

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

DATE: MONDAY, JULY 19, 2010
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TONY TOWNSEND
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. 85 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE amending CHAPTER 1129 "BOARD OF ZONING APPEALS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1129.04 "Fees", and enacting new Section 1129.04 "Fees".

ORDINANCE NO. 86 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE amending CHAPTER 1125 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees", and enacting new Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees",.

ORDINANCE NO. 87 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE amending CHAPTER 1181 "ACCESSORY BUILDINGS" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1181.01 "Regulations" (h) and (i) and creating Section 1181.02 "Solid Fuel-Fired Outdoor Heating Devices", and enacting new Sections 1181.01 "Regulations"(h) and (i) and creating Section 1181.02 "Solid Fuel-Fire Outdoor Heating Devices",.

ORDINANCE NO. 88 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

AN ORDINANCE amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1188.03 "General Provisions"(b) and 1188.04 "Regulation of On-Premise Signs by Zone"(a)(7), and enacting new SubSections 1188.03 "General Provisions"(b) and 1188.04 "Regulations of On-Premise Signs by Zone"(a)(7),

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 JUNE 2010
- B). TREASURER SUBMITS MONTHLY REPORT FOR JUNE 2010
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JUNE 2010
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JUNE 2010
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JUNE 2010
- F). MAYOR SUBMITS MONTHLY REPORT FOR JUNE 2010

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS
16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: JULY 19, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 85 - 2010

Passed 8/16

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1129 "BOARD OF ZONING APPEALS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1129.04 "Fees", and enacting new Section 1129.04 "Fees".

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

Section 1:

The existing Section 1129.04 "Fees" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there hereby is enacted new Section 1129.04 "Fees" of the Codified Ordinances of the City of Massillon. Said newly enacted Sections shall read as follows:

1129.04 "FEES"

The following is a schedule of fees to be charged to applicants for appeals filed with the Board of zoning Appeals effective 2010. These fees shall be paid to the Secretary of the Board of Appeals, which the Secretary shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the City.

- (a) Residential Development \$ 75.00
- (b) Commercial Development \$200.00

Section 3:

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

DATE: JULY 19, 2010

CLERK: MARY BETH BAILEY

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

1st Reading

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 86 - 2010

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

passed 8/16
passed 10/4

TITLE: AN ORDINANCE amending CHAPTER 1125 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees", and enacting new Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees",.

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

Section 1:

The existing Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees", are hereby repealed.

Section 2:

That there hereby is enacted new Sections 1125.01 "Enforcement", 1125.05 "Duties of Building Inspector"(a)(b)(c) and (d), 1125.05 (b)(c) and (g), 1125.06 "Final Inspection" and Chapter 1125.07 "Fees", Said newly enacted Sections shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2010

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

1125.01 ENFORCEMENT.

The provisions of the Zoning Ordinance shall be administered and enforced by the Building Official or by such deputies of his department as the Building Official may delegate to enforce the provisions of the Zoning Ordinance.

1125.02 DUTIES OF BUILDING OFFICIAL

(a) The Building Official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Zoning Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with the Zoning Ordinance.

(b) The Building Official shall record all nonconforming uses existing at the effective date of the Zoning Ordinance for the purpose of carrying out the provisions of Chapter 1179.

(c) Under no circumstances is the Building Official permitted to make changes to the Zoning Ordinance nor to vary the terms of the Zoning Ordinance in carrying out his duties as Building Official.

(d) The Building Official shall not refuse to issue a permit when conditions imposed by the Zoning Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of such permit.

1125.03 PLOT PLAN.

The Building Official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1125.05 CERTIFICATES OF OCCUPANCY.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate of occupancy:

- (b) Certificates Required. No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure after approval by the Fire Chief and Chief Building Official.
- (c) Certificates Including Zoning. Certificates of occupancy as required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by the Zoning Ordinance.
- (g) Application for Certificates. Application for certificates of occupancy shall be made in writing to the Chief Building Official on forms furnished by that Department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of the Zoning Ordinance. If such certificate is refused for cause, the applicant therefor shall be notified in writing of such refusal and cause thereof, within the aforesaid five-day period.

1125.06 FINAL INSPECTION.

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

1125.07 FEES.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of the Zoning Ordinance may be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of Council and shall cover the cost of inspection and supervision resulting from enforcement of the Zoning Ordinance.

- A) Application for certificate of occupancy shall be accompanied by payment of nonrefundable fee pursuant to the following schedule of charges:
 - 1.) initial and recertification inspection fees applicable to the Residential Code of Ohio for existing One, Two and three Family dwellings = \$0.00
 - 2.) Initial and recertification inspection fees applicable to the Ohio Building Code for existing structures = \$100.00 per unit.
 - a) Initial and Recertification inspections shall be completed along with the City of Massillon Fire Prevention Officer.
 - 3) Certificate of occupancy for newly constructed structures are included in the building permit for instance of fire and other natural disasters..
 - 4) A combined serious hazard inspection shall be conducted by the Fire Prevention Officer and the Chief Building Official or designee.
 - 5) Re-scheduling fee for failure to appear at the inspection, payable before the re-scheduling of a second or subsequent inspection = \$75.00.
 - 6) No Certificate fo Occupancy shall be issued unless and until all rescheduling fees have been paid.

DATE: JULY 19, 2010

CLERK: MARY BETH BAILEY

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

1st Reading

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 87 - 2010

passed 8/16

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1181 "ACCESSORY BUILDINGS" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1181.01 "Regulations" (h) and (i) and creating Section 1181.02 "Solid Fuel-Fired Outdoor Heating Devices", and enacting new Sections 1181.01 "Regulations"(h) and (i) and creating Section 1181.02 "Solid Fuel-Fire Outdoor Heating Devices",.

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

Section 1:

The existing Sections 1181.01 "Regulations" (h) and (i)", is hereby repealed.

Section 2:

That there hereby is enacted new Sections 1181.01 "Regulations" (h) and (i) and creating Section 1181.02 "Solid Fuel-Fired Outdoor Heating Devices", Said newly enacted Sections shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2010

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR