

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

**DATE: MONDAY, MARCH 21, 2011
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.**

**THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 24 – 2011 AT 7:20PM SIBILA ANNEXATION REZONING**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN DAVE HERSHER**
- 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. 40 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE declaring the improvements 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. 41 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE declaring the improvements 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. 42 – 2011

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Stark County, Ohio with regard to the Massillon-Stark County Sewer Service Agreement Supplemental #10 for the Bar Screen & Grit Screw Replacement Project at the Wastewater Treatment Plant, and declaring an emergency.

ORDINANCE NO. 43 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by amending existing Section 1307.01 "Purpose and Scope" by enacting new Subsection 1307.01 (h) "Application and Enforcement".

ORDINANCE NO. 44 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE amending CHAPTER 1309 "HOUSING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b) and enacting new SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b)

ORDINANCE NO. 45 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE amending CHAPTER 1311 "HOME IMPROVEMENT" of the Codified Ordinances of the City of Massillon, by amending certain SubSections and enacting revised Subsections as further provided hereto.

ORDINANCE NO. 46 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED OR MULTIPLE UNITS", of Codified Ordinances of the City of Massillon.

ORDINANCE NO. 47 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE enacting a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of Codified Ordinances of the City of Massillon.

ORDINANCE NO. 48 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE amending CHAPTER 134130 "DEMOLITION AND MOVING OF BUILDINGS", of Codified Ordinances of the City of Massillon, and enacting amended Subsections 1341.02 "LICENSE AND BOND REQUIRED", 1341.03 "PERMIT FOR DEMOLITION", 1341.04 "FEES FOR DEMOLITION LICENSES AND PERMITS", 1341.05 "PERMIT TO MOVE A BUILDING FEE": and 1341.06 "PERMIT FOR USE OF PUBLIC PROPERTY".

ORDINANCE NO. 49 – 2011

BY: HEALTH, WELFARE & BLDG REGULATIONS

1ST READING

AN ORDINANCE amending CHAPTER 1501 "OHIO FIRE CODE", of Codified Ordinances of the City of Massillon, by enacting a new Section 1501.13 "KNOX BOX".

ORDINANCE NO. 50 – 2011

BY: POLICE AND FIRE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one year renewal contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, and declaring an emergency.

ORDINANCE NO. 51 – 2011

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks & Rec. Capital Improvement Fund, Parks & Rec. Fund, 2105 Stormwater Utility Fund and the Parks & Rec. Reservoir Fund, the year ending December 31, 2011, and declaring an emergency.

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

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2011
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2011
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2011
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2011
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2011
- F). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2011
- G). MAYOR'S APPOINTMENT TO THE BOARDS AND COMMISSIONS

- 11. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
- 13. CALL OF THE CALENDAR – TABLED FROM MARCH 7, 2011

ORDINANCE NO. 22 – 2011

BY: FINANCE COMMITTEE

DEFEATED 5-4 (ANDERSON; CATAZARO-PERRY; TOWNSEND; PETERS; SLAGLE)
AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2011, and declaring an emergency.

TABLED INDEFINITELY ON NOVEMBER 1, 2010

115-2010 ← PASS B-1 TO BRING OFF TABLE

ORDINANCE NO. 40 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE declaring the improvements 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.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 24 – 2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0

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-3 Single Family Residential.

MONDAY, MARCH 21, 2011

← AMENDED 9-0
ORDINANCE NO. 25 - 2011

BY: PUBLIC UTILITIES COMMITTEE

1ST READING

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 Lake Region Oil, Inc., for a 1.7 acre parcel owned by the City of Massillon, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 14 - 2011

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2ND READING

AN ORDINANCE amending Chapter 905, Construction of sidewalks and curbs; Chapter 907, Sidewalks contractors; and Chapter 919 Sidewalk Replacement Program, of part Nine, Title One of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 29 - 2011

BY: ENVIRONMENTAL COMMITTEE

X PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Aeration Tank Recycle Project at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 31 - 2011

BY: RULES, COURTS & CIVIL SERVICE

2ND READING

AN ORDINANCE establishing procedures to determine the lowest and best bid for the construction of public improvements in the City of Massillon, Ohio and to allow the use of Project Labor Agreements for the construction of certain public improvements in the City of Massillon.

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

DATED: MARCH 21, 2011

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 40-2011

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st reading
2nd read 4/4
Repeat 4/18*

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.

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "TIF Statutes") the City of Massillon (the "City") may utilize municipal tax increment financing to declare the improvement to certain parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the City, local or exempted village school district, establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels for which improvements are declared to be a public purpose; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto are located in the City (collectively, the "Property"), and this City Council of the City (the "Council") has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to the Property to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to the Property as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for up to thirty (30) years (the "TIF Exemption") and to simultaneously direct and require the current and future owner(s) of

parcels (each such owner individually, an "Owner," and collectively, the "Owners") comprising the Property to make annual Service Payments (as defined in Section 2 of this Ordinance) with respect to the Property in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Ordinance; provided that the TIF Exemption and the obligation to make Service Payments is subject and subordinate to any tax exemptions applicable to the Improvement approved by the City pursuant to Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code; and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to the Perry Local School District (the "School District") in an amount equal to the real property taxes that the School District would have been paid if the Improvement to the Property located in the School District had not been exempt from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund for the Property, in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to provide for the construction of the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"), which, once made, will directly benefit the Property; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the School District and the Stark County Area Vocational School District in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code;

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

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement to the Property first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require Service Payments (as defined in Section 2 herein) in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, the City hereby directs and requires the Owners of the Property to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allocable thereto to the Stark County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments") shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other

payments with respect to the Improvement that are received by the Stark County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

SECTION 3. Creation of TIF Fund. This Council hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a Municipal Public Improvement Tax Increment Equivalent Fund (the "Kamin TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. Pursuant to the TIF Statutes, the Stark County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to the School District, an amount equal to the amounts that the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

SECTION 5. Application for Real Property Tax Exemption and Remission. This Council further hereby authorizes the Mayor or the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of Property, which are to be deposited into the TIF Fund.

SECTION 6. Further Authorizations. This Council further hereby authorizes and directs the Mayor and the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 7. Filings with Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the

Director of Development of the Department of Development of the State of Ohio (the "Director of Development") within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the TIF Exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of the City shall prepare and submit to the Director of Development the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 8. Tax Incentive Review Council. The City hereby creates the City of Massillon Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 9. Open Meetings. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Adopted in Council on this ____ day of _____, 2011.

Effective this ____ day of _____, 2011.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. ____ - 2011 duly adopted by the City Council of the City of Massillon, Ohio _____, 2011.

Clerk
City of Massillon, Ohio

EXHIBIT A

The Property

Parcel #1:

Property Owner: Oreilly Automotive, Inc.
Location: 2520 Lincoln Way East
Parcel No.: 10001313

Parcel #2:

Property Owner: CVS 75981 OH LLC
Location: Lincoln Way East / SR 241
Parcel No.: 10000719

EXHIBIT B

Description of Public Infrastructure Improvements

The Public Infrastructure Improvements include permanent improvements within the definition of "costs of permanent improvements" as defined in Ohio Revised Code Section 133.15(B), including, but not limited to:

- (i) Street and other roadway and infrastructure improvements along Lincoln Way East and Wales Road NE, including traffic signal maintenance and replacement along Lincoln Way East and Wales Road NE;
- (ii) The costs of financing such Public Infrastructure Improvements, which financing costs specifically include the debt service charges on securities issued to finance the Public Infrastructure Improvements; and
- (iii) Legal, consulting, engineering, and other eligible costs related thereto.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Section 5709.40(A)(7)) and will directly benefit the real property described in Exhibit A.

RECEIPT OF THE DIRECTOR OF DEVELOPMENT FOR THE STATE OF OHIO
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL PROPERTY
TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO
OHIO REVISED CODE SECTION 5709.40

I, Mark Kvamme, the Director of Development of the Department of Development of the State of Ohio, hereby certify that a certified copy of Ordinance No. ____-2011, which was duly adopted by the City Council of the City of Massillon, Ohio (the "City") on _____, 2011 and which declared the improvement of certain real property located within the City to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Ohio Revised Code Section 5709.40, was filed in this office on _____, 2011.

WITNESS my hand and official seal at Columbus, Ohio on _____, 2011.

Director of Development
Department of Development
State of Ohio

DATED: MARCH 21, 2011

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

passed 4/18

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 -2011

*1st reading
2nd reading 4/14*

BY: COMMUNITY DEVELOPMENT COMMITTEE

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.

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WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto are located in the City (collectively, the "Property"), and this City Council of the City (the "Council") has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to the Property to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to the Property as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for up to thirty (30) years (the "TIF Exemption") and to simultaneously direct and require the current and future owner(s) of

parcels (each such owner individually, an "Owner," and collectively, the "Owners") comprising the Property to make annual Service Payments (as defined in Section 2 of this Ordinance) with respect to the Property in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Ordinance; provided that the TIF Exemption and the obligation to make Service Payments is subject and subordinate to any tax exemptions applicable to the Improvement approved by the City pursuant to Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code; and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to the Perry Local School District (the "School District") in an amount equal to the real property taxes that the School District would have been paid if the Improvement to the Property located in the School District had not been exempt from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund for the Property, in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to provide for the construction of the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"), which, once made, will directly benefit the Property; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the School District and the Stark County Area Vocational School District in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code;

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

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement to the Property first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require Service Payments (as defined in Section 2 herein) in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, the City hereby directs and requires the Owners of the Property to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allocable thereto to the Stark County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments") shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other

payments with respect to the Improvement that are received by the Stark County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

SECTION 3. Creation of TIF Fund. This Council hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a Municipal Public Improvement Tax Increment Equivalent Fund (the "Fresh Mark TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. Pursuant to the TIF Statutes, the Stark County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to the School District, an amount equal to the amounts that the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

SECTION 5. Application for Real Property Tax Exemption and Remission. This Council further hereby authorizes the Mayor or the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of Property, which are to be deposited into the TIF Fund.

SECTION 6. Further Authorizations. This Council further hereby authorizes and directs the Mayor and the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 7. Filings with Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the

Director of Development of the Department of Development of the State of Ohio (the "Director of Development") within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the TIF Exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of the City shall prepare and submit to the Director of Development the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 8. Tax Incentive Review Council. The City hereby creates the City of Massillon Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 9. Open Meetings. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Adopted in Council on this ____ day of _____, 2010.

Effective this ____ day of _____, 2010.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. ____ - 2010 duly adopted by the City Council of the City of Massillon, Ohio _____, 2010.

Clerk
City of Massillon, Ohio

EXHIBIT A

The Property

Property Owner: Fresh Mark Inc.

Location: 1888 Southway SE

Parcel No.: 07-01618

EXHIBIT B

Description of Public Infrastructure Improvements

The Public Infrastructure Improvements include permanent improvements within the definition of "costs of permanent improvements" as defined in Ohio Revised Code Section 133.15(B), including, but not limited to:

- (i) Street improvements and other public infrastructure improvements to Southway SE, Richville SE, Walnut Road SE, 16th Street SE, including street repaving and reconstruction, Richville/US 30 interchange improvements, sewer and drainage, rail crossings, and traffic signal maintenance and replacement.
- (ii) The costs of financing such Public Infrastructure Improvements, which financing costs specifically include the debt service charges on securities issued to finance the Public Infrastructure Improvements; and
- (iii) Legal, consulting, engineering, and other eligible costs related thereto.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Section 5709.40(A)(7)) and will directly benefit the real property described in Exhibit A.

RECEIPT OF THE DIRECTOR OF DEVELOPMENT FOR THE STATE OF OHIO
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL PROPERTY
TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO
OHIO REVISED CODE SECTION 5709.40

I, Lisa Patt-McDaniel, the Director of Development of the Department of Development of the State of Ohio, hereby certify that a certified copy of Ordinance No. ____-2010, which was duly adopted by the City Council of the City of Massillon, Ohio (the "City") on _____, 2010 and which declared the improvement of certain real property located within the City to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Ohio Revised Code Section 5709.40, was filed in this office on _____, 2010.

WITNESS my hand and official seal at Columbus, Ohio on _____, 2010.

Director of Development
Department of Development
State of Ohio

DATE: MARCH 21, 2011

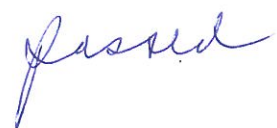
CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2011



BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Stark County, Ohio with regard to the Massillon-Stark County Sewer Service Agreement Supplemental #10 for the Bar Screen & Grit Screw Replacement Project at the Wastewater Treatment Plant, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into an agreement with Stark County, Ohio with regard to the Massillon-Stark County Sewer Service Agreement Supplemental #10 for the Bar Screen & Grit Screw Replacement Project at the Wastewater Treatment Plant. The agreement is attached hereto as Exhibit "A".

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Massillon-Stark County Sewer Service Agreement Supplemental #10 for the Bar Screen & Grit Screw Replacement Project at the Wastewater Treatment Plant. The estimated project cost including construction and construction administration is Six Hundred Sixty-Six Thousand Six Hundred Thirty-Eight Dollars (\$666,638.00) which will be paid by the City and Stark County as provided in the agreement. The funds to pay the City's portion of the project will be provided for from the 1406 Wastewater Treatment Capital Improvement Fund.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that work may begin on the Bar Screen & Grit Screw Replacement Project in a timely manner without delay. 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.

Agreement

Stark County Commissioners

With

Dated

City of Massillon

Distribution:

Journal
Auditor
J. Jones
Massillon
Squire, Sanders, Dempsey
file

Subject **MASSILLON-STARK COUNTY SEWER SERVICE AGREEMENT
SUPPLEMENTAL NO. 10**

THIS SUPPLEMENTAL AGREEMENT made and entered into this ____ day of _____, 2011, by and between the City of Massillon, Ohio (hereinafter referred to as "Massillon" or the "City"), by its Mayor and its Director of Public Service and Safety, duly authorized in its behalf by Ordinance No. _____ passed by its Council on the ____ day of _____, 2011, and the County of Stark, Ohio (hereinafter referred to as the "County"), by its Board of Stark County Commissioners, duly authorized by a resolution adopted by the Board on the ____ day of _____, 2011, witnesseth:

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on November 19, 1981, the First Supplemental Agreement on May 11, 1983, the Second Supplemental on October 4, 1984, the Third Supplemental on April 4, 1990, the Fourth Supplemental on October 29, 1993, the Fifth Supplemental on November 30, 1995, the Sixth Supplemental on June 25, 1996, the Seventh Supplemental on October 8, 1996, the Eighth Supplemental on May 15, 1997, and the Ninth Supplemental on July 13, 1999, said Agreements referred to as the "Basic Agreements"; and

WHEREAS, the "Basic Agreements" obligate the County and Massillon to revise same as necessary and required; and

WHEREAS, the City has found it necessary to rehabilitate the grit screw conveyor and bar screens located in the Headworks Building; and

WHEREAS, the County, acting under authority of Revised Code Section 6117.01 et. seq., and Massillon, acting pursuant to Article XVIII of the Ohio Constitution, are fully authorized to enter into this Agreement; and

WHEREAS, the same terms used herein have the definitions as described in the "Basic Agreement":

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, the County and Massillon do hereby agree to amend the Basic Agreement as follows:

Section 1.0

- 1.01 The bar screen and grit screw replacement project includes demolition of existing bar screens and electrical components and the installation of two (2) new screens; two (2) panels; and one (1) conveyor along with associated electrical and concrete work. The grit screw replacement portion of the project shall consist of demolition of existing electrical; two (2) screw conveyors; installation of two (2) new screw conveyors and associated electrical, all of which were constructed in 1975 and require rehabilitation.

The estimated project cost for this project including construction and construction administration is \$666,638.00.

Agreement

Stark County Commissioners

With _____

Dated _____ City of Massillon

Distribution:

Journal
Auditor
J. Jones
Massillon
Squire, Sanders, Dempsey
file

Subject **MASSILLON-STARK COUNTY SEWER SERVICE AGREEMENT
SUPPLEMENTAL NO. 10**

THIS SUPPLEMENTAL AGREEMENT made and entered into this ____ day of _____, 2011, by and between the City of Massillon, Ohio (hereinafter referred to as "Massillon" or the "City"), by its Mayor and its Director of Public Service and Safety, duly authorized in its behalf by Ordinance No. _____ passed by its Council on the ____ day of _____, 2011, and the County of Stark, Ohio (hereinafter referred to as the "County"), by its Board of Stark County Commissioners, duly authorized by a resolution adopted by the Board on the ____ day of _____, 2011, witnesseth:

WHEREAS, the City of Massillon and Stark County entered into a sewer service agreement on November 19, 1981, the First Supplemental Agreement on May 11, 1983, the Second Supplemental on October 4, 1984, the Third Supplemental on April 4, 1990, the Fourth Supplemental on October 29, 1993, the Fifth Supplemental on November 30, 1995, the Sixth Supplemental on June 25, 1996, the Seventh Supplemental on October 8, 1996, the Eighth Supplemental on May 15, 1997, and the Ninth Supplemental on July 13, 1999, said Agreements referred to as the "Basic Agreements"; and

WHEREAS, the "Basic Agreements" obligate the County and Massillon to revise same as necessary and required; and

WHEREAS, the City has found it necessary to rehabilitate the grit screw conveyor and bar screens located in the Headworks Building; and

WHEREAS, the County, acting under authority of Revised Code Section 6117.01 et. seq., and Massillon, acting pursuant to Article XVIII of the Ohio Constitution, are fully authorized to enter into this Agreement; and

WHEREAS, the same terms used herein have the definitions as described in the "Basic Agreement";

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, the County and Massillon do hereby agree to amend the Basic Agreement as follows:

Section 1.0

- 1.01 The bar screen and grit screw replacement project includes demolition of existing bar screens and electrical components and the installation of two (2) new screens; two (2) panels; and one (1) conveyor along with associated electrical and concrete work. The grit screw replacement portion of the project shall consist of demolition of existing electrical; two (2) screw conveyors; installation of two (2) new screw conveyors and associated electrical, all of which were constructed in 1975 and require rehabilitation.

The estimated project cost for this project including construction and construction administration is \$666,638.00.

MASSILLON-STARK SUPPLEMENTAL NO. 10

- 1.02 Based on computed cost sharing information included in Section 1.03 and the Fourth Supplemental Agreement, the County shall pay a share of 51% as invoiced monthly by the City during the course of construction of the bar screen and grit screw replacement project. Said share amounts to \$339,985.00 based on estimated project costs.
- 1.03 Upon completion of the project by Massillon, the City shall provide the County with final costs and the County's share shall be adjusted accordingly.

Except as amended hereby, the Basic Agreement is hereby confirmed in all other respects.

IN WITNESS WHEREOF, the County and Massillon have caused this Tenth Supplemental Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

APPROVED AS TO FORM:

**BOARD OF COMMISSIONERS
STARK COUNTY:**

Assistant Prosecuting Attorney
Stark County

Commissioner Dr. Peter Ferguson

Commissioner Janet Weir Creighton

Commissioner Thomas M. Bernabei

APPROVED AS TO FORM:

CITY OF MASSILLON:

Massillon Law Director

Mayor

Director of Public Service & Safety

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

passed 4/18

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2011

*1st reading
2nd reading 4/4*

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by amending existing Section 1307.01 "Purpose and Scope" by enacting new SubSection 1307.01 (h) "Application and Enforcement".

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

Section 1:

The existing Section 1307.01 "Purpose and Scope" is hereby amended by the addition of Subsection 1307.01 (h) (Application and Enforcement".

Section 2:

That there hereby is enacted new SubSection 1307.01 (h) "Application and Enforcement", said newly enacted SubSection shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

This is to add certifications required for Inspectors of the Property Maintenance Code, the maintenance of land, Residential and Commercial.

1307.01

Add:

(h) APPLICATION AND ENFORCEMENT. In order to regulate the maintenance of Land, residential and nonresidential buildings, the International Property Maintenance Code (ICC), as adopted by the City of Massillon shall apply and be enforced within the Municipality.

- (1) All Inspectors shall hold a current license to inspect by the ICC (International Code Council) as a Property Maintenance and Housing Inspector.

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

passed 4/18

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 44 - 2011

*1st reading
2nd read 4/4*

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1309 "HOUSING CODE" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b) and enacting new SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b)

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

Section 1:

The existing SubSections SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b) are hereby repealed.

Section 2:

That there hereby is enacted new SubSections SubSections 1309.03 "Minimum Standards; Light, Ventilation and Heating" (j)(13) 1309.07 "Rooming Houses" (c) (d), 1309.08 "Inspections" (a) and 1309.09 "Adoption of Rules and Regulations" (a) (b) said newly enacted Sections shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

This is the certifying of inspectors, increasing fees and updating language and declaring an Emergency.

Chapter 1309 CROSS REFERENCES

Remove: Ohio Basic Building Code

Insert: Ohio Building Code

Remove: One, Two and Three-Family Dwelling Code

Insert: Residential code of Ohio

Add: International Property Maintenance Code

1309.03 (j)

Remove: Minimum Residential Rewire Electrical Code. The following wiring Requirements shall serve as the minimum standard for electrical wiring systems for existing one, two and three family dwelling units, when an inspection is requested or wiring is to be done. Any portion of the dwelling unit that is being remodeled or structurally repaired shall be installed to current National Electrical Code (NEC) Standards.

Replace with: Minimum Residential Rewire Electrical Code. The following wiring requirements shall serve as the minimum standard for electrical wiring systems for existing one, two and three family dwelling units when an inspection is requested, wiring is to be done or for existing wiring in place. Any portion of the dwelling unit that is being remodeled or structurally repaired shall be installed to current National Electrical Code (NEC) standards. The electrical system shall be supplied only by the local public electric utility.

1309.03.j.13

Remove: Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than the full story below the upper level, except that if there is a door between levels then a detector is required on each level. All detectors shall be interconnected such that the actuation of one alarm will actuate all the alarms in the individual unit and shall provide an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions. When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with smoke detectors located as required for new dwellings; the smoke detectors are not required to be interconnected unless other remodeling considerations require removal of the appropriate wall and ceiling coverings to facilitate concealed interconnected wiring. Required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch

other than those required for over current protection. Smoke detectors may be battery operated when installed in buildings without commercial power.

(Ord. 35-1994. Passed 3-21-94.)

Replace with: Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

1309.07 (c)

Remove: Permit Application. A person may apply for a rooming house permit by filing a written application with the Housing Director. The applicant shall present his application to the Chief Building and Zoning Inspector and to the Fire Chief for endorsement with respect to the conformance of the subject property, to the ordinances, rules and regulations which these officers are required to enforce.

Replace with: Permit Application. A person may apply for a rooming house permit by filing a written application with the Housing Director. The applicant shall present his application to the Chief Building and Zoning Inspector and to the Fire Chief for endorsement, accompanied by payment of a One Hundred Dollars (\$100.00) to the Building Official. The applicant shall arrange for an on site serious hazard inspection with said officials, for the conformance of the subject property, to the ordinances, rules and regulations which these officers are required to enforce.

1309.07 (d) Permit Fees

Remove: twenty dollars (\$20.00)

Insert: fifty dollars (\$50.00)

Remove: five dollars (\$5.00)

Insert: seven dollars fifty cents (\$7.50)

1309.08 (a)

Remove: Housing Director: Appointment: Code Enforcement Officer(s). There shall be appointed by the Director of Public Safety and Service of the City of Massillon a Code Enforcement Officer(s) and in the absence of such appointment(s), the duties of the Code Enforcement Officer(s) may be performed by other City employees duly authorized by the Director of Public Safety and Service, and where the phrase "Code Enforcement Officer" is used in this chapter, the same shall be construed to mean the plural or other City employees duly authorized by the Director of Public Safety and Service.

Insert: Housing Director: Appointment: Code Enforcement Officer(s). There shall be appointed by the Director of Public Safety and Service of the City of Massillon a Code Enforcement Officer(s) certified by the ICC (International Code Council) as Property Maintenance and Housing Inspector.

1309.09 ADOPTION OF RULES AND REGULATIONS

(a) Remove: Authority To Make Rules, Regulations. The Building Board of Appeals is hereby authorized to make and adopt rules and regulations necessary for the proper enforcement of this Housing Code.

(b) Remove: Procedure After Council Enactment. Rules and regulations adopted by the Building Board of Appeals pursuant to this Housing Code, intended for the general public, shall be adopted, advertised, recorded and certified after enactment by Council. This section shall not prohibit the adoption of emergency rules and regulations.

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

passed 4/18

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2011

BY: HEALTH, WELFARE, BUILDING REGULATIONS COMMITTEE

*1st reading
2nd read 4/14*

TITLE: AN ORDINANCE amending CHAPTER 1311 "HOME IMPROVEMENT" of the Codified Ordinances of the City of Massillon, by amending certain Subsections and enacting revised Subsections as further provided hereto.

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

Section 1:

Existing Chapter 1311 "HOME IMPROVEMENT" of the Codified Ordinances of the City of Massillon, is hereby amended by the repeal of and amendment of new Subsections 1311.01 "DEFINITIONS", 1311.02 "PRE-EMPTION BY THE STATE; CRAFT LICENSES", 1311.03 "LICENSE REQUIRED; APPLICATION, FEES AND BOND", 1311.04 "LICENSE DISPLAY, RENEWAL AND DUPLICATE", 1311.05 "FEES AND NEW AND RENEWAL LICENSES", 1311.06 "POWERS OF THE DIRECTOR OF PUBLIC SAFETY", 1311.08 "LICENSE SUSPENSION OR REVOCATION", 1311.09 "LICENSING EXCEPTIONS", 1311.11 "BOARD POWERS AND DUTIES; CITY LEGAL COUNSEL", 1311.12 "LICENSE ISSUANCE, REFUSAL AND RENEWAL" and 1311.13 "SUSPENSION OR REVOCATION HEARING" of the Codified Ordinances of the City of Massillon. Said revised Subsections shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

APPROVED: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

This is for registration of Contractors, updating language and increasing fees.

1311.01 (h)

Remove: "Licensee"

Insert: "Registrant"

1311.02 (b)

Remove: license

Insert: Registration .

Remove: licenses

Insert: Registrations

Remove: license

Insert: Registration ..

1311.03 Remove: LICENSE Insert: REGISTRATION REQUIRED;
APPLICATION, FEE AND BOND.

1311.03 (a)

Remove: licensing

Insert: Registration

1311.03 (b)

Remove: license

Insert: Registration

Remove: license

Insert: Registration

Remove: license

Insert: Registration

1311.03 (c)

Remove: license

Insert: Registration

Remove: fifty dollars (\$50.00)

Insert: Seventy Five dollars (\$75.00).

1311.03 (d)

Remove: license

Insert: Registration

Add: or Interview (after examination)

1311.03 (e)

Remove: license

Insert: Registration

1311.04 LICENSE DISPLAY, RENEWAL AND DUPLICATE

Change: LICENSE to read REGISTRATION (above)

1311.04 (a)

Remove: license

Insert: Registration

Change: July 1 to read February 28th

1311.04 (b)

Remove: license

Insert: Registration

Remove: Building Inspector

Insert: Building Official

1311.04 (c)

Remove: license

Insert: Registration

1311.04 (d)

Remove: license

Insert: Registration

Change July 1 to read February 28th

Remove: Building Inspector

Insert: Building Official

1311.04 (e)

Remove: Building Inspector

Insert: Building Official

1311.05 FEES AND NEW AND RENEWAL LICENSES.

Change to read: 1311.05 FEES AND NEW AND RENEWAL REGISTRATION.

Remove: (a); The fee for a license to conduct a home improvement business shall be one hundred dollars (\$100.00). The fee for a salesman's license shall be twenty-five dollars (\$25.00). The licenses shall expire July 1, of each year.

Insert: (a) Registration fees for home improvement contractors shall be \$150.00 and \$35.00 for salesmen's registration fees, payable upon the issuance of such registration and renewable annually thereafter. Registration shall expire February 28th of each year. Registration issued during the year shall require the full year's fee.

1311.05 (b)

Remove: License

Insert: Registration

Remove: one hundred dollars (\$100.00) payable on or before July 1

Insert: one hundred fifty dollars (\$150.00) payable on or before February 28th

Remove: without the requirement of re-application or re-examination. A license may be renewed within a thirty day period following July 1 of each year by the payment of the foregoing renewal fee plus an additional fifty dollar (\$50.00) late fee. After July 31, of any year, no license shall be renewed pursuant to this section and a new test shall be taken prior to issuance of a license.

Insert: A \$75.00 late fee shall be assessed for home improvement registration renewals after February 28th.

1311.05 (c)

Remove: License

Insert: Registration

Remove: Twenty five dollars (\$25.00)

Insert: Thirty five dollars (35.00)

Remove: July 1

Insert: February 28th

Remove: A license may be renewed within a thirty day period following July 1, of each year by the payment of the foregoing renewal fee plus an additional twenty-five dollars (\$25.00) late fee. After July 31, of any year, no license shall be renewed pursuant to this section and a new test shall be taken prior to issuance of a license.

Insert: A twenty five dollar (\$25.00) late fee shall be assessed for a salesman's registration renewal after February 28th.

1311.05 (d)

Remove License (both places)

Insert: Registration

Remove: ten dollars (\$10.00)

Insert: twenty five dollars (\$25.00)

1311.06

Remove: Inspector

Insert: Official

Remove: Licenses

Insert: Registrations

1311.08

Remove: LICENSE (four places)

Insert: REGISTRATION (four Places)

1311.09

Remove: LICENSE (four places)

Insert: REGISTRATION (four Places)

1311.11 (a) (1)

Remove: Inspector

Insert: Official

1311.11 (a) (4)

Remove: Inspector

Insert: Official

1311.11 (b)

Remove: license

Insert: registration

1311.12

Remove: LICENSE

Insert: REGISTRATION

1311.12 (a)

Remove: license (three places)

Insert: registration (three Places)

Remove: Inspector

Insert: Official

1311.12 (b)

Remove: Inspector

Insert: Official

Remove: license

Insert: registration

1311.12 (c)

Remove: licensee

Insert: registrant

1311.13

Remove: license

Insert: registration

Remove: licensee (twice)

Insert: registrant (twice)

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 - 2011

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

*1st reading
2nd read 4/4*

TITLE: AN ORDINANCE enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED OR MULTIPLE UNITS", of the Codified Ordinances of the City of Massillon.

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

Section 1:

There be and is hereby enacted a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED OR MULTIPLE UNITS", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

The Building Department is requesting to create a new ordinance under Part Thirteen-Building Code.

We are requesting to create the following:

CHAPTER 1330 REGISTRATION OF NON-OWNER OCCUPIED OR MULTIPLE UNITS

1330.01 LICENSE

The owner or agent for the owner of any non-owner occupied structure shall license and register properties with the Massillon Building Department, complete a registration application form prescribed by the Chief Building Official and pay all fees required as stated in Section 1330.02. The license shall be in effect for a period of three (3) years and can be transferred to a new owner.

1330.02 LICENSE SCHEDULE

All non-owner occupied properties

A.) Shall be registered yearly on or before January 31st, the fees are as follows:

- 1.) Application \$30.00 (Good for 3 Years)
- 2.) One (1) Unit yearly license fee is \$60.00. Each additional unit is \$5.00 per unit, not to exceed \$1,000.00 per year.

Example 1: An owner with a four (4) unit apartment would pay: \$30.00 Application Plus \$60.00 plus \$15.00 = \$105.00. This is for the first year and then \$75.00 for the next two years. Total for 3 years is \$255.00 or \$ 1.77 per unit per month for 3 years.

Example 2: An owner with a duplex and four (4) separate homes would pay: \$ 30.00 Application fee plus \$60.00 plus \$5.00=\$95.00 for a duplex for the first year and then \$65.00 each year for the next two years. For the separate homes you would add: \$30.00 Application per structure plus \$60.00 license fee = \$90.00 for the first year and then \$60.00 each year for the next two years. The total for 3 years would be \$1065.00 or \$29.58 per month, or \$4.93 per unit per month.

B.) Transfer Fee

A Certificate of Registration shall be transferred to a new owner for the sum of \$30.00. This would be good for the duration of the current registration.

B. Must happen within 30 days of the closing papers or deed or defaults to a new registration.

C.) Penalty

1.) Failure to make application within fifteen (15) days from the date of notice shall result in the assessment of a \$50.00 per property.

2.) Failure to register a non-owner occupied property will result in an assessment of a \$500.00 fee.

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 47 - 2011

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

*1st reading
2nd reading 4/4*

TITLE: AN ORDINANCE enacting a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of the Codified Ordinances of the City of Massillon.

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

Section 1:

There be and is hereby enacted a new CHAPTER 1331 "REGISTRATION OF VACANT BUILDINGS", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

The Building Department is requesting to create a new ordinance under Part Thirteen-Building Code.

We are requesting to create the following:

CHAPTER 1331 REGISTRATION OF VACANT BUILDINGS

1331.01 APPLICABILITY

This chapter shall be applicable to all residential and commercial buildings located within the City.

1331.02 DEFINITIONS

The following shall apply to this chapter:

- A. "Chief Building Official" means the Chief Building Official of the City of Massillon or his designee.
- B. "Owner" means any person who alone or jointly or severally with others shall have the legal or equitable title to a property and shall include executors, administrators, trustees or guardians of the estate of the owner and any purchaser or assignee under a certificate of sale pursuant to mortgage foreclosure. The term "owner" shall also include partnerships and corporations and other unincorporated associations. Any individual "owner" regardless of whether he shares ownership responsibility with other persons. Any general partner of a partnership and any officer of a corporation or unincorporated association shall have direct and personable responsibility and liability for compliance with the provisions of this chapter.
- C. "Vacant Building" means any structure or part of a structure which is unoccupied and which constitutes an "unsafe building" or "public nuisance".
- D. "Unsafe Building or Public Nuisance" as used in the Building Code shall mean and include.
 - 1.) Any building, house, shed, fence, or other man-made structure or parts thereof, which by reason of its condition endangers human health, life or limb or is likely to cause the spread of disease or otherwise cause injury to the health of persons or to surrounding neighborhood structures.
 - 2.) Any building, house, shed or fence or other man-made structure or parts thereof, which by reason faulty construction, age, lack of proper repair or other cause, is especially liable to occurrence of fire and constitutes or creates a fire hazard.
 - 3.) Any building, house, shed, fence, or other man-made structure or parts thereof, which by reason of faulty construction, age, lack of repair or any other cause is especially liable to cause injury or damage to person or property by collapse or by danger of collapse of any part of the structure.
 - 4.) Any building, house, shed, fence or other man-made structure or parts thereof, which because of its condition or lack of doors and/or windows is unsecured, open and available to and frequented by individuals, disorderly persons who are not lawful occupants of such structure.

- 5.) Any building, house, shed, fence, or other man-made structure or surrounding area to any of the foregoing structures which by reason of continued vacancy and or lack of reasonable and adequate maintenance causes a deteriorating and blighting influence on nearby properties and causes depreciation in the use, enjoyment and value of properties in the immediately surrounding area to such an extent that it is harmful to the community in which such structure is situated.

1331.03 REGISTRATION OF VACANT BUILDINGS; COMPLIANCE AND REQUIREMENTS

- A.) All buildings presently located within the City which are "vacant" as defined in this chapter or which hereafter become "vacant" shall be registered by the owner thereof within 30 days from date of their last occupancy with the Chief Building Official.
- B.) Registration shall be made on forms supplied by the Chief Building Official and shall include:
1. A description of the premises;
 2. The names and addresses of the owners of the premises
 3. The names and addresses of the person or persons who shall be responsible for compliance with this chapter;
 4. The period of time for which the premises are to remain vacant; and
 5. A plan for conforming the premises to applicable minimum housing, health, fire and safety laws and regulations.
- C.) Upon registration of any building pursuant to this chapter, or when any such vacant building comes to his attention, the Chief Building Official shall cause inspections to be made of the premises to determine the condition of such building and premises and whether there exists any fire, safety or health hazards upon the premises, and shall provide notices to the owners thereof to comply with the provisions of this chapter.
- D.) As a minimum requirement, all vacant buildings as defined in this chapter shall conform to the following requirements:
- 1.) The interior of the building, to include any garage area, shall be cleaned and free of debris;
 - 2.) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed during summer months and the public sidewalks free of snow and ice during the winter months; and
 - 3.) No junk cars shall be parked on the premises.

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

passed 4/18

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 48 - 2011

*1st reading
2nd read 4/4*

BY: HEALTH, WELFARE, BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1341 "DEMOLITION AND MOVING OF BUILDINGS" of the Codified Ordinances of the City of Massillon, and enacting amended Subsections 1341.02 "LICENSE AND BOND REQUIRED", 1341.03 "PERMIT FOR DEMOLITION", 1341.04 "FEES FOR DEMOLITION LICENSES AND PERMITS", 1341.05 "PERMIT TO MOVE A BUILDING; FEE" and 1341.06 "PERMIT FOR USE OF PUBLIC PROPERTY".

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

Section 1:

Existing Chapter 1341 "DEMOLITION AND MOVING OF BUILDINGS" of the Codified Ordinances of the City of Massillon, is hereby amended by the enactment of amended Subsections 1341.02 "LICENSE AND BOND REQUIRED", 1341.03 "PERMIT FOR DEMOLITION", 1341.04 "FEES FOR DEMOLITION LICENSES AND PERMITS", 1341.05 "PERMIT TO MOVE A BUILDING; FEE" and 1341.06 "PERMIT FOR USE OF PUBLIC PROPERTY", of the Codified Ordinances of the City of Massillon. Said amended Subsections shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

_____ GLENN E. GAMBER, PRESIDENT

APPROVED: _____

_____ FRANCIS H. CICCHINELLI, JR., MAYOR

The Building department is submitting this change in the Codified Ordinances to update the language and increase fees in Chapter 1341, Demo Code and Declaring an Emergency.

TABLE OF CONTECTS

1341.02

Remove: License

Insert: Registration

1341.04

Remove: License

Insert: Registration

1341.02

Remove: LICENSE

Insert: REGISTRATION

1341.02 (a)

Remove license (7 times)

Insert: registration (7 times)

1341.03 (b)

Remove: Inspector (2 times)

Insert: Official (2 times)

1341.04

Remove: LICENSE

Insert: REGISTRATION

1341.04 (a)

Remove: License

Insert: Registration

Remove: \$100.00

Insert: \$150.00

1341.04 (b)

Remove 200 Sq. Ft.

Insert: 720 Sq. Ft.

Remove: \$ 25.00

Insert: \$ 35.00

1341.04 (c)

Remove: \$ 50.00

Insert: \$ 75.00

1341.04 (d)

Remove: \$ 50.00

Insert: \$ 75.00

1341.04 (e)

Remove: \$100.00

Insert: \$ 125.00

1341.05

Remove: Inspector

Insert: Official

Remove: sixty-five dollars (\$65.00) and an additional charge of forty dollars (\$40.00)

Insert: one hundred twenty five dollars (\$125.00) and an additional charge of seventy five dollars (\$75.00)

1341.06 (a)

Remove: Inspector

Insert: Official

Remove: five dollars (\$5.00)

Insert: ten dollars (\$10.00)

1341.10

Remove: Inspector

Insert: Official

Remove: one hundred dollars (\$100.00)

Insert: one hundred fifty dollars (\$150.00)

1341.11 (a)

Remove: Inspector

Insert: Official

Insert: Should the building or other structure not be razed in the sixty (60) day time frame, the next lowest bidder will be awarded the contract.

1341.17

Remove: Inspector

Insert: Official

1341.18

Remove: Inspector (2 times)

Insert: Official (2 times)

1341.19 (c)

Remove: Inspector

Insert: Official

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

passed 4/18

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 49 - 2011

*1st reading
2nd reading 4/4*

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1501.13 "KNOX BOX".

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

Section 1:

There be and is hereby enacted a new Section 1501.13 "KNOX BOX" of CHAPTER 1501 "OHIO FIRE CODE" of the Codified Ordinances of the City of Massillon. Said newly created Section shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2011

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

The Building Department with the cooperation of the Massillon Fire Prevention Department of the Massillon Fire Department is asking to add to Chapter 1501 an Ordinance that already exists.

Table of Contents

Add: 1501.13 Knox Box

Add:

1501.13

1501.13 Knox Box

KNOX BOX REQUIREMENTS

Per City of Massillon Ordinance No. 75-2004 all new commercial occupancies and all new apartment complexes (4 or more units with limited access) built after December 31, 2004 in the City of Massillon shall install a *Key Box Lock* to allow emergency access by the Massillon Fire Department.

The *Key Lock Box* shall be:

1. *The Knox Box* from the Knox Company, Model 3200 with hinged door.
2. Located at or near the recognized public entrance.
3. Located at a height of not less than four (4) feet and not more than six (6) feet from the final grade.
4. No steps, displays, signs or other fixtures, or structure protrusions shall be located under the box, which would block access to the box.
5. A key box tamper switch will be allowed to be connected to the buildings alarm system if deemed necessary.
6. The box shall contain clearly labeled keys, devices and/or information as deemed necessary by the Massillon Fire Department.

The owner or agent shall be present during access to the *Key Box* by the Massillon Fire Department for placement of keys, devices and/or information, except during an emergency.

Note: The Massillon Fire Department will have the only keys to the *Key Boxes*. No building owner/representative is authorized to possess a key to the *Knox Box*.

When a property is protected by a locked fence or gate the Massillon Fire Department may require a security padlock or electrically operated key switch, i.e. *Knox Padlock* or *Knox Key Switch*.

A building protected by an automatic sprinkler and/or standpipe shall be protected by *Knox Locking FDC Caps*, if deemed necessary by the Massillon Fire Department.

The Knox Box and/or other related equipment order forms can be picked up at the Main Fire Station or you can order on-line at www.knoxbox.com. If you have any questions please contact the Fire Prevention Bureau of the Massillon Fire Department, 330-833-1053.

Non-compliance will subject the responsible parties to the revocation of the Certificate of Occupancy by the Chief Building Official.

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 50 - 2011

passed

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one year renewal contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing, 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 one year renewal contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a one year renewal contract with the Board of Trustees of Jackson Township for the purpose of EMS Transport billing. The contract will be for a period of one (1) year commencing on January 1, 2011. The said contract 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 the renewal contract be signed with the Board of Trustees of Jackson Township so the billing process can begin on January 1, 2011 for EMS Transporting that will be performed by the Massillon Fire 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.

EMS Charges Billing Agreement

The following is an Agreement between the Board of Trustees of Jackson Township, Stark County, Ohio (Jackson Township), and the City of Massillon, Stark County, Ohio (Massillon).

Jackson Township agrees to:

1. Process and mail insurance claims by generating a computerized HCFA-1500 form. This includes all commercial insurance, Medicaid, UMWA, Worker's Compensation and Medicare supplemental policies.
2. Manage accounts receivable for up to 120 days. After that time, Jackson Township will submit these accounts to Massillon's designated collection agency.
3. Provide all insurance forms, postage and billing supplies.
4. Maintain hard copy files for audit purposes.
5. Stay current with insurance changes, billing technique improvements, Medicare updates and all HIPAA compliancy regulations.
6. Provide your department with a monthly report that will show what was billed, to whom, what dollar amount and how many claims were submitted.
7. Reprocess any claims denied due to processing errors, coding, patient information at no extra charge.
8. Respect the confidentiality of your records by providing secure and password protected measures and require all staff to sign confidentiality agreements.

Massillon agrees to:

1. Collect all necessary patient and insurance information. This will include the authorization signature (HIPAA Privacy Act) for submission to patient's insurance.
2. Massillon will be billed every two months.
3. Pay invoices by the 15th of the month after invoice received.
4. Forward all copies of patient payments along with EOB's to Jackson Township.
5. Pay \$12 for each run processed by Jackson Township.

Conditions:

1. This Agreement will be binding for a period of one (1) year commencing January 1, 2011.
2. Amendments to this Agreement will be accepted if signed by both parties.

3. Jackson Township reserves the right to discontinue all services if its invoices are not paid in full by the 15th of the month after an invoice is received. A late fee of \$50.00 may be incurred on all past due invoices.

4. This Agreement may be terminated after a 30 day written notice by either party.

WITNESSES:

BOARD OF TRUSTEES OF JACKSON
TOWNSHIP, STARK COUNTY, OHIO

John E. Pizzino, President

James N. Walters, Vice President

William M. Burger, Trustee

DATE:

THE CITY OF MASSILLON
STARK COUNTY, OHIO

Francis Cicchinelli, Mayor

Michael Loudiana, Director
Public Service and Safety

DATE:

DATE: MARCH 21, 2011

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.51 – 2011

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks & Rec. Capital Improvement Fund, Parks & Rec. Fund, 2105 Stormwater Utility Fund and the Parks & Rec. Reservoir Fund, for the year ending December 31, 2011, 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 Parks & Rec. Capital Improvement Fund, for the year ending December 31, 2011 the following:

\$17,895.97 to an account entitled "Services/Contracts" 1433.505.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Parks & Rec. Fund, for the year ending December 31, 2011 the following:

\$17,893.03 to an account entitled "Services/Contracts" 1234.505.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2011 the following:

X \$11,830.00 to an account entitled "Erie Street Project" 2105.549.2510

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Parks & Rec. Reservoir Fund, for the year ending December 31, 2011 the following:

\$4,911.00 to an account entitled "Services/Contracts" 1436.505.2392

Section 5:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2011

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR