

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

**DATE: MONDAY, NOVEMBER 1, 2010  
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. 122 – 2010**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1ST READING*

*PH 12/06/10 7:00 PM*

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Perry Township, R-2 Single and Two Family Residential to R-2 Single Family Residential.

**ORDINANCE NO. 123 – 2010**

**BY: HEALTH, WELFARE & BLDG REGULATIONS**

*1ST READING*

**AN ORDINANCE** amending CHAPTER 1301 "OHIO BUILDING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b)(c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b) and enacting new Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b)(c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b)

**ORDINANCE NO. 124 – 2010**

**BY: PARKS AND RECREATION COMMITTEE**

*PASS 9-0*

**AN ORDINANCE** amending Chapter 163 Recreation Board of the Codified Ordinances of the City of Massillon by enacting a new Subsection 163.05 Public Park and Facility Naming Policy, and declaring an emergency.

**ORDINANCE NO. 125 – 2010** **BY: PUBLIC UTILITIES COMMITTEE**

*PASS 7-2 (McCUNE; TOWNSEND)*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with M&M Royalty, LTD for a 1.58 acre parcel owned by the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 126 – 2010**

**BY: FINANCE COMMITTEE**

*PASS 9-0*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Federal Law Enforcement Trust Fund and the Summer Concert Fund, for the year ending December 31, 2010, and declaring an emergency.

**ORDINANCE NO. 127 – 2010**

**BY: FINANCE COMMITTEE**

*PASS 9-0*

**AN ORDINANCE** making certain transfers in the 2010 appropriations from within the General Fund, for the year ending December 31, 2010, 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 OCTOBER 2010
- B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2010

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

**ORDINANCE NO. 95 – 2010**

**BY: ENVIRONMENTAL COMMITTEE**

*PASS 5-4 (ANDERSON; CATABALO-PERRY; TOWNSEND; PETERS)*

**AN ORDINANCE** enacting a new CHAPTER 943 "STORMWATER UTILITY", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 114 – 2010**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*DEFEATED (4-5) (ANDERSON; C.P.; TOWNSEND; PETERS; HERSHER)*

**AN ORDINANCE** declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

**ORDINANCE NO. 115 – 2010**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*TABLED INDEFINITELY 5-4*

**AN ORDINANCE** declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

**ORDINANCE NO. 118 – 2010**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

*PASS 9-0*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation for the SR 172 Paving Project, and declaring an emergency.

15. **SECOND READING ORDINANCES AND RESOLUTIONS**
16. **NEW AND MISCELLANEOUS BUSINESS**
17. **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**
18. **ADJOURNMENT**

**MARY BETH BAILEY - CLERK OF COUNCIL**

DATE: NOVEMBER 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st reading  
2nd reading 11/15  
passed 12/6*

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Perry Township, R-2 Single and Two Family Residential to R-2 Single Family Residential.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from Perry Township, R-2 Single and Two Family Residential to R-2 Single Family Residential.. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 13, 2010 and that notice and public hearing has been given according to law.

Section 2:

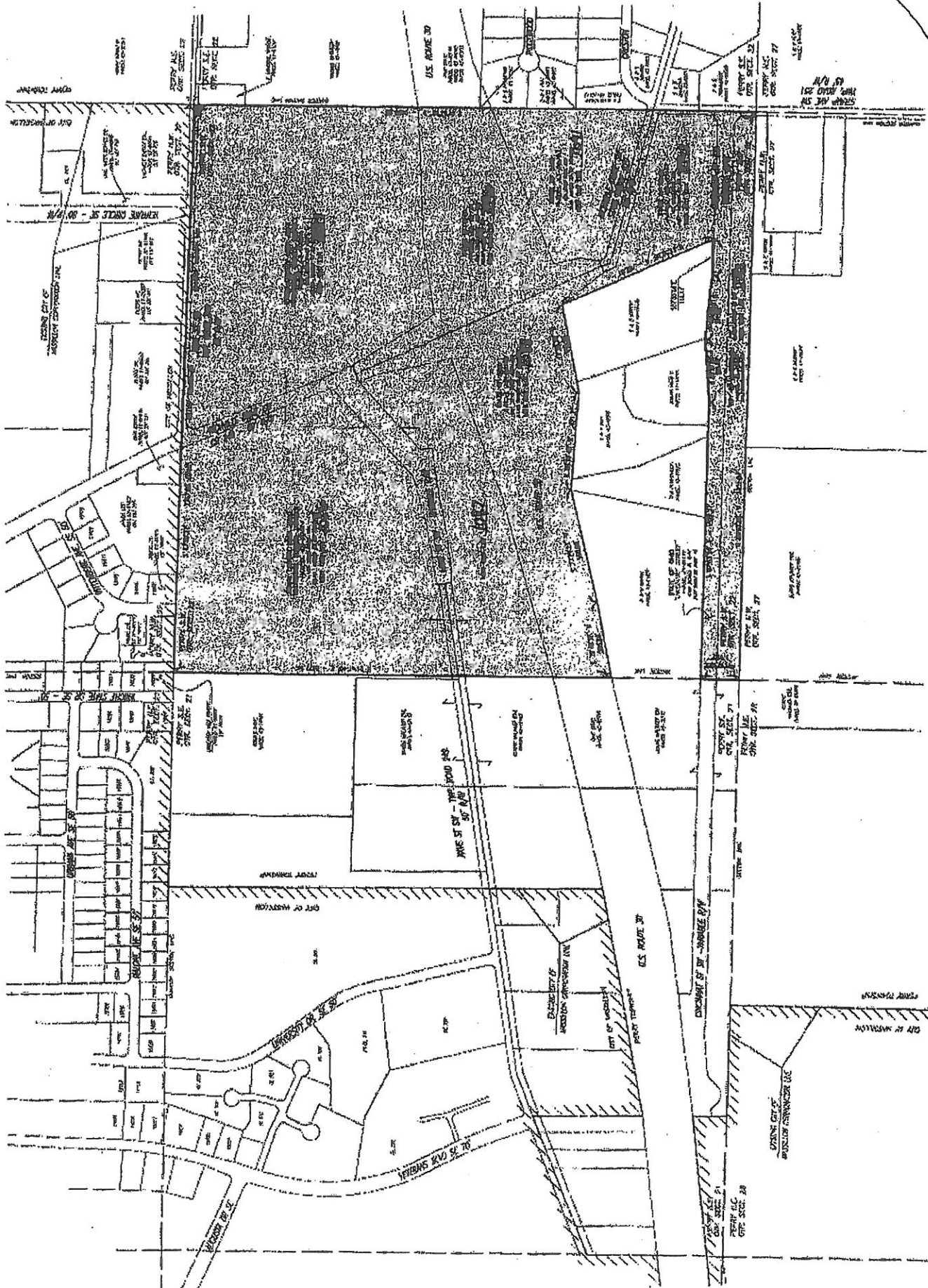
The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as R-2 Single Family Residential.

Richville Drive Area Annexation, an approximate 138 acres of former Perry Township land, located along Richville Drive on both the north and south sides of US 30, as well as along Cincinnati Street, west of Stump Avenue, south of US 30. Property was recently annexed to the City of Massillon and need to give this property a zoning classification under the Massillon Zoning regulations.

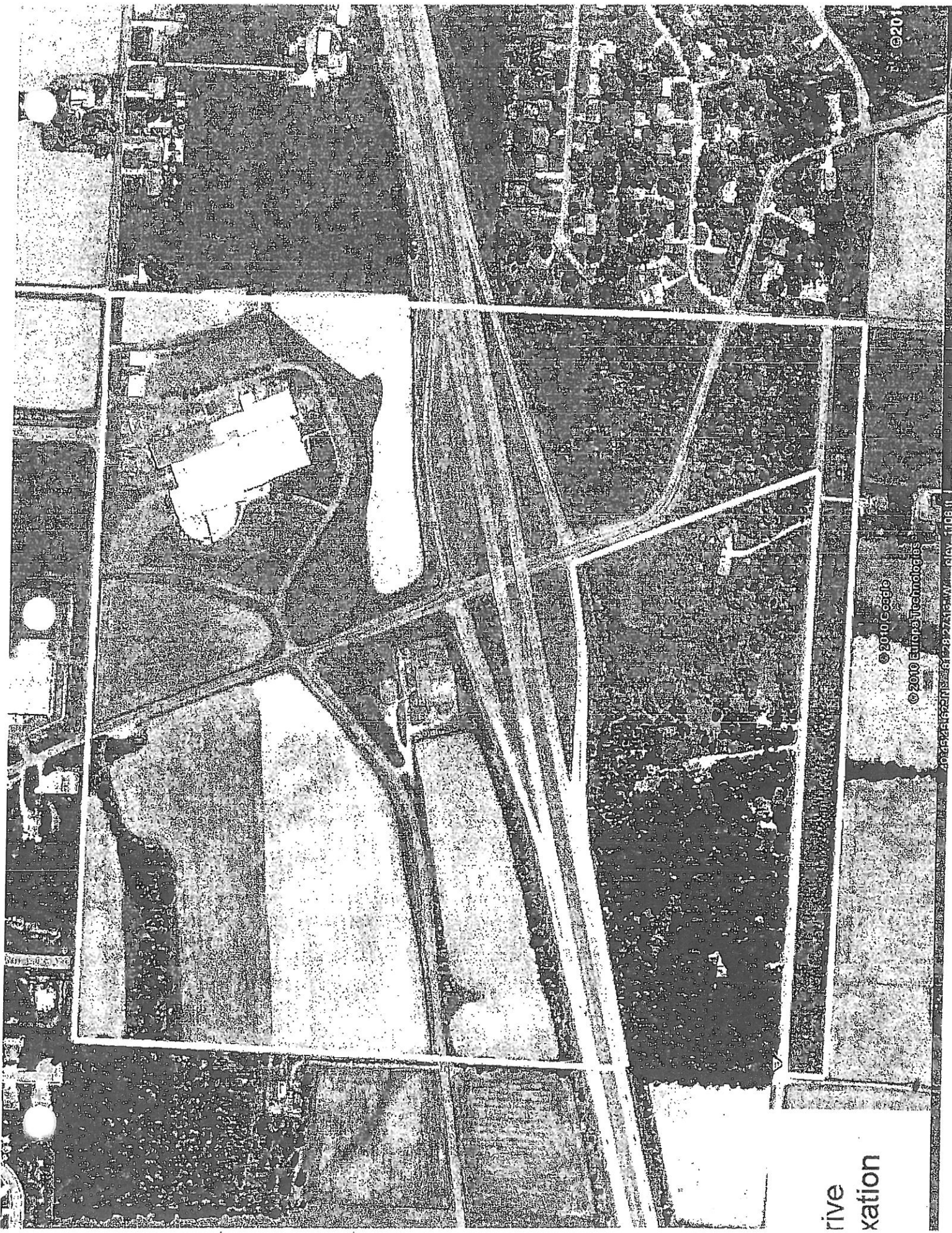
Section 3:

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





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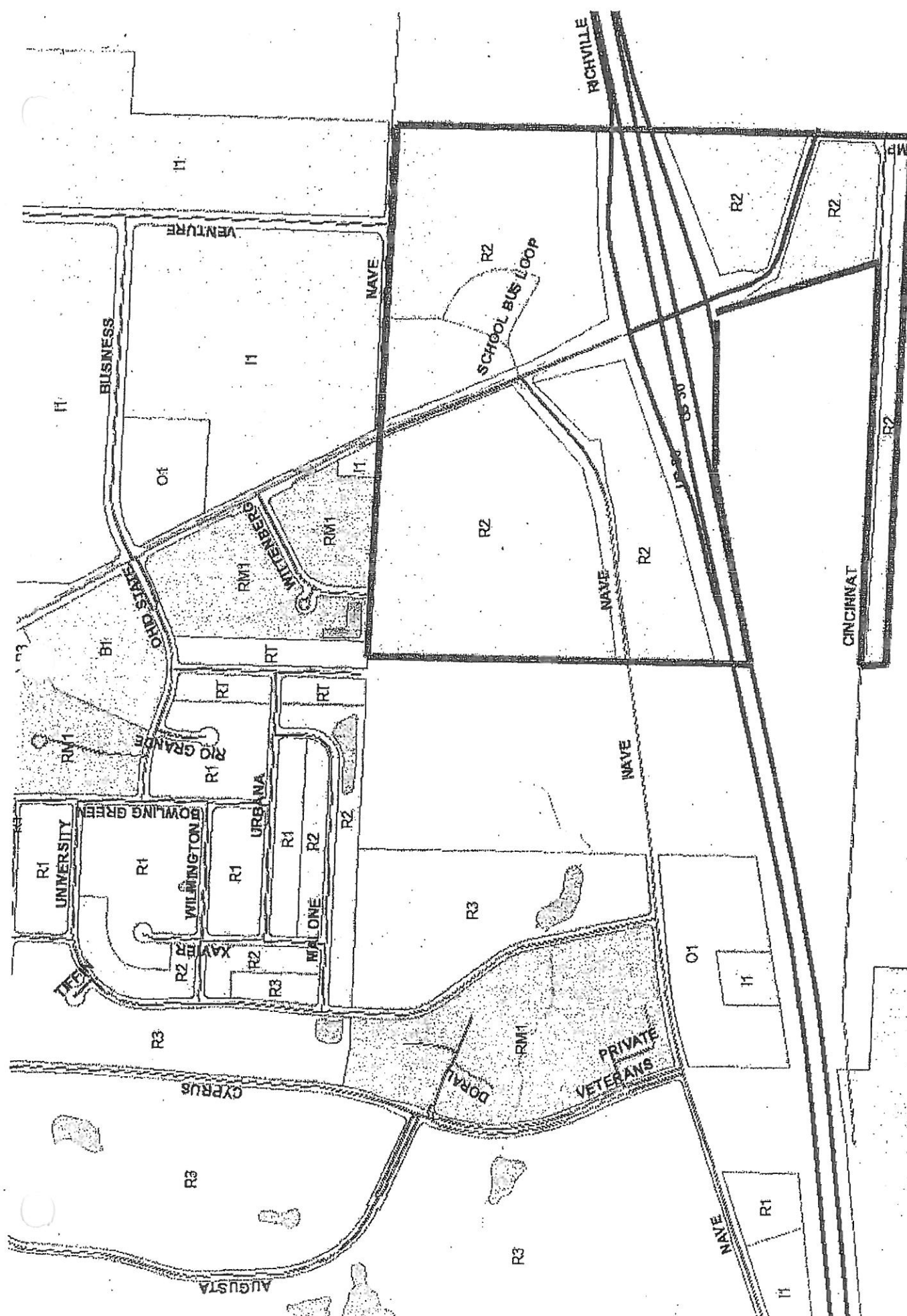


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G201





Richville Drive Area Annexation Rezoning  
From Perry Township R-2 One & Two Family Residential  
To Massillon City R-2 One Family Residential

# Perry Township

Current as of October,

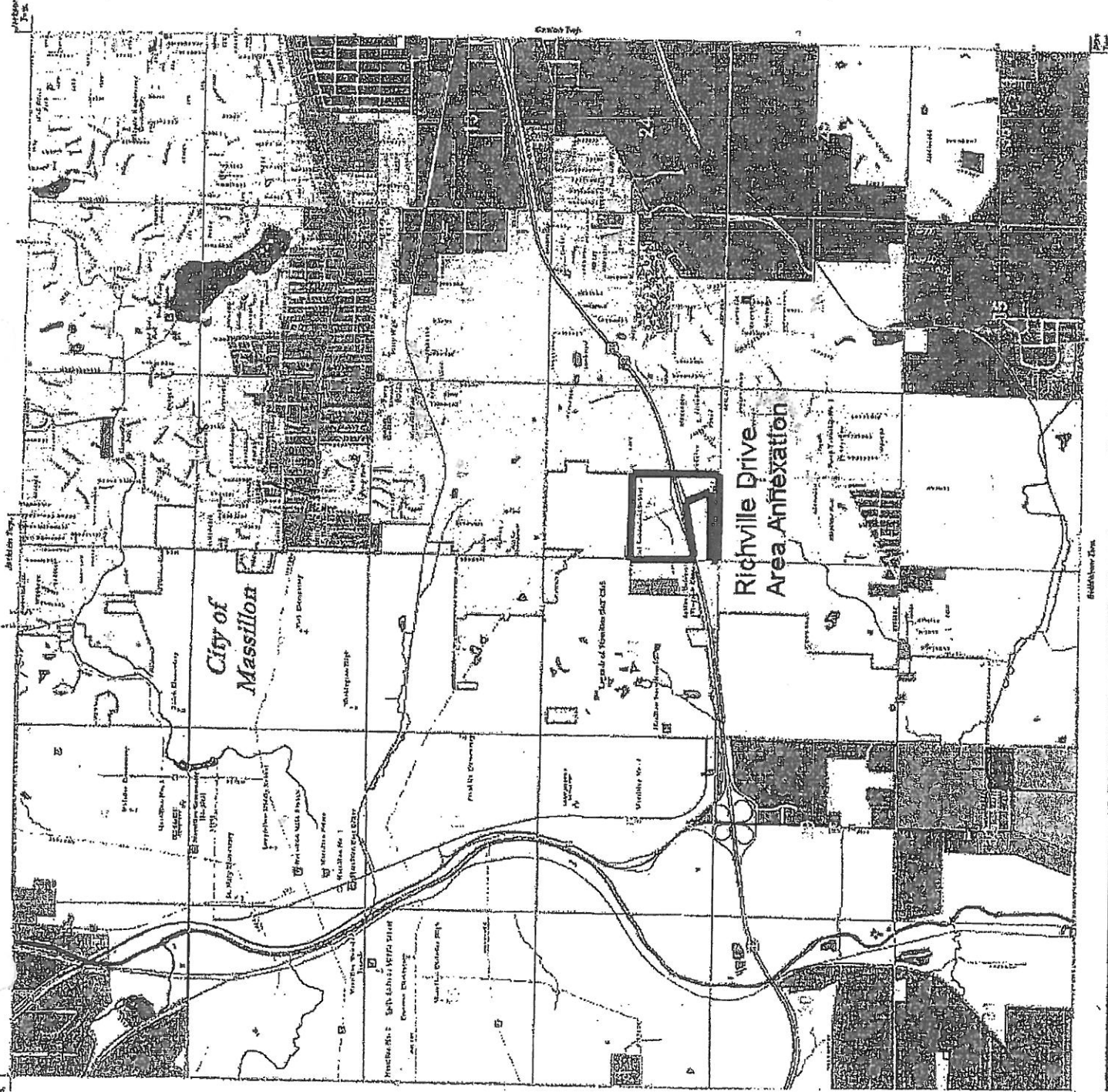
For Specific Lot and See Official Zoning

