 2	No Violations	
	DAY 3	Zinc Over Limits 10%	<u>NOV</u> \$750.00 OL Fine Total

<u>EVENT #2</u>	DAY 1	No Violations	
	DAY 2	Zinc Over Limits 46% Lead Over Limits 10%	\$150.00 OL Fine <u>NOV</u>
	DAY 3	No Violations	<u>\$0.00</u> \$150.00 OL Fine Total <u>\$200.00 RVP</u> \$350.00 Total Fine

<u>EVENT #3</u>	DAY 1	No Violations	
	DAY 2	Zinc Over Limits 94% pH 6.2 S.U.	\$500.00 OL Fine <u>NOV</u>
	DAY 3	Lead Over Limits 15%	<u>NOV</u> \$500.00 OL Fine Total \$400.00 RVP <u>\$200.00 RVP Lead</u> \$1,100.00 Total Fine

Example industry will be placed on compliance schedule due to three successive administrative penalties.

- OL Fine – Over Limits Fine
- RVP – Repeat Violation Penalty

**937.02 ANNUAL SEWER SERVICE CHARGE REQUIRED.**

Whereas it is necessary to recover from all users of the City sewerage system the costs of constructing and financing construction of improvements to the City's sewerage system and whereas the recovery of such costs are in addition to these charges necessary to comply with the United States Environmental Protection Agency rules and regulations, be it ordained that every person, firm or corporation whose premises are served by a sewer connection which discharged sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into sewage facilities under the jurisdiction of the department, will be charged for the use of such facilities and for the treatment of such sewage and wastes. The annual charge shall be applied to each and every premises discharging into the sewerage system. (Ord. 150-1992. Passed 8-17-92.)

**937.03 CHARGES MAY CONSTITUTE A LIEN.**

Each user charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within ninety days after it is due and payable, it shall be certified to the Auditor of the County, who shall place the same on the tax duplicate, with the interest and penalties allowed by law, and shall be collected as other Municipal taxes are collected. (Ord. 104-1976. Passed 8-16-76.)

**937.04 RULES AND REGULATIONS.**

The Safety-Service Director shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, for the proper determination and collection of the rates and charges herein provided and for the safe, efficient and economical management of the system. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State, shall have the same force and effect as ordinances of Council. (Ord. 104-1976. Passed 8-16-76.)

**937.05 PAYMENT DATES; PENALTY CHARGE.**

(a) The charges levied by Section 937.09 shall take effect on January 1, 1991, and shall be billed in four quarterly payments on the first days of January, April, July and October of each year at the end of the period of service rendered, and shall be payable at the office of the Sewer and Water Department located in City Hall within fifteen days thereafter. All bills not paid within fifteen days after the date when billed shall be subject to a ten percent (10%) penalty.

(b) The industrial surcharge levied by Section 937.10 **shall be calculated and billed Monthly based on the results of tests and measurements by the City.** All bills not paid fifteen days after the date when billed shall be subject to a ten percent (10%) penalty. (Ord. 150-1992. Passed 8-17-92.)

**937.06 PRO RATA CHARGES.**

Any premises making connection with the system after July 1, 1971, shall be charged a per diem, pro rata amount based upon the quarterly, or semi-annual charge, from the time such connection is made until the next following billing period applicable to such premises. (Ord. 104-1976. Passed 8-16-76.)

