

DATE: DECEMBER 7, 2009

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 2009

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing SubSection 920.10 "Water Control", and creating a new SubSection 920.10(d), and declaring an emergency.

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

Section 1:

Existing SubSection 920.10 "Water Control" of CHAPTER 920 of the Codified Ordinances of the City of Massillon, Ohio, be and hereby is amended by adding Subsection 920.10(d) to said section.

Section 2:

Section 920.10 "Water Control" of CHAPTER 920 of the Codified Ordinances of the City of Massillon, Ohio, is hereby amended as follows:

(SEE ATTACHED EXHIBIT "A" FOR THE NEW SUBSECTION BEING ADDED TO SECTION 920.10.)

Section 3:

This Ordinance is hereby declared to be an emergency measure for preservation of the health, safety, and welfare of the community and for the additional reason that the revisions and amendments to existing Chapter 920 "EROSION/SEDIMENT CONTROL" are required by the Ohio Environmental Protection Agency to keep the city in compliance with its regulations. 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 7th DAY OF December, 2009.

APPROVED: Mary Beth Bailey Glenn E. Gamber
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

APPROVED: December 8, 2009 Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Mary Beth Bailey
Clerk of Council

Date 12/7/09

920.xx ENFORCEMENT

- (a) If the City of Massillon Engineer determines that a violation exists and makes a request to the City of Massillon Law Director in writing, the Law Director shall seek an injunction to cease work immediately until compliance with these rules occur.
- (b) Any proceeding brought or instituted pursuant to this section may also include a claim for payment or reimbursement of any and all costs or obligations assessed or incurred or associated with any occurrence or event in violation of the provisions and regulations established in this chapter.
- (c) Nothing in this section and no action taken thereunder shall be held to exclude such criminal proceedings as may be authorized under the Ohio Revised Code.