- R1 Single Family Low Density Residential
- R2 Single and Two Family Residential
- R3 Single Family Duplex Four Family R4
- R4 Multi-Family Residential Office
- R5 High Density Multi-Family Limited S
- R5 Manufactured Home Park
- R7 Planned Unit Development
- B1 Office / Retail / Business
- B2 Commercial
- MD Multi-District Overlay
- ID Industrial
- Massillon
- Navarre
- Perry Station Lines
- Corporation Line

- Police
- Fire Station
- Hospital
- Cemetery
- Parks
- Post
- Airfield
- Library
- School

Report by  
Stark County  
Regional Planning Commi

1 inch equals 1 miles





DATE: NOVEMBER 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123 – 2010

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

*1st reading  
2nd reading 11/15  
passed 12/6*

TITLE: AN ORDINANCE amending CHAPTER 1301 "OHIO BUILDING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b)(c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b) and enacting new Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b)(c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b)

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

Section I:

The existing Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b)(c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b) are hereby repealed.

Section 2:

That there hereby is enacted new Section 1301.01 "Adoption", Subsections 1301.03 "Scope" (e) and (g), 1301.09 "Enforcement" (a)(3) Section 1301.10 "Permit Fees" 1,2,3,4,5,6,7 and (b)(c)(d)(e), 1301.11 "Plan Examination Fees" (a)(b)(c)(e), 1301.12 "Qualifications Required From An Application For Fire Suppression Contractor's Registration" 1,2, 1301.13 "Application For Fire Suppression Registration; Bond and Fee" (a)(b)(c)(d)(e)(f), 1301.14 "Application For Registration As Journeyman Fire Suppression Installer; Fee" (a)(b)(c)(d)(e)(f)(g), 1301.15 "Application For Registration As Fire Suppression Installers Apprentice" (a)(b)(c) and 1301.99 "Penalty" (a)(b)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

## CODIFIED ORDINANCES OF MASSILLON

### PART THIRTEEN - BUILDING CODE

#### TITLE ONE - Building Codes

- Chap. 1301. Ohio Building Code.
- Chap. 1305. Residential Building Code of Ohio for One, Two and Three-Family Dwellings.
- Chap. 1307. Building Maintenance Code.
- Chap. 1309. Housing Code.
- Chap. 1311. Home Improvement.
- Chap. 1313. Electrical Code.
- Chap. 1317. Plumbing Code.
- Chap. 1321. Heating, Ventilating and Air Conditioning Code.

#### CHAPTER 1301 Ohio Building Code

- |         |                      |         |                            |
|---------|----------------------|---------|----------------------------|
| 1301.01 | Adoption.            | 1301.11 | Plan examination fees.     |
| 1301.02 | Purpose.             | 1301.12 | Qualification for Fire     |
| 1301.03 | Scope.               |         | Suppression Contractors    |
| 1301.04 | Compliance.          | 1301.13 | Application for Contractor |
| 1301.05 | Existing structures. |         | Registration               |
| 1301.06 | Violations.          | 1301.14 | Application for Installer  |
| 1301.07 | Stop work order.     |         | Registration               |
| 1301.08 | Conflict.            | 1301.15 | Application for Apprentice |
| 1301.09 | Enforcement.         |         | Installers Registration    |
| 1301.10 | Permit fees.         | 1301.99 | Penalty.                   |

#### CROSS REFERENCES

See sectional histories for similar State law  
Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261  
Power to enact further and additional regulations - see Ohio R.C. 3781.01  
Authorization by Board of Building Standards - see Ohio R.C. 3781.12  
Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19  
Final jurisdiction - see Ohio R.C. 3781.04  
Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)  
Submission of plans - see Ohio R.C. 3791.04  
Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103  
Smoke detection system for apartments and condominiums - see  
Ohio R.C. 3781.104  
Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.  
Fire suppression systems - see Ohio R.C. 3781.108  
Use of public buildings by handicapped persons - see Ohio R.C. 3781.111  
Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21

#### 1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Commerce, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

#### 1301.03 SCOPE.

- (e) Deleted
- (g) Deleted

#### 1301.09 ENFORCEMENT.

(a) In General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification. The Building Official shall exercise exclusive responsibility for the enforcement of all design and construction requirements found in the Ohio Building Code and in other codes and referenced standards to the extent that the Building Code refers to those documents for design data, facts, figures, requirements, criteria, conditions, measures, and information except as follows:

- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the Building sewer and all laterals draining into the street sewers. Said department shall have control and supervision of the installation and construction of the sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all Building sewers and of all other lateral drains that empty into the main sewers. Such department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.

#### 1301.10 PERMIT FEES.

- |     |  |          |
|-----|--|----------|
| (1) | Standard Permit fee<br>Includes only the final inspection) | \$50.00  |
| (2) | Each Rough Inspection                                      | \$30.00  |
| (3) | Inspection for Cert. Of Occupancy                          | \$100.00 |
| (4) | Re-inspection fee for code violation                       | \$35.00  |
| (5) | No Show re-inspection fee                                  | \$75.00  |

~~(6) Not requesting a final inspection \$100.00~~

- (7) Overtime Inspection. Inspector's overtime, those hours worked on Saturday, Sunday, holidays and before 7:30 a.m. or after 4:00 p.m. on workdays, shall be the responsibility of the contractor and will be billed by the City to the contractor at \$75.00.

(b) Remodeling and alterations. Remodeling and alterations of any existing structure, whether residential, commercial, or industrial shall be based upon the contract value of the improvement, as set forth in the following table, plus payment of the standard permit fee and such additional inspection fees as are required.



- |     |                               |          |
|-----|-------------------------------|----------|
| (1) | Contract Value of improvement | Fee      |
|     | Up to \$ 1,000.00             | \$ 10.00 |
|     | \$1,001.00 to \$2,000.00      | \$ 20.00 |
|     | \$2,001.00 to \$3,000.00      | \$ 30.00 |
|     | \$3,001.00 to \$4,000.00      | \$ 40.00 |
|     | \$4,001.00 to \$5,000.00      | \$ 50.00 |
- (2) From \$5,001.00 and up the fees is \$5.00 per \$1,000.00 or fraction thereof.
- (3) A 3% surcharge will be added to the permit fees.
- (c) All fees shall be paid in full prior to issuance of the final approval and or the certificate of occupancy for the structure.
- (d) The Building Official may require documentation of the true cost of construction if in the Building Officials opinion true costs have not been accurately represented; and may withhold the issuance of a permit until he is satisfied that the true cost of construction has been submitted.
- (e) Permit Exemptions.
- (1) The Massillon City Government is exempt from the charging of any Building Permit fees.
  - (2) The Building Official shall determine whether an application and subsequent no charge permit is to be issued.  
(Ord. 12-1990. Passed 1-16-90.)

#### 1301.11 PLAN EXAMINATION FEES.

(a) There shall be an application and processing fee as indicated below for all plans submitted for code compliance review per OBC, including one, two and three family dwelling units. This shall include structural, HVAC, Electrical, Plumbing, Heating and ADA requirements, Automatic Sprinkler & Fire Suppression, Industrialized Units. Submission may be separate or a total package.

(b)	Plans Examination	Application Fee	Fee (square foot)
	General	\$100.00	\$0.02 per Sq. Ft.
	Plumbing	\$100.00	\$0.02 per Sq. Ft.
	HVAC	\$100.00	\$0.02 per Sq. Ft.
	Electrical	\$100.00	\$0.02 per Sq. Ft.
	Hoods	\$100.00	
	Automatic Sprinkler & Fire Suppression	\$100.00	\$0.02 per Sq. Ft.
	Industrialized Units	\$100.00	\$0.02 per Sq. Ft.

- (c) A three percent (3%) surcharge will be charged on plan review fees.
- (d) An additional fee of fifty percent (50%) of the original fee will be charged after the second re-submittal.
- (e) Deleted

1301.12 QUALIFICATIONS REQUIRED FOR AN APPLICATION FOR  
FIRE SUPPRESSION CONTRACTOR'S REGISTRATION.

- (1) All applicants must present a valid and unexpired Qualification Certificate issued by the State of Ohio Fire Marshall, for the servicing, testing, repairing or installing of the fire suppression systems including but not limited to, automatic sprinkler systems, standpipes and fire service mains.
- (2) The applicant shall be of good moral character. In considering the moral character of an applicant, the authority reviewing the registration may consider a record of dishonest practices or malpractices in the conduct of a business, trade, or profession, and that it is in the public interest that the applicant not be Registered. When an applicant is a firm or corporation, each responsible member of such firm or corporation shall be determined to be of good moral character.

1301.13 APPLICATION FOR FIRE SUPPRESSION REGISTRATION;  
BOND AND FEE.

(a) Such application shall be accompanied by a surety bond, to be held on file by the City, in the sum of no less than ten-thousand dollars (\$10,000), which bond shall be approved by the Building Department and the Law Director of the City and shall be conditioned upon the applicant saving and keeping the City harmless from any and all losses and damages that may arise from the negligent or reckless conduct of the applicant and his employees and/or agents; such bond shall also provide that the applicant, and his agents and employees, shall conform to and comply with all statutes, laws, ordinances, rules and regulations which have been or may hereafter be enacted or adopted regarding any electrical work or the installation of any electrical wiring within the City. The applicant shall present such bond to the City prior to receiving the actual Fire Suppression contractor's registration.

(b) Such applicant shall tender an application fee of \$75.00.

(c) Before a Fire Suppression contractor is issued a registration he must provide copies of documents proving that such Fire Suppression contractor is paying Workers' Compensation premiums.

(d) Registration Fee. A registration fee in the amount of \$150.00 shall be tendered by the Fire Suppression contractor upon issuance of a registration certificate. Registration issued during the year shall require a full year's registration fee. Such registration fees shall be renewed annually on or before February 28<sup>th</sup> of each year.

(e) Renewal. The registration required herein shall be renewed annually upon the presentation of a valid and unexpired Fire Suppression contractor's license issued pursuant to the State of Ohio Fire Marshall and upon payment of \$150.00 on or before February 28<sup>th</sup> of each year without the requirement of reapplication. A \$75.00 late fee shall be assessed for renewals after February 28<sup>th</sup>.

(f) No person, firm, corporation or other entity shall perform any Fire Suppression

installation within the City as a Fire Suppression contractor without complying with this chapter

#### 1301.14 APPLICATION FOR REGISTRATION AS JOURNEYMAN FIRE SUPPRESSION INSTALLER; FEE.

(a) An application for a journeyman Fire Suppression Installer license shall be made in writing in the name of the person applying there for on forms prescribed and provided by the Building Official, and shall contain such information as shall be required by the rules and regulations of such Department. Such applicant shall at the time he files the application set forth above, pay for the license.

(b) Any journeyman Fire Suppression Installer holding a current Registration issued in any of the Registration areas accepted by Massillon shall receive a journeyman Fire Suppression Installers Registration upon completion of an application there for and upon payment of the proper license fee.

(c) Application Fee. Applicants for a journeyman's Fire Suppression Installers Registration shall pay a fee of \$35.00, which shall include \$15.00 for a license fee and \$20.00 for the application fee.

(d) Renewal. Registration shall be renewed annually upon the payment of \$15.00 on or before February 28<sup>th</sup> of each year without the requirement of reapplication. A \$20.00 late fee shall be assessed for registration renewals after February 28<sup>th</sup>.

(e) Failure to obtain a current registration from the City prior to working therein is automatic grounds for a two hundred percent (200%) penalty in addition to the registration fee.

(f) No person shall engage in the work of a journeyman Fire Suppression Installer without first obtaining a registration from the City pursuant to this chapter.

(g) All applicants must present a valid and unexpired Qualification Certificate issued by the State of Ohio Fire Marshall, for the servicing, testing, repairing or installing of the fire suppression systems including but not limited to, automatic sprinkler systems, standpipes and fire service mains.

#### 1301.15 APPLICATION FOR REGISTRATION AS FIRE SUPPRESSION INSTALLERS APPRENTICE.

(a) Requirements. An applicant for license as an Fire Suppression Installers apprentice shall be made in writing in the name of the person applying there for on the forms provided by the Chief Building Official and which have been approved by the Massillon Examining Board. The applicant also shall submit appropriate proof and documentation that the applicant presently is engaged in learning the Fire Suppression trade by being indentured in a training program registered and approved by the U.S.

Department of Labor, Bureau of apprenticeship and training (form ETA 671 or its replacement), and the applicant is presently learning and being instructed in the plumbing, or Fire suppression trade by working under the direct supervision of a Fire Suppression contractor or journeyman Fire Suppression Installer as defined by this chapter. The applicant may not establish his/her participation in such approved training program by presenting documentation that the applicant has been issued a registration by another political subdivision within the State of Ohio or elsewhere. The applicant shall be required to pay a fee of \$20.00, which shall include \$10.00 for the application fee and \$10.00 for the license fee in order to secure a Fire Suppression Installer apprentice license. Such registration shall be renewed annually upon the payment of \$10.00 on or before February 28<sup>th</sup> of each year without the necessity of a formal reapplication. A \$10.00 late fee shall be assessed for Fire Suppression Installers apprentice license renewals that occur after February 28<sup>th</sup>.

(b) No person shall engage in the work of a registered apprentice without first obtaining a license from the City pursuant to this Chapter. An application for registration as a plumbing or fire suppression apprentice shall be made in writing in the name of the person applying therefore on forms prescribed and provided by the Building Official, and shall contain such information as shall be required by the rules and regulations of such Department.

(c) If an applicant for a Fire Suppression Installers Application is already qualified through another municipality or entity then in the sole discretion of the Chief Building Official, said applicant may be granted a registration and the fee required for application may be waived.

#### 1301.99 PENALTY.

Any permit not applied for in writing before work is in progress shall be subject to a ~~two hundred percent (200%)~~ penalty in addition to the regular fee for all work done and to be done under such permit. The penalty shall be in addition to that provided in Section 1301.7. If the penalty and regular fee are not paid within five days of the request, the contractor's Registration shall be immediately suspended until such time that the penalty and regular fee are paid.

(a) Whoever violates any provision of current Building Code, recognition of this chapter, or fails to comply with any requirements of the Building Official shall be guilty of a misdemeanor of the first degree.

(b) Each day on which a violation occurs or continues shall be deemed a separate offense.



DATED: NOVEMBER 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 124 - 2010

*passed*

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending Chapter 163 Recreation Board of the Codified Ordinances of the City of Massillon by enacting a new subsection 163.05 Public Park and Facility Naming Policy, 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 that it is in the best interest of the City of Massillon to formally establish a Public Park and Facility Naming Policy and to codify the same as part of Chapter 163 of the Codified Ordinances of the City of Massillon, Ohio.

Section 2:

Chapter 163 Recreation Board of the Codified Ordinances of the City of Massillon, Ohio is hereby amended by the enactment of subsection 163.05 Public Park and Facility Naming Policy. New subsection 163.05 is attached hereto as Exhibit "A".

**SEE ATTACHED EXHIBIT "A"**

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that a public park and facility naming and renaming needs to be adopted. Provide 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 \_\_\_\_\_, 2010.

ATTEST:

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

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

APPROVED: \_\_\_\_\_

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

## **163.05 PUBLIC PARK AND FACILITY NAMING POLICY**

### **(a) Purpose**

To establish a formal policy and process for naming public parklands, facilities and structures in the City of Massillon. A sound policy can add meaning and significance that embody the value and heritage of this community.

### **(b) Authorization**

The City Council and /or the Director of Parks and Recreation shall be responsible for recommending to the Mayor the naming of all public parks, facilities and structures within the City of Massillon's Park system subject to the approval of the Recreation Board and passage by City Council of an ordinance authorizing such naming.

### **(c) Objectives**

- (1) Provide name identification for individual parks.
- (2) Provide name identification wherever appropriate on public buildings, structures, facilities, and specified areas.
- (3) Provide for citizen input into the process of naming parks and facilities as enumerated above.
- (4) Ensure co-operation and control for the naming of parks and facilities with the Recreation Board and City Council through the recommendations of the Director of Parks and Recreation, City Council, and Mayor.

### **(d) Qualifying Names**

Names should provide some form of individual identity related to:

- (1) The geographic location of the facility
- (2) An outstanding feature of the facility
- (3) The adjoining subdivision
- (4) Commonly recognized historical event, group or individual
- (5) An individual or group who contributed significantly to the acquisition or development of the individual facility.
- (6) An individual who provided an exceptional service in the interest of the park system as a whole.
- (7) An individual or group who has made an outstanding contribution for the good of the community.
- (8) An individual who through their professional pursuits has improved the quality of life in Massillon, promoted a specific sport, or brought recognition to the City of Massillon and/or its residents.

**(e) Naming Process**

- (1) At the time parkland or facility is acquired but before development occurs, the Director of Parks and Recreation will assign a nondescript temporary working name for the area or facility.
- (2) Once the development is initiated the Director of Parks and Recreation will receive naming applications for review.
- (3) After a name is proposed by City Council, the Director and/or Mayor, public notice of the recommended Qualifying Name will occur twice during a thirty (30) day period in the City's newspaper. Citizen comments and recommendations must be in writing to the Director of Parks and Recreation and be postmarked within the thirty (30) day public notice period.
- (4) For an individual (excluding historically significant individuals) to be considered, that person must have contributed significantly to the acquisition or development of the park or facility or to the park system overall. The recommended name must be accompanied by a biographical sketch which shall provide evidence of contributions to the community park, facility, or park system overall.
- (5) After the thirty (30) day public notice period, the Director of Parks and Recreation will submit the recommended name to the Recreation Board for approval and/or comment at public hearing.
- (6) Upon completion of the Recreation Board, the recommendation shall be submitted to council for resolution and passage.
- (7) A Public Hearing will be held by City Council prior to passage.

**(f) Renaming**

- (1) The renaming of parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of the prior contributors.
- (2) Only those parks and facilities named for geographic location, outstanding feature or subdivision should be considered for renaming. Parks named by deed restriction cannot be considered for renaming.
- (3) Parks and facilities named after individuals should never be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a park or facility would not be in the best interest of the community.
- (4) In order for a park or facility to be considered for renaming the following must occur:
  - The recommended name must qualify according to Section IV of this policy, and;
  - Be accompanied by a petition from the particular park or facility users.
  - The procedure as set forth in Item V. C-G will be followed.

**(g) Other Naming Alternatives**

- (1) Parks and Facilities that are donated to the City can be named by deed restriction by the donor. The naming and acceptance of land is subject to approval by the Recreation board.
- (2) Structures within parks, i.e. playgrounds, picnic shelters, etc. can be named separately from the parks and facilities they are in, subject to the general approving policies in Section V of this policy.

**(h) Plaques, Markers, Memorials**

- (1) All plaques, markers, and memorials are subject to the same naming criteria in Section IV of this policy.
- (2) Because of their proneness to vandalism and maintenance, plaques, markers, and memorials should be used sparingly.



DATE: NOVEMBER 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 125 - 2010

*Passed*

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with M&M Royalty, LTD for a 1.58 acre parcel owned by the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a Non-Surface Development Gas & Oil Lease with M&M Royalty, LTD for a 1.58 acre parcel owned by the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Non-Surface Development Gas & Oil Lease with M&M Royalty, LTD for a 1.58 acre parcel owned by the City of Massillon. A copy of the Non-Surface Development Oil & Gas Lease and map is attached hereto as Exhibit "A".

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that this oil and gas lease is signed. 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.

### NON-DEVELOPMENT OIL & GAS LEASE

THIS LEASE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between City of Massillon, whose mailing address is 151 Lincoln Way East, Massillon, Ohio 44646, hereinafter called Lessor, and M & M ROYALTY, LTD., 5377 Lauby Road, NW, #202, North Canton, Ohio 44720, hereinafter called Lessee, do agree:

1. Lessor, for consideration, grants Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market the same from a well or wells on other lands; the right to unitize Lessor's land, or any portion thereof, with other lands into a drilling unit(s) of no more than one hundred sixty (160) acres; and the right to lay and maintain pipelines to transport oil and gas from any source. This lease is for five (5) years and as long thereafter as operations are being conducted on any such unit or oil or gas can be produced in paying quantities in the Lessee's judgment from any such unit. This lease covers all of the oil and gas lying below Lessor's land in or adjoining Section 19, within the City of Massillon (formerly Perry Township), Stark County, State of Ohio containing 1.58 acres, more or less, and described as follows: See Exhibits "A" and "B" attached hereto and made a part hereof.
2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8) of the proceeds realized by Lessee on all oil and gas sold off the unit, as the amount of Lessor's acreage in the unit bears to the total acreage in the unit, minus Lessor's pro rata share of any tax imposed by any government body. All payments due Lessor shall be deemed tendered when delivered or mailed to Lessor, or any one of them. Lessor grants Lessee a power of attorney to execute indemnifying division orders for the sale of oil. If after a well is drilled, there is no production from any such unit for six (6) continuous months, then thereafter, Lessor shall be paid Fifty Dollars (\$50.00) per year until such production occurs.
3. No well shall be drilled on Lessor's property, nor shall Lessee enter upon or install any surface equipment of any nature whatsoever on the leased premises, the within lease being granted for the purpose of permitting the Lessee to unitize the leased premises with other properties, which other properties shall bear all the burden of surface development. Lessor acknowledges that, pursuant to slant or directional drilling methods, a wellbore originating from a surface location elsewhere on the drilling unit may pass through or terminate below the surface of the Lessor's property, and grants its consent thereto pursuant to this Lease.
4. This lease shall be binding on all heirs, successors and assigns of the Lessor and Lessee. No change of ownership shall be binding on Lessee until Lessee has received adequate notice of transfer. If the leased land is hereinafter owned in separate tracts, the premises, nevertheless shall be treated as an entirety and all payments due shall be paid proportionately to each separate owner, and if Lessor owns less than the entire fee, Lessor shall be paid only his proportionate share of any payment due. Lessee, may at any time surrender this lease in whole or in part and unless the released instrument expressly provides to

the contrary, upon the surrender, termination or expiration of this lease, Lessee shall nonetheless maintain all rights to any then existing pipelines.

5. Lessor hereby warrants and agrees to defend the title to the land herein described and agrees that Lessee, at its option, may pay and discharge any taxes, mortgages, or other liens, existing, levied or assessed on or against said lands, and in the event it exercises such option, it shall be subrogated to the rights of any holder or holders thereof and may reimburse itself for any payments due hereunder. This lease contains all of the agreements of the parties and there shall be no implied covenants or verbal representations.

6. It is mutually agreed that this instrument contains and expresses all of the agreements and understandings of the parties in regard to the subject matter thereof, that no verbal representations or promises have been made or relied upon by either party which are not contained herein, and no implied covenants, agreements or obligation shall be read into this agreement or imposed upon either party.

7. Lessee agrees to make payment to Lessor a sum of \$250.00 per acre payable upon execution of Non-Development Oil and Gas Lease.

Signed and acknowledged  
in the presence of:

\_\_\_\_\_  
Signature of Lessor (Title)

\_\_\_\_\_  
Printed Name of Lessor

STATE OF \_\_\_\_\_ )

) SS:

COUNTY OF \_\_\_\_\_ )

Before me a Notary Public in and for said county and state personally appeared the above named \_\_\_\_\_ who acknowledged to me that he/she/they is the \_\_\_\_\_ of said corporation and that he/she/they did execute the foregoing instrument and that the same is his/her/their free act and deed of said corporation that he/she has been duly authorized thereby for the purposes therein set forth.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

This instrument prepared by: M & M Royalty, Ltd., 5377 Lauby Rd., NW, #202, North Canton, OH 44720

"EXHIBIT "A"

PROPERTY DESCRIPTION

Attached hereto and made a part here of that certain Non-Development Oil and Gas Lease from the City of Massillon, as Lessor and M. & M. Royalty, LTD., as Lessee, dated the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

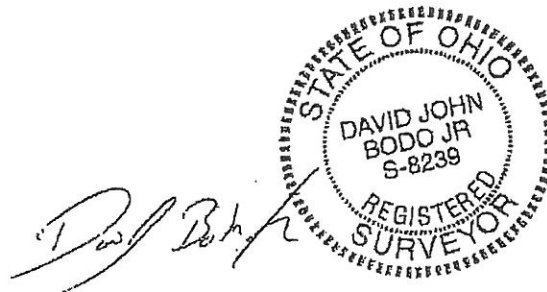
Situated in the City of Massillon, County of Stark, and State of Ohio

Being part of 1 road within the City of Massillon, Section 19, Township 10 North of Range 9 West (formerly Perry Township), and being more formally described as follows:

**SANDERS AVENUE (60')**

Beginning at the point of intersection between the easterly corner of Parcel 0616885, which is now or formerly owned by Eberhardt's Rentals LLC and the northerly corner of Parcel 0615765, which is now or formerly owned by Kel Tek of Ohio LTD. and Sanders Avenue (approximately 765' west of 9<sup>th</sup> Street SW (Ordbrook Avenue SW)) and extending westerly approximately 1150 feet to easterly extension of the south line of Parcel 0616813, which is now or formerly owned by E-B Display Company, Inc. Including the entire width of right-of-way for the said 1150 feet of distance.

And containing 1.58 acres of land more or less as described by David J Bodo Jr., Ohio Registered Surveyor Number 8239 in October, 2010.



CITY OF MASSILLON

1.58 ACRES

06 OCTOBER 2010

1 of 1





DATE: NOVEMBER 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.126 – 2010

*Passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Federal Law Enforcement Trust Fund and the Summer Concert Fund, for the year ending December 31, 2010, 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 Federal Law Enforcement Trust Fund, for the year ending December 31, 2010, the following:

\$14,000.00 to an account entitled "Supplies & Materials" 1216.305.2410

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Summer Concert Fund, for the year ending December 31, 2010, the following:

\$1,007.25 to an account entitled "Salary" 1212.505.2110

Section 3:

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.

DATE: NOVEMBER 1, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 127 - 2010

BY: FINANCE COMMITTEE

*passed*

TITLE: AN ORDINANCE making certain transfers in the 2010 appropriations from within the General Fund, for the year ending December 31, 2010, 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 2010 appropriation from within the General Fund, for the year ending December 31, 2010, the following:

FROM:	Clerk Ct - Hospital	1100.130.2210	\$35,000.00
	Dept. Clerk Ct - Salary	1100.130.2111	\$27,500.00
	Clerk Ct - PERS	1100.130.2230	\$ 6,609.00
	Clerk Ct - Medicare	1100.130.2231	\$ 1,400.00
TO	Fire - Salary	1100.325.2110	\$70,509.00

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 2010. 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 \_\_\_\_\_ 2010

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

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

APPROVED: \_\_\_\_\_

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