(c) The following rates are effective October 1, 2003, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

**RESIDENTIAL**

**ANNUAL RATE**

Single Family Unit	\$186.00
Duplex Residential	372.00
Each Additional Residential Unit	186.00
Mobile Homes and House Trailers	186.00

**COMMERCIAL**

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$29.00
Toilet/Urinal	124.00
Showers	78.80
Food Prep/Bar Sink (Per Bowl)	52.80
Hair Rinse Sink	29.00
Hand Sink	21.80
Slop Sink	30.00
Hotel/Motel	212.00
Each Bedroom	30.00
Rooming House	180.00
Each Bedroom	30.00
Laundromat or Coin Operated Machine	108.80
Commercial Laundries (By Pound)	12.00

**Car Washes**

Each Single Stall Manual	\$221.00
Each Single Stall Automatic	
Each Drive-Through Automatic	4,660.00

**Hospitals/Nursing Homes**

(Per Employee/Patient)	\$25.40
Sports Facility/Arena (Per Seat)	2.48
Schools, Public - Private - Day Care (Per Student and Employee)	5.90

**INDUSTRIAL**

The following rates are effective January 1, 2007, with respect to any such premises situated within the corporate limits of the City.

Industrial Flow for each Million Gallons	\$1,600.00
Industrial Employee (Per Employee)	30.00

(d) For the purpose of determining the factory charge for any given year, the number of persons employed or engaged in services on the premises during the applicable billing period shall be considered to be that number arrived at by averaging over such period the number of such persons thereon on the first day of each of the six calendar months included in such period, which information shall be certified in writing by each employer to the Safety-Service Director.

(e) For the purpose of determining the school charge for any given year, the number pupils and regular employees in a school year shall be the aggregate number thereof enrolled or employed on January 1, of the preceding year.

(f) For the purpose of determining the charge for the hospitals, nursing or convalescent homes and for any given year, the number of patients, and regular employees during the applicable billing period shall be considered to be that number arrived at the averaging over such period the number of patients, and regular employees therein on the first day of each of the six calendar months included in such period.

(g) The proposed rates will be re-evaluated after the bid opening of the 2001 Wastewater Treatment Plant Up-Grade and Expansion. This service will be reviewed every two (2) years starting 2003. (Ord. 96-2001. Passed 5-21-01.)

#### 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES.

(a) Any person, firm or corporation served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids into the wastewater treatment system, which are of unusual strength, volume or character, but acceptable by the City for treatment, shall be subject to an additional surcharge which shall be over and above the rates and charges established by Section 937.09.

(b) The surcharge shall be effective if any or all of the following are exceeded:

- (1) A five-day BOD greater than 300 parts per million by weight;
- (2) Suspended solids greater than 300 parts per million by weight;

(c) The surcharge shall be calculated and billed **monthly** based on the results of tests and measurements made by the City effective **January 1, 2007**.

##### Additional Surcharge effective April 1, 2001

- |     |  |                  |
|-----|--|------------------|
| (1) | BOD in excess of 300 mg/l              | \$0.06/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.06/lb of SS  |

##### Additional Surcharge effective October 1, 2001

- |     |  |                  |
|-----|--|------------------|
| (1) | BOD in excess of 300 mg/l              | \$0.07/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.07/lb of SS  |

##### Additional Surcharge effective October 1, 2002

- |     |  |                  |
|-----|--|------------------|
| (1) | BOD in excess of 300 mg/l              | \$0.08/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.08/lb of SS  |

##### Additional Surcharge effective October 1, 2003

- |     |  |                 |
|-----|--|-----------------|
| (1) | BOD in excess of 300 mg/l              | \$0.09/lb BOD   |
| (2) | Suspended solids in excess of 300 mg/l | \$0.09/lb of SS |

~~Additional Surcharge effective October 1, 2004~~

- ~~(1) BOD in excess of 300 mg/l \$0.010/lb of BOD  
(2) Suspended solids in excess of 300 mg/l \$0.010/lb of SS~~

~~Additional Surcharge effective January 1, 2007~~

- ~~(1) BOD in excess of 300 mg/l \$0.032/lb of BOD  
(2) Suspended solids in excess of 300 mg/l \$0.034/lb of SS  
(3) Oil and Grease in excess of 100mg/l \$0.030/lb of O & G~~

~~(d) When required by the Director of Public Safety and Service, the owner of any property discharging such wastes shall install a suitable chamber with gaging and sampling equipment in the building sewer to permit observation, sampling and measurement of the wastes from his premises. Such chamber and equipment shall be constructed in accordance with plans approved by the Director and shall be installed by the owner at his expense and shall be maintained by him.~~

~~(e) All measurements, tests and analyses of the characteristics of such wastes shall be determined by the City in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage", as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.~~

~~(f) The strength of the wastes shall be determined from samples taken at the aforementioned chamber at any period or time and of such duration and in such manner as agreed upon between the owner and the City. The results of routine sampling and analysis by the owner may also be used, in determining the amount of the surcharge after verification by the City. The strength so found by analysis shall be used in determining the amount of the surcharge.~~

~~(g) The City shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gaging and sampling operation and to begin such operation without advance notice to the company. While performing the work, the City will observe all safety rules applicable to the premises, established by the company.~~

~~Where a company or premises has security measures in force which require proper identification and clearance before entry into the company or premises is granted, such company or premises shall either make the necessary arrangements with their security guards that upon showing proper identification, personnel from the City will be permitted to enter, without delays, for the purpose of obtaining grab samples of wastes being discharged at the various sampling points; or the company or premises shall install suitable gaging and sampling manholes outside the security limits, which manholes will at all times be immediately accessible to City personnel.~~

~~(h) If a person, firm or corporation disagrees with the analysis on which the surcharge is based, he or it may request, in writing, additional sampling and analysis which shall be conducted in a manner acceptable to the Director of Safety-Service and the Manager of Wastewater Treatment. The cost of such additional sampling and analysis shall be borne in full by the requestor.~~

~~(i) The proposed rates will be re-evaluated after the bid opening of the 2001~~

DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 174 - 2006

*1st reading*  
LEGISLATIVE DEPARTMENT

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements with Variety Attractions, Inc., L & B Entertainment Inc., and other companies for various engagements for the 2007 summer concert series, and declaring an emergency.

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

Section 1:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into contract agreements with Variety Attractions, Inc., L & B Entertainment Inc., and other companies for various engagements for the 2007 summer concert series. The cost of said contracts shall not exceed Ninety-Six Thousand Dollars (\$96,000.00).

Section 2:

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 to provide summer concert entertainment series for the citizens of Massillon. 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 \_\_\_\_\_ 2006

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 175 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Waste Grant Fund, Home Health Fund, and the 1206 Muni Motor Vehicle License Fund, for the year ending December 31, 2006, 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 Waste Grant Fund for the year ending December 31, 2006, the following:

\$20,000.00 to an account entitled "Salary/Recycling" 1222.605.2110

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Home Health Fund for the year ending December 31, 2006, the following:

\$14,000.00 to an account entitled "Home Health Salary" 1235.705.2110

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 1206 Muni Motor Vehicle License Fund for the year ending December 31, 2006, the following:

\$3,000.00 to an account entitled "Services/Contracts" 1206.435.2392

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.

*2<sup>nd</sup> page is the signature page*

DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 176 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept the 2006 Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for the Massillon Police Department, 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 Mayor of the City of Massillon, Ohio to accept the 2006 Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for the Massillon Police Department.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to accept the 2006 Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance in the Massillon Police Department. The amount of the grant is One Thousand Fifty Dollars (\$1,050.00).

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 that the grant is necessary to enable the purchase of additional bulletproof vests for the safety of our Police Department. 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.

*2<sup>nd</sup> page is the signature page*

DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 177 – 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2006 appropriations from within the General Fund for the year ending December 31, 2006, 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 hereby is transferred from the 2006 appropriation from within the General Fund, of the City of Massillon, Ohio, the following:

FROM:	Street – Salary	1100.435.2110	\$25,018.00
TO	Police – Central Dispatch	1100.305.2375	\$20,018.00
TO	Engineer – Salary	1100.405.2110	\$ 4,000.00
TO	Director – Salary	1100.160.2110	\$ 1,000.00

Section 2

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2006. 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.

*2<sup>nd</sup> page is the signature page*

DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 178 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund", and declaring an emergency.

WHEREAS, the electors of the City of Massillon voted to raise the city income tax rate by three-tenths percent (.3%) effective January 1st, 1996 and to be used exclusively for the parks and recreation system in the City of Massillon.

WHEREAS, it is necessary to determine what percentage of the tax collected for the Parks and Recreation Department shall be deposited into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund".

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

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon to deposit a portion of the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Recreation Fund", "Park and Recreation Capital Improvement Fund" and the "Park and Recreation Bond Retirement Fund".

Section 2:

Effective October 1, 2006 through December 31, 2006 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Seventy-Two and a half percent (72.5%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Twenty percent (20%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3.) Seven and a half percent (7.5%) shall be deposited into the "Park and Recreation Capitol Improvement 1433 Fund".

Section 3:

Effective January 1, 2007 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Fifty-Six and a half percent (56.5%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Forty percent (40%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3.) Three and a half percent (3.5%) shall be deposited into the "Park and Recreation Capitol Improvement 1433 Fund".

Section 4:

That Ordinance No. 139 - 2004 be and is hereby repealed as of December 4, 2006.

Section 5:

That 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 further reason that said funds are necessary to provide sufficient funds to adequately maintain the Park and Recreation Department and provide sufficient funds for the operations of the department on a daily basis. 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 \_\_\_\_\_ 2006

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: DECEMBER 4, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 179 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 155 – 2005 by revising Section 4 of the 2006 budget, 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. 155 - 2005 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 155 – 2005:

\$471,923.01 from General Fund to Fire Pension Fund  
\$352,997.26 from General Fund to Police Pension Fund  
\$315,042.50 from General Fund to Lincoln Center Debt Fund  
\$ 11,956.00 from General Fund to OPWC Debt Fund  
\$ 4,186.00 from General Fund to Senior Housing Debt Fund

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary to the budget as a requirement by the State Auditor for these transferred to be completed. 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.

*2<sup>nd</sup> page is the signature page*



*passed*

ORDINANCE NO. 180-2006

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT  
PAGES TO THE MASSILLON CODIFIED ORDINANCES AND  
DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Massillon, Ohio:

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2007 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

331.01	Driving Upon Right Side of Roadway. (Amended)
331.07	Hazardous or No Passing Zones. (Amended)
331.14	Signals Before Changing Course. (Amended)
333.04	Stopping Vehicle; Slow Speed. (Amended)
337.29	Bumper Heights. (Amended)
373.01	Code Application to Bicycles. (Amended)
373.02	Riding Upon Bicycle and Motorcycle Seats. (Amended)
373.05	Signal Device On a Bicycle. (Amended)
373.06	Lights and Reflector on Bicycle. (Amended)
373.07	Riding Bicycle on Right Side of Roadway. (Amended)

General Offenses Code

501.06	Limitation of Criminal Prosecution. (Amended)
513.01	Definitions. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04	Possessing Drug Abuse Instruments. (Amended)
513.08	Illegally Dispensing Drug Samples. (Amended)
513.12	Drug Paraphernalia. (Amended)
513.21	Offender May Be Required to Pay Costs For Controlled Substance Tests. (Added)
525.16	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
525.18	Refusal to Disclose Personal Information in Public Place. (Added)
529.02	Sales to and Use by Underage Persons. (Amended)
529.07	Open Container Prohibited. (Amended)
529.08	Hours of Sale or Consumption. (Amended)
533.01	Obscenity and Sex Offense Definitions. (Amended)
533.06	Voyeurism. (Amended)
537.07	Endangering Children. (Amended)
541.10	Trespass on a Place of Public Entertainment. (Added)
545.01	Theft and Fraud Definitions. (Amended)
545.05	Petty Theft. (Amended)
549.15	Defacing Identification Marks of a Firearm, or Possessing a Defaced Firearm. (Added)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.

APPROVED: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor