

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

DATE: MONDAY, DECEMBER 17, 2012
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN SARITA CUNNINGHAM-HEDDERLY
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. 140 – 2012

BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE repealing certain Subsections of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, and enacting new Subsections to such Chapter, and declaring an emergency.

ORDINANCE NO. 141 – 2012

BY: RULES, COURTS & CIVIL SERVICE

PASS 9-0

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

✓ ORDINANCE NO. 142 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1410 16th Street Project Fund, 2105 Stormwater Utility Fund, 1482 OPWC Project Fund, Muni Motor Vehicle Fund, Solid Waste Fund, General Fund and the Museum Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 143 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE reducing the appropriations in the Bond Retirement WWT Fund, Wastewater Treatment Fund, WIC Program Fund, Law Dept. Community Partnership Grant Fund and the State Patrol Transfer Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 144 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain transfers in the 2012 appropriations from with the General Fund, for the year ending December 31, 2012, and declaring an emergency.

ORDINANCE NO. 145 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

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

ORDINANCE NO. 146 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

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

ORDINANCE NO. 147 – 2012

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE repealing Ordinance No. 34 – 2012 and any other ordinances inconsistent with this ordinance, and authorizing and directing the Auditor of the City of Massillon as of January 1, 2013 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund, and declaring an emergency.

✓ **ORDINANCE NO. 148 – 2012**

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 92 - 2012, and declaring an emergency.

✓ **ORDINANCE NO. 149 – 2012**

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 150 – 2012

BY: FINANCE COMMITTEE

PASS 8-1 (Lewis)

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

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). TREASURER SUBMITS MONTHLY REPORT FOR NOVEMBER 2012

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140 - 2012

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE repealing certain Subsections of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, and enacting new Subsections to such chapter, and declaring an emergency.

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

Section I:

The existing Sections 925.01 PURPOSE; POLICY; DEFINITIONS, 925.12 SEWER CONNECTION PERMIT REQUIRED, FEE, 925.17 INSPECTION OF BUILDING SEWER FOR PERMIT, 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.23 RIGHT OF REVISION, 925.25 SUPPLEMENTARY LIMITATIONS, 925.28 TREATMENT OF INDUSTRIAL WASTES, 925.30 ACCIDENTAL DISCHARGES, 925.32 WASTEWATER DISCHARGE PERMITS, 925.33 PRETREATMENT SCHEDULING REQUIREMENT, 925.34 PERMIT MODIFICATIONS, 925.35 PERMIT CONDITIONS, 925.37 LIMITATIONS ON PERMIT TRANSFER, 925.38 COMPLIANCE DATE REPORT, 925.39 PERIODIC COMPLAANCE REPORTS, 925.40 MONITORING FACILITIES, 925.41 INSPECTION AND SAMPLING, 925.42 CONFIDENTIAL INFORMATION, 925.43 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS, 925.44 REVOCATION OF PERMIT, 925.45 NOTIFICATION OF VIOLATION; ADMINISTRATIVE ADJUSTMENT, 925.46 SHOW CAUSE HEARING, 925.47 JUDICIAL PROCEEDINGS, 925.48 PRETREATMENT VIOLATION ENFORCEMENT RESPONSE POLICY, 925.49 RIGHT OF APPEAL, 925.50 OPERATING UPSETS, 925.51 ADMINISTRATIVE PENALTIES, 925.54 RECORDS RETENTION, 925.55 FEES, 925.56 RIGHT TO CONTRACT WITH INDUSTRY, 925.60 BASELINE MONITORING REPORT, 925.61 SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS AND CERTIFICATIONS and APPENDIX A – PRIORITY TOXIC POLLUTANTS, of CHAPTER 925 of the Codified Ordinances of the City of Massillon, Ohio, be and hereby are repealed and deleted.

Section 2:

New revised Sections 925.01 PURPOSE; POLICY; DEFINITIONS, 925.12 SEWER CONNECTION PERMIT REQUIRED, FEE, 925.17 INSPECTION OF BUILDING SEWER FOR PERMIT, 925.20 GENERAL DISCHARGE PROHIBITIONS, 925.23 RIGHT OF REVISION, 925.25 SUPPLEMENTARY LIMITATIONS, 925.28 TREATMENT OF INDUSTRIAL WASTES, 925.30 ACCIDENTAL DISCHARGES, 925.32 WASTEWATER DISCHARGE PERMITS, 925.33 PRETREATMENT SCHEDULING REQUIREMENT, 925.34 PERMIT MODIFICATIONS, 925.35 PERMIT CONDITIONS, 925.37 LIMITATIONS ON PERMIT TRANSFER, 925.38 COMPLIANCE DATE REPORT, 925.39 PERIODIC COMPLAANCE REPORTS, 925.40 MONITORING FACILITIES, 925.41 INSPECTION AND SAMPLING, 925.42 CONFIDENTIAL INFORMATION, 925.43 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS, 925.44 REVOCATION OF PERMIT, 925.45 NOTIFICATION OF VIOLATION; ADMINISTRATIVE ADJUSTMENT, 925.46 SHOW CAUSE HEARING, 925.47 JUDICIAL PROCEEDINGS, 925.48 PRETREATMENT VIOLATION ENFORCEMENT RESPONSE POLICY, 925.49 RIGHT OF APPEAL, 925.50 OPERATING UPSETS, 925.51 ADMINISTRATIVE PENALTIES, 925.54 RECORDS RETENTION, 925.55 FEES, 925.56 RIGHT TO CONTRACT WITH INDUSTRY, 925.60 BASELINE MONITORING REPORT, 925.61 SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS AND CERTIFICATIONS and APPENDIX A – PRIORITY TOXIC POLLUTANTS, of CHAPTER 925 of the Codified Ordinances of the City of Massillon, Ohio, are hereby enacted as set forth on the attached:

(SEE ATTACHED EXHIBIT "A")

Section 3

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

That 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 further reason that the proposed fee changes are based from the completed Sewer Rate Study that was performed by URS Corporation. 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.

- (a) The purpose of this chapter is to set forth uniform requirements for dischargers into the City's wastewater collection and treatment systems, and to enable the City to protect public health in conformity with all applicable local, state, and federal laws relating thereto.
- (b) The objectives of this chapter are:
 - (1) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting Municipal sludge;
 - (2) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the City's wastewater treatment facilities, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system. (Ord. 69-1991. Passes 4-15-91.)
- (c) Definition. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter shall have the meanings hereinafter designated:
 - (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
 - (2) "Approved Authority" means the Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.
 - (3) "Best Management Practices (BMP)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in OAC 3745-3-04 – General Discharge Prohibitions. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (4) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 C expressed in terms of weight and concentration (milligrams per liter (mg/L)).
 - (5) "Building Sewer" means a sewer conveying wastewater from the premises of a User to the POTW.
 - (6) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
 - (7) "Categorical Standards" means National Categorical Pretreatment Standards or Pretreatment Standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the sewage treatment system by specific Industrial Users.

- (8) "City" means the City of Massillon or the City Council of Massillon.
- (9) "Compatible Pollutant" includes biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, and e. coli bacteria, plus additional pollutants identified by the City's National Pollutant Discharge Elimination System (NPDES) Permit, providing the City's treatment system is designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (10) "Cooling Water" or "Industrial Cooling Water" means the unpolluted water discharged from any system of condensation, air conditioning cooling, refrigeration, or to which the only pollutant added is heat, or other similar use which meet the criteria established by the OEPA for effluents discharged to watercourses at Massillon, Ohio.
- (11) "Daily Maximum" means the arithmetic average of all effluent samples collected during a calendar day.
- (12) "Daily Maximum Limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (13) "Direct Discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Ohio.
- (14) "Environmental Protection Agency or EPA" means the U.S Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of such agency.
- (15) "Grab Sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (16) "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank truck.
- (17) "Incompatible Pollutant" means any pollutant which is not a compatible pollutant as defined in subsection 925.01(c)(9) hereof.
- (18) "Indirect Discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317). Into the POTW (including holding tank waste discharged into the system).
- (19) "Industrial User (IU)" means a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
- (20) "Instantaneous Limit" means the maximum concentration of a pollutant allowed to be discharge at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

- (21) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal: and
 - B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), an including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. Section 403.3(i).
- (22) **"Local Limit" means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).**
- (23) "Manager" means the person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.
- (24) **"Monthly Average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during the month.**
- (25) **"Monthly Average Limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.**
- (26) **"National Categorical Pretreatment Standard or Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C.1347) which applies to a specific category of Industrial Users and that appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.**
- (27) A. "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section provided that:
- 1. The building, structure, facility or installation is constructed at a site at which no other source is located: or

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source:
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

B. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (A)(1) or (2) above but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program.
 - a. any placement, assembly, or installation of facilities or equipment; or
 - b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- (28) "National Pollution Discharge Elimination System or NPDES Permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (29) "Normal Strength Sewage or Wastes" means sewage or waste used for the purpose of determining surcharge means. Normal strength sewage or waste means having an average daily suspended solids concentration of not more than 300 mg/L, an average daily BOD concentration of not more than 300 mg/L, and not containing any of the characteristics in excess of the limitations as prohibited and established by Section 925.20.
- (30) "OEPA" means Ohio Environmental Protection Agency.
- (31) "Oil and Grease" means fats, grease, oil, wax, or other material which is extractable from an acidified sample of a waste by hexane or other designated solvent.
- (32) "Pass-through" means a discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction

with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). Section 403.3(n) of the General Pretreatment Regulation (40 CFR, Part 403).

- (33) "Person" means individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (34) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (35) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of the water.
- (36) "Pollutant" means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, discharged into water.
- (37) "Pretreatment or Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR, Section 403.6(d)
- (38) "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (39) "Publically Owned Treatment Works (POTW)" means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.
- (40) "POTW Treatment Plant" means that portion of the POTW designed to provide treatment to wastewater.
- (41) "Safety-Service Director" means the Director of Public Safety and Service of the City of Massillon or his duly authorized representative.
- (42) "Septic Tank Waste" means any sewage from holding tanks, such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (43) "Sewage" means human excrement and gray water (household showers, dishwashing operation, etc.)
- (44) "Shall" is mandatory: "May" is permissive.
- (45) "Significant Industrial User"

- A. Except as provided in part B of this subsection, the term Significant Industrial User includes:
 - 1. All industrial users subject to categorical pretreatment standards; and
 - 2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Safety-Service Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- B. The Safety-Service Director may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- C. The City may determine that an Industrial User subject to categorical pretreatment standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - 1. The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - 2. The Industrial User annually submits the certification statement required in Section 925.61, together with any additional information necessary to support the certification statement; and
 - 3. The Industrial User never discharges any untreated concentrated wastewater.
- D. Upon a finding that a User meeting the criteria in Subsection A of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

~~(46) "Slug" means any pollutant, including oxygen-demanding pollutants released in a single extraordinary discharge episode of such volume or strength as to cause interference to the City's wastewater treatment plant.~~

- (46) "Slug Loading or Slug Discharge" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 925.20 of the Ordinance. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's local limits or permit conditions.
- (47) "State" means State of Ohio.
- (48) "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (49) "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.
- (50) "Surcharge" means the fee in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal strength.
- (51) "Suspended Solids" means the total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
- (52) "Toxic Pollutants" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- (53) "Upsets" means an exceptional incident which creates a temporary non-compliance with permit limits due to the impacts of the incoming waste characteristics on the POTW treatment processes.
- (54) "User" means any person who contributes, causes, or permits the contribution of wastewater into the City's POTW.
- (55) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities: and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (56) "Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (57) "Wastewater Discharge Permit" means as set forth in Section 925.32.

(d) Abbreviations. The following abbreviations shall have the designated meanings:

ANSI:	American National Standards Institute
ASTM:	American Society for Testing and Materials
BMP:	Best Management Practice
BMR:	Baseline Monitoring Report
BOD:	Biochemical Oxygen Demand
CFR:	Code of Federal Regulations

COD:	Chemical Oxygen Demand
EPA:	Environmental Protection Agency
gpd:	Gallons per day
IU:	Industrial User
L:	Liter
mg:	Milligram
mg/L:	Milligram per liter
NPDES:	National Pollutant Discharge Elimination System
POTW:	Publicly Owned Treatment Works
SIC:	Standard Industrial Classification
SIU:	Significant Industrial User
SNC:	Significant Non-compliance
SWDA:	Solid Waste Disposal Act, 42, U.S.C. 6901, et. Seq.
TSS:	Total Suspended Solids
USC:	United States Code
WPCF:	Water Pollution Control Federation

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

925.12 SEWER CONNECTION PERMIT REQUIRED, FEE

(a) No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, or appurtenance without first obtaining a written permit from the City Engineer.

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

(b) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of one hundred dollars (\$100.00) for a residential building sewer permit and two hundred dollars (\$200.00) for a commercial building sewer permit and for an industrial waste permit shall be paid to the City Engineer at the time application is filed. A permit fee for the repair of an existing sewer shall be fifty dollars (\$50.00).

(Ord. 55-2004. Passed 4-19-04.)

(b) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of one hundred fifty dollars (\$150.00) for a residential building sewer permit and two hundred fifty dollars (\$250.00) for a commercial building sewer permit and for an industrial waste permit shall be paid to the City Engineer at the time application is filed. A permit fee for the repair of an existing sewer shall be seventy-five dollars (\$75.00). (Ord. 46-2012. Passed 6-4-12.)

(c) Provided, however, no new permit will be issued when it has been determined by the **City Engineer or Plant Manager of the Wastewater Treatment System Plant** that there does not exist sufficient capacity in the **Wastewater Treatment System Plant** including collecting, pumping, treating and disposing of wastes as may be discharged by the applicant of such new permit.

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

(d) At the time when the permit and inspection fee is secured per subsection (b) hereof, a capacity charge for new connections shall apply and be calculated per the following table. Once the capacity charge is calculated, it shall be payable at the time the permit and inspection fee is acquired.

USER CLASS	EDU VALUE	CAPACITY CHARGE
Single Family Unit	1.00	\$1,000.00
Duplex Residential	2.00	\$2,000.00
Each Additional Residential Unit	1.00	\$1,000.00
Mobile Homes and House Trailers	1.00	\$1,000.00
Church	0.16	\$ 160.00
Toilet/Urinal - Each	0.67	\$ 670.00
Food Prep/Bar Sink (Per Bowl)	0.29	\$ 290.00
Hair Rinse Sink - Each	0.16	\$ 160.00
Slop Sink - Each	0.17	\$ 170.00
Hotel/Motel	1.14	\$1,140.00
Hotel/Motel - Each Bedroom	0.17	\$ 170.00
Rooming House	0.97	\$ 970.00
Rooming House - Each Bedroom	0.17	\$ 170.00
Hospitals/Nursing Homes (Per Employee/Patient)	0.14	\$ 140.00
Sports Facility/Arena (Per 100 Seats)	0.02	\$ 20.00
Laundromat or Coin Operated Machine	0.59	\$ 590.00
Commercial Laundries (By Pound)	0.07	\$ 70.00
Car Washes - Each Single Stall Manual	1.19	\$ 1,190.00
Car Washes - Each Single Stall Automatic	3.96	\$ 3,960.00
Car Washes - Each Drive-Through Automatic	25.00	\$25,000.00
Schools, Public-Private-Day Care (Per Student and Employee)	0.04	\$ 40.00
Hand Sink - Each	0.12	\$ 120.00
Showers - Each	0.43	\$ 430.00
Industrial Employee	0.17	\$ 170.00

(Ord. 46-2012. Passed 6-4-12.)

925.17 INSPECTION OF BUILDING SEWER FOR PERMIT

The applicant for the building sewer shall notify the ~~City Engineer Plant Manager~~ when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~City Engineer Plant Manager~~ or his representative.

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

925.20 GENERAL DISCHARGE PROHIBITIONS

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

- (a) Any pollutants which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to create a fire or explosion hazard in the wastewater collection system and/or treatment plant including but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system. (Ord. 69-1991. Passed 4-15-91.)
- (c) Any wastewater having a pH less than 6.0 S.U. or higher than 10 S.U., or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
(Ord. 56-1999. Passed 4-5-99.)
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in any applicable Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Appendix A hereto.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any substance which may cause the City wastewater treatment plant effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (g) Any substance which will cause the City's wastewater treatment plant to violate its National Pollutant Discharge Elimination System (NPDES) and/or other Disposal System Permits.
- (h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the City's wastewater treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the City's wastewater treatment plant which exceeds 40 degrees Celsius or 104 degrees Fahrenheit.
- (j) Any slugload, which means any pollutant, including oxygen demanding pollutants released in a single extraordinary discharge episode of such volume or strength as to cause interference to the City's wastewater treatment plant.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as exceed limits established by the City in compliance with

applicable State or Federal regulations.

- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (m) Any water or wastes containing free oils, emulsified oils, and grease exceeding an average of 100 parts per million of either soluble matter.
 - (n) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin discharged in amounts which cause pass through or interference at the wastewater treatment plant.
 - (o) Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater collection system and/or treatment plant in a quantity that may cause acute worker health and safety problems
 - (p) Any garbage that has not been properly shredded.
 - (q) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, or having a chlorine demand greater than 30 parts per million.
 - (r) Under no conditions will the discharge of concentrated plating baths or acid pickling liquor whether neutralized or not be permitted to the sanitary sewer system.
 - (s) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly, or by interaction with other pollutants, will cause interference with the POTW.
 - (t) Trucked or hauled pollutants, except at discharge points designated by the Plant Manager in accordance with Section 925.26 of this ordinance.
 - (u) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Plant Manager.
 - (v) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 - (w) Medical wastes, except as specifically authorized by the Plant Manager in an individual wastewater discharge permit.
 - (x) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test
 - (y) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW
 - (z) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the system, be more than five percent (%) of the Lower Explosive Limit (LEL) of the meter nor shall any single reading be more than 10 percent (%) of the Lower Explosive Limit (LEL) of the meter.
- (Ord. 69-1991. Passed 4-15-91.)

925.23 RIGHT OF REVISION

~~The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the City's wastewater treatment plant where deemed necessary.~~

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

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

925.25 SUPPLEMENTARY LIMITATIONS

(a) No discharger shall discharge wastewater containing concentrations or loadings of pollutants in excess of those specified in its wastewater discharge permit. Also, no discharger shall discharge other toxic pollutants listed in Appendix A, but not contained in the wastewater discharge permit, unless specifically authorized to do so in a revised permit. In any event, such discharges shall meet categorical pretreatment standards where applicable.

(b) All Industrial Users shall promptly notify the ~~Safety Service Director~~ Plant Manager in advance of any substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

(c) Whenever deemed necessary, the Plant Manager may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastewstreams from industrial wastestream, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this ordinance.

(d) The Plant Manger may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(e) Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

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

925.28 TREATMENT OF INDUSTRIAL WASTES

- (a) The admission into the public sewers of any waters or wastes having:
- (1) A 5-day biochemical oxygen demand greater than 300 parts per million by weight; and/or
 - (2) More than 300 parts per million by weight of suspended solids; and/or
 - (3) Any quantity of substances with the characteristics described in Sections 925.20 and 925.25; and/or
 - (4) An average daily flow greater than 50,000 gallons per day;

shall be subject to the review and approval of the Safety-Service Director and the **Plant** Manager of the wastewater treatment plant.

(b) The ~~Safety-Service Director and the Plant Manger Superintendent~~ of the wastewater treatment plant shall have the right to reject any and all wastes which, in their opinion, may be harmful to or exceed capacities of the wastewater treatment system. Where necessary, in the opinion of the Safety-Service Director and the **Plant** Manager of the wastewater treatment plant, the owner shall provide at his expense such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 300 parts per million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Sections 925.20 and 925.25; or

(3) Control the quantities and rates of discharge of such waters or wastes. **Detailed plans, specifications, operating procedures, and any other pertinent information relating to proposed treatment facilities shall be submitted for the approval of the City Engineer, Safety-Service Director or and the Plant Manager of the wastewater treatment plant. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under provisions of this ordinance.** No construction of such facilities shall be commenced until such approval is obtained in writing.

(c) The discharge of industrial wastes with concentrations exceeding the "normal strength" limitations may be permitted when, in the opinion of the Safety-Service Director and the Plant Manager of wastewater treatment plant, it is determined that such wastes can be satisfactorily treated without adverse effects to the collection and/or treatment systems. The industrial waste mentioned in this section must be a biologically degradable wastewater constituent capable of being removed by the existing wastewater treatment plant. Priority pollutants do not fall within this category.

The discharge of such wastes exceeding "normal strength" shall be subject to and require a surcharge to compensate the City for all costs associated with the collection,

conveyance, treatment, and final disposal for all excess concentrations as provided for in Section 929.12 and/or Section 937.10.

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

(d) The discharge of industrial wastes with concentrations containing greater than the following limits require review and approval of the City Engineer and Plant Manager before discharge. This approval may be outlined in the permit to discharge, or added as an addendum.

Total Phosphorus	8 mg/L
Total Nitrogen	10 mg/L
Sulfate	150 mg/L
Dissolved Sulfide	0.1 mg/L
Hydrogen Sulfide	10 mg/L
(atmospheric)	
Total Dissolved Solids	1500 mg/L

~~(a) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Manager of the wastewater treatment system for review, and shall be approved by the Manager before construction of the facility. Review and approval of such plans and operating procedures by the Manager shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.~~

~~(b) Dischargers shall notify the Manager immediately upon the occurrence of a "slugload" or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date, and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss, or damage to the City's wastewater treatment plant in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.~~

~~(c) Signs shall be permanently posted in conspicuous places on discharger's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.~~

SLUG DISCHARGE CONTROL PROGRAM

(a) Each User shall provide protection from slug discharges of restricted materials or other substances regulated by this article as defined in Section 925.01(c)(46). No significant industrial user who commences discharge to the sewer system after adoption of this ordinance shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the City. Each existing significant industrial user shall be evaluated by the City for the need for slug discharge control plans or procedures at least once by July 1, 2012.

(b) Certain Users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) showing facilities and operating procedures to provide this protection. These plans shall be submitted to the City for review and approval. All existing Users required having an SDPC plans shall submit such a plan within three months after notification from the City and complete implementation with six months. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the

requirements of the article. SDPC will be reviewed at least once during each permit cycle.

- (c) SDPC Plans shall address at a minimum, the following:
- (1) Description of discharge practices, including nonroutine batch discharges.
 - (2) Description of stored chemicals.
 - (3) Procedures for immediately notifying the POTW Plant Manager of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 925.20 of this ordinance.
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (d) In the case of a slug discharge, it is the responsibility of the User to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the User.

Within five days following a slug discharge, the User shall submit a detailed written report describing the cause of the discharge and the measures being taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system, fish kills, or any other damage to person or property, nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

- (e) A notice shall be permanently posted on the User's premises advising employees of a contact to call in the event of a slug discharge. The User shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.
- (f) Each User shall notify the Plant Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days prior to the change.

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

925.32 WASTEWATER DISCHARGE PERMITS

(a) All industrial dischargers proposing to connect to or to discharge, industrial wastes and other wastes to the City's wastewater treatment plant shall obtain a Wastewater Discharge Permit before connecting to or discharging to the City's wastewater treatment plant. All existing industrial dischargers connected to or discharging to the City's wastewater treatment plant shall obtain a Wastewater Discharge Permit within ninety days after the effective date of this chapter.

(b) Industrial dischargers shall complete and file with the Plant Manager, a permit application in the form prescribed by the Plant Manager and accompanied by the appropriate fee as required by Section 925.55. Existing industrial dischargers shall apply for a Wastewater Discharge Permit within thirty days after the effective date of this chapter and proposed new dischargers shall apply at least ninety days prior to connecting to the City's wastewater treatment plant. No discharge permit shall be issued unless and until disclosure is made by the discharger to the Plant Manager of all information required by the permit application including, but not limited to: ~~descriptions of plant processes, rates of flow, wastewater characteristics, and the point at which such wastewater is or will be discharged into City's sewerage system.~~

(1) Identifying Information.

- A. The name and address of the facility, including the name of the operator and owner.
- B. Contact information, description of activities, facilities, and plant production processes on the premises.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- A. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- B. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the POTW.

- C. Number and type of employees, hours of operation, and proposed or actual hours of operation.
- D. Type and amount of raw materials processed (average and maximum per day).
- E. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(4) Time and duration of discharges.

(5) The location for monitoring all wastes covered by the permit.

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastewater formula set out in Section 2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Pretreatment Standard or by the Plant Manager, of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 925.41 of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Plant Manager or the applicable standards to determine compliance with the Pretreatment Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 925.41 of this ordinance.

(8) Any requests for a monitoring waiver (or a renewal of an approved

monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on section 925.39.

(c) All permit applications for new or modified permits shall be signed by a principal executive officer of the discharger, and a qualified engineer (State of Ohio licensed professional), and all renewal applications for existing permits shall be signed by a principal executive officer of the discharger.

(d) The Superintendent Plant Manager will evaluate the complete application and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Safety-Service Director shall issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

(e) Compliance with categorical pretreatment standards when applicable is required for new sources upon promulgation. New sources are required to install and start up any necessary pollution equipment before beginning to discharge. Compliance with categorical standards when applicable is required within the shortest feasible time, not to exceed ninety days, after commencement of discharge.

(1) The term "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

A. The building, structure, facility or installation is constructed at a site at which no other source is located; or

B. The building structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;

C. The production or wastewater generating process of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

925.33 PRETREATMENT SCHEDULING REQUIREMENT

Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(a) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.

(b) Under no circumstance shall the Plant Manager permit a time increment for any single step directed toward compliance which exceeds nine months.

(c) Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Plant Manager, including no less than a statement as to whether or not it complied with the increment of progress represented by the milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Plant Manager.

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

925.34 PERMIT MODIFICATIONS

The Plant Manager may modify an individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(a) The Plant Manager reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the City with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of each discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the City as a part of this chapter. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required, the discharger shall apply for a Wastewater Discharge Permit from the Safety-Service Director within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. Environmental Protection Agency. In addition, the discharger with an existing Wastewater Discharge Permit shall submit to the Plant Manager within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the disclosure information required. The discharger shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(b) The Plant Manager may change production based-categorical pretreatment standards to equivalent concentration limits to facilitate compliance evaluation. These equivalent limits shall be deemed Pretreatment Standards. Industrial Users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limits were derived.

(c) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Plant Manager within two business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Plant Manager of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimated of the long-term average production rate.

(d) Any Industrial User subject to equivalent mass or concentration limits established by the Manager must include a reasonable measure of the User's long-term production rate in its periodic compliance report.

(e) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(f) Information indicating that the permitted discharge poses a threat to the City's POTW, personnel, receiving waters, or affects the beneficial use of the plant's biosolids.

(g) Violation of any terms or conditions of the individual wastewater discharge permit.

(h) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(i) Revision or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13

(j) To correct typographical or other errors in the individual wastewater discharge permit.

(k) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 925.37.
(Ord. 69-1991. Passed 4-15-91.)

925.35 PERMIT CONDITIONS

Wastewater Discharge Permits shall specify no less than the following:

- ~~(a) Fees and charges to be paid upon initial permit issuance;~~
- ~~(b) Limits on the average and maximum wastewater constituents and characteristics regulated thereby;~~
- ~~(c) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;~~
- ~~(d) Requirements for installation and maintenance of inspection and sampling facilities;~~
- ~~(e) Special conditions that the Manager may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;~~
- ~~(f) Compliance schedules;~~
- ~~(g) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter.~~
- (h) (Ord. 69-1991. Passed 4-15-91.)

- (a) A statement that indicates the wastewater discharge permit's issuance date, expiration date, and effective date.
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 925.37 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
- (d) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law
- (e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 925.34.
- (f) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, State, or local law.
- (g) Requirements to control slug discharge as described in Section 925.30, if determined by the Plant Manager to be necessary.
- (h) Any grant of the monitoring waiver in accordance with Section 925.34 by the Plant Manager must be included as a condition in the User's permit.

925.37 LIMITATIONS ON PERMIT TRANSFER

~~Wastewater Discharge Permits are issued to a specific discharger for a specific operation and are not assignable to another discharger without the prior written approval of the Safety Service Director, or transferable to any other location.~~
(Ord. 69-1991. Passed 4-15-91.)

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the Plant Manager and the Plant Manager approves the individual wastewater discharge permit transfer. The notice to the Plant Manager must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations or processes
- (b) Identifies the specific date on which the transfer is to occur.
- (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of the facility transfer.

925.38

~~COMPLIANCE DATE REPORT~~ INITIAL COMPLIANCE REPORT

Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 925.60. For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with Section 925.34, this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period.

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

(a) Any discharger subject to a Pretreatment Standard set forth in this chapter, after the compliance date of such Pretreatment Standard, or, in the case of a new discharger, after commencement of the discharge to the City's wastewater treatment facilities, shall submit to the **Plant Manager** during the months of June and December, **unless required more frequently in the pretreatment standard or by the City**, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the Pretreatment Standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the **Plant Manager** may accept reports of average and maximum flows estimated by verifiable techniques. The **Plant Manager**, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of such reports on months other than those specified above.

(b) In cases where the Pretreatment Standard requires compliance with a **Best Management Practice (BMP)** or pollution prevention alternative, the **Industrial User** must submit documentation required by the **Plant Manager** for the Pretreatment Standard necessary to determine compliance status of the **Industrial User**.

(c) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the **Plant Manager**. **This includes monitoring of any pollutant more frequently than required by the City.** The frequency of monitoring by the discharger shall be as prescribed by the City. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto.

(d) The **Plant Manager** shall require appropriate reporting from those **Industrial Users** with discharges that are not subject to categorical Pretreatment Standards.

(e) Reports must be based on an appropriate amount of sampling and analysis performed during the period covered by the report. Each biannual report shall contain at least some data for the period covered by the report.

(f) All monitoring which is performed by the **Industrial User** using these procedures approved under 40 CFR Part 136 or approved alternatives shall be reported in periodic compliance reports.

(g) If sampling performed by an **Industrial User** indicates a violation, the **User** shall notify the City within twenty-four hours of becoming aware of the violation. The **User** shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation, except the **Industrial User** is not required to resample if:

- (1) The City performs sampling at the **Industrial User** at a frequency of at least once per month.

(2) The City performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

(h) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(i) Monitoring Waivers – The City, at its discretion, may authorize an Industrial User subject to a categorical Pretreatment Standard, except for centralized waste treatment facilities regulated by and defined in 40 CFR 437, to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [See 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 925.32.
- (3) In making its request for a pollutant monitoring exemption, the Industrial User must demonstrate through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 CFR 136 with the lowest method detection limit for that pollutant is used.
- (4) The request for a monitoring waiver shall be signed by an authorized representative of the Industrial User in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and it must include the certification statement in 40 CFR 403.6 (a)(2)(ii).
- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if an EPA approved method from 40 CFR Part 136 with a detection level that is below the limit.
- (6) Any grant of the monitoring waiver by the Plant Manager must be included as a condition in the User's permit. The reasons supporting

the waiver and any information submitted by the User in its request for the waiver must be maintained by the Plant Manager for three years after expiration of the waiver.

- (7) Upon approval of the monitoring waiver and revision of the IU's control mechanism by the control authority, the IU shall certify on each self-monitoring report with the following statement: *"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 CFR (specify applicable national pretreatment standard part or parts), I certify that, to the best of my knowledge and belief, there has been no increase in the level of (list pollutant or pollutants) in the wastewaters due to the activities at the facility since submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code."*
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the IU's operations, the IU must immediately: Notify the control authority in writing, begin monitoring that pollutant and comply with the monitoring requirements of Section 925.39(a), or other more frequent monitoring requirements imposed by the Plant Manager, and notify the Plant Manager.
- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (10) Monitoring waivers do not apply to pollutants where there are certification processes and requirements established by the control authority or by categorical pretreatment standards (e.g. TOMP/certification alternative to total toxic organics monitoring) unless allowed for by the applicable categorical pretreatment standards
- (11) The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter. However, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.

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

925.40 MONITORING FACILITIES

(a) All Users who propose to discharge or who in the judgment of the City could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

(b) Monitoring Facility Requirements

(1) Each discharger shall provide and operate at the discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City's wastewater treatment facilities. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the Manager may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(3) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of the City's authorization to proceed.

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

925.41 INSPECTION AND SAMPLING

The Plant Manager or his authorized agents may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Plant Manager or his authorized agents, upon presentation of credentials of identification to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination. The Manager shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

Sample Analysis

- (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.
- (b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by EPA shall be followed in all self-monitoring activities.
- (c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the City Engineer. Any change in monitoring location will be subject to the approval of the City Engineer.
- (d) All analyses shall be performed in accordance with procedures established by EPA under the provisions of Section 304(h) of the Act [33 USC 1314(h)] and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by EPA or the City. Sampling shall be performed in accordance with the techniques approved by EPA or the City.
- (e) Except as indicated in Subparagraphs (f) and (g) below, the User must collect wastewater samples using flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Plant Manager. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides, the samples may be composited in a laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as

documented in approved EPA methodologies may be authorized by the Plant Manager, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- (f) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Alternately, pH compliance may be assessed through the use of a strip-chart or a circular chart over the monitoring period from a continuous pH recorder, at the discretion of the Plant Manager.
- (g) For sampling required in support of baseline monitoring and initial compliance reports required in Section 925.38 and 40 CFR 503.12 (b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Plant Manager may authorize a lower minimum. For reports required by Section 925.38 and 40 CFR 403.12 (e) and (h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards.
- (h) If a violation is detected through sampling and analysis conducted by the City in lieu of the Industrial User, the City shall perform the repeat sampling and analysis within 30 days of becoming aware of the violation unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

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

Information and data furnished to the Safety-Service Director or ~~Plant~~ Manager with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Safety-Service Director or ~~Plant~~ Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

(a) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(b) Information accepted by the Safety-Service Director or ~~Plant~~ Manager as confidential shall not be transmitted to any governmental agency or to the general public by the Safety-Service Director or ~~Plant~~ Manager until and unless ten-day notification is given to the discharger.

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

The **Plant** Manager may for good cause shown suspend the wastewater treatment service and the Wastewater Discharge Permit of a discharger when it appears to the **Plant** Manager that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the City's wastewater treatment plant, violate any pretreatment limits imposed by this chapter or any Wastewater Discharge Permit issued pursuant to this chapter. Any discharger notified of the suspension of the City's wastewater treatment service and/or the Discharger's Wastewater Discharge Permit, shall within a reasonable period of time, as determined by the **Plant** Manager, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the Plant Manager shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The **Plant** Manager shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

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

925.44 REVOCATION OF PERMIT

The ~~Plant~~ Manager may revoke the permit of any discharger which fails to:

- (a) Factually report the wastewater constituents and characteristics of its discharge;
- (b) Report significant changes in wastewater constituents or characteristics;
- (c) Refuses reasonable access to the discharger's premises by representatives of the Manager for the purpose of inspection or monitoring; or
- (d) Violates the conditions of its permit, or this chapter, or any final judicial order entered with respect thereto.

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

925.45 NOTIFICATION OF VIOLATION; ADMINISTRATIVE ADJUSTMENT

Whenever the Plant Manager finds that any discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit, the Plant Manager shall serve or cause to be served upon such discharger a written notice by personal service or by certified mail with return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the discharger shall respond personally or in writing to the Plant Manager, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations, and where necessary, establish a plan for the satisfactory correction thereof.
(Ord. 69-1991. Passed 4-15-91.)

925.46 SHOW CAUSE HEARING

Where the violation of Section 925.44 hereof is not corrected by timely compliance by means of administrative adjustment, the Plant Manager may order any discharger which causes or allows conduct prohibited by Section 925.44 hereof, to show cause before the **Plant** Manager or its duly authorized representative, why the proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service or by certified mail with return receipt requested, specifying the time and place of a hearing to be held by the **Plant** Manager or his designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the **Plant** Manager or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by the **Plant** Manager which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such order may be taken by the discharger in accordance with applicable local or State law.

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

925.47 JUDICIAL PROCEEDINGS

Following the entry of any order by the Plant Manager with respect to the conduct of a discharger contrary to the provisions of Section 925.44 the attorney for the Plant Manager may, following the authorization of such action by the Plant Manager, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

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

925.48 PRETREATMENT VIOLATION ENFORCEMENT RESPONSE POLICY

(a) The following definitions and response criteria shall be used in responding to violations of the City of Massillon Industrial Wastewater Pretreatment Program.

(b) Definitions

(1) Major Violation. Major violations are those that exceed the limits frequently and/or by a large quantity (e.g. the technical review criteria under Paragraph 6), impede the determination of compliance status, have the potential to cause or may have actually caused adverse environmental effects, health problems, or interfered with the POTW treatment capability. Any violation that meets the definition of Significant Noncompliance (Paragraph 6) is considered a major violation.

(2) Significant Noncompliance (SNC). Any violation of pretreatment requirements (limits, samplings, analysis, reporting, and meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the Industrial User is liable for enforcement, including penalties. Instances of SNC are Industrial User violations which meet one or more of the following criteria:

(c) Violations of Wastewater Discharge Limits

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements **taken for the same pollutant** during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average limit for the same pollutant parameter; a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 925.01;~~

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of ~~the daily maximum limit or the average limit~~ **a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined by Section 925.01** multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum, ~~or longer term average~~ **long term average, Instantaneous Limit, or narrative standard**) that the Safety-Service Director ~~or Plant Manager~~ determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

(d) Violations of Compliance Schedule Milestones. **Violations of compliance schedule milestones that are** contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(e) Failure to Provide Reports. **Failure to provide reports** for compliance scheduled, self-monitoring data, or categorical standards (baseline monitoring reports, ~~90-day compliance reports, and periodic reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules~~) within 30 days from the due date.

(f) Failure to accurately report noncompliance.

(g) Any other violation or group of violations, **which may include a violation of Best Management Practices**, that the City considers to be significant **by adversely affecting the operation or implementation of the local pretreatment program.**

(h) Industrial User (IU) Violation Response Categories

Level 1 (L1) - Telephone Call

Level 2 (L2) - Notice of Violation (NOV)

Level 3 (L3) - Administrative Order (AO)

Level 4 (L4) - Administrative Order and/or Penalty

Level 5 (L5) - Administrative Order and/or Penalty and/or Judicial Action

Level 6 (L6) - Administrative Order and/or Penalty and/or Judicial Action and/or Show Cause Hearing and/or Termination of Service

(i) Titles and Timeframes for Industrial Users Violations Response Categories

Level 1 - Immediately, Pretreatment Coordinator, Pretreatment Inspector

Level 2 - 5 Days, Pretreatment Coordinator, Pretreatment Inspector, Plant Manager

Level 3 - 10 Days, Plant Manager, City Engineer, Safety-Service Director

Level 4 - 10 Days, Plant Manager, City Engineer, Safety-Service Director

Level 5 - 30 Days, Plant Manager, City Engineer, Safety-Service Director, Law Director

Level 6 - 30 Days, Plant Manager, City Engineer, Safety-Service Director, Law Director

(j) Pretreatment Enforcement Criteria

The following pages represent the City's Pretreatment Enforcement Response Criteria:

NONCOMPLIANCE	NATURE OF VIOLATION	RANGE OF RESPONSES
A. ILLEGAL DISCHARGE		
1. Nonpermitted discharge	Failure to apply for permit renewal, no environmental or POTW damage	L4
2. Unpermitted discharge	Discharger unaware of permit requirement, no environmental or POTW damage	L3
3. Unpermitted discharge	Results in violation of POTW NPDES permit, or dangerous situation - (SNC)	L5

NONCOMPLIANCE	NATURE OF VIOLATION	RANGE OF RESPONSES
B. DISCHARGE STANDARD VIOLATION		
1. Exceedance of discharge limits (local or categorical)	Isolated, nonsignificant (< 120% of limit)	L1 - Initial violation L2 - Subsequent violations
2. Exceedance of discharge limits	Frequent, nonsignificant (repeated offense)	L4
3. Exceedance of discharge limits	SNC	L5
4. Exceedance of discharge limits	Results in known environmental or POTW damage (endangerment to life)	L5
5. Slug load discharge	Isolated without known damage	L3
6. Slug load discharge	Isolated with known interference, pass-through, or damage results - (SNC)	L5
7. Slug load discharge	Recurring - (SNC)	L6
C. SAMPLING, MONITORING AND REPORTING VIOLATIONS		
1. Minor sampling, monitoring or reporting deficiencies	Isolated or infrequent (1 st or 2 nd offense)	L1 - Initial violation L2 - Subsequent violation
2. Minor sampling, monitoring or reporting deficiencies	Frequent (repeated offense) or continuous	L3
3. Major sampling, monitoring or reporting deficiencies	Isolated or infrequent (1 st or 2 nd offense)	L3
4. Major sampling, monitoring or reporting deficiencies	Frequent (repeated offense) or continuous to become SNC	L4
5. Complete failure to sample, monitor or report	SNC	L5
6. Continued failure to sample, monitor or report	Violation of NOV condition	L6
7. Failure to submit schedule of compliance (SOC)	Violation of consent order or AO	L6
8. Failure to notify of effluent limit violation of slug discharge	Isolated or infrequent No known effects	L2
9. Failure to notify of effluent limit violation of slug discharge	Frequent or continued violation - (SNC)	L5
10. Failure to notify of effluent limit violation or slug discharge	Known environmental or POTW damage results - (SNC)	L6

NONCOMPLIANCE	NATURE OF VIOLATION	RANGE OF RESPONSES
D. COMPLIANCE SCHEDULE		
1. Missed milestone date	Will not affect other milestone dates or final date	L2
2. Missed milestone date	Will affect other milestone or final date. Violation for good or valid cause	L3
3. Missed milestone date	Will affect other milestone or final date. Violation not for a good or valid cause - (SNC)	L5
4. Failure to meet compliance schedule reporting requirements	Did not submit report but did complete milestone	L2
5. Failure to meet compliance schedule reporting requirements	Did not submit report and did not complete milestone	L4
6. Missed final date	Good or valid cause	L2
7. Missed final date	30 days or more outstanding Failure or refusal to comply without good or valid cause	L5
8. Reporting false information	Any instance - (SNC)	L5
E. SPILL INCIDENTS		
1. Spill incident	Reported and investigated	L3
2. Repeated spill incidents	Failure to upgrade or develop spill prevention program	L4
3. Repeated spill incidents	Failure to act on a decision of compliance meeting and results in known environmental damage or WWTP damage	L5
F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS		
1. Minor violation of analytical procedures	Any instance	L2
2. Major violation of analytical procedures	No evidence of intent	L3
3. Major violation of analytical procedures	Evidence of negligence or intent (SNC)	L5
4. Minor violation of permit condition	No evidence of negligence or intent	L3
5. Minor violation of permit condition	Evidence of negligence or intent	L4
6. Major violation of permit condition	Evidence of negligence or intent (SNC)	L5

ENFORCEMENT

(a) Administrative Orders. The City has the authority to issue enforceable Administrative Orders to any or all dischargers to the sanitary sewer system. Such Orders may contain numerical discharge values limiting the volume, concentration or mass loadings from dischargers.

(b) Compliance Schedule. The City may issue Compliance Schedules to Dischargers who fail to achieve compliance with Administrative Orders issued by the City or numerical limitations of the City or other regulatory agencies.

(c) Litigation. Whoever violates an Order of the City or fails to comply with any

provisions of this chapter shall be guilty of a misdemeanor and shall be penalized in the manner set forth.

(d) Enforcement Actions; Annual Publications. At least annually, the Safety-Service Director shall ~~publish a list of all industrial users~~ **provide meaningful public notification in a newspaper of general circulation within the jurisdiction served by the POTW of all industrial users** which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment ~~requirements~~ **standards or other pretreatment requirements**. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(5) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements ~~taken for the same pollutant~~ during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average limit for the same pollutant parameter;~~ **a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 925.01;**

(6) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of ~~the daily maximum limit or the average limit~~ **a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined by Section 925.01** multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats oil and grease, and 1.2 for all other pollutants except pH);

(7) Any other violation of a pretreatment effluent limit (daily maximum, ~~or longer term average~~ **long term average, Instantaneous Limit, or narrative standard**) that the Safety-Service Director ~~or Plant Manager~~ determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(8) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

(9) ~~Failure to meet, within~~ **Violation by** ninety days or more after the scheduled date of a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(10) Failure to provide, ~~within thirty days after the due date,~~ required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules **within 45 days of the due date;**

(11) Failure to accurately report noncompliance;

(12) Any other violation or group of violations, **which may include a violation of Best Management Practices**, which the Safety-Service Director ~~or Plant Manager~~ determines will or has adversely affected the operation or implementation of the City's pretreatment program.

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

925.49 RIGHT OF APPEAL

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the ~~Plant~~ Manager on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a Wastewater Discharge Permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law.
(Ord. 69-1991. Passed 4-15-91.)

(a) Any discharger that experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a Wastewater Discharge Permit issued pursuant hereto shall inform the **Plant** Manager thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the **Plant** Manager within five days. The report shall specify:

(1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status.

(2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(b) A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the **Plant** Manager against a discharger for any noncompliance with the chapter or any Wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset.

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

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

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

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

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

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

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

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

(2) The City may seek criminal penalties. Any person who is found guilty shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000) per day per violation.
(Ord. 69-1991. Passed 4-15-91.)

Administrative Penalty Schedule

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

Discharge slug load which causes WWTP (POTW) upset	\$ 500
Discharge slug load which causes pass-through (Either of the above would also be subject to pay Massillon's NPDES fines for the excursion(s))	\$1,000
Deliberately discharge constituents known to be in violation of local or categorical limits	\$1,000
Report or administrative penalty submitted late:	
1 to 10 days	\$ 250
11 to 20 days	\$ 500
21 to 30 days	\$ 750
> 30 days	\$1,000
Failure to report (within 24 hours):	
A change in discharge	\$ 100
Any permit discharge violation	\$ 250
A slug load (no harm to POTW)	\$ 250
A slug load (harm to POTW)	\$ 500
Failure to report:	
Analysis for required parameters (per parameter)	\$ 100
Incomplete or missing files (recurrent)	\$ 100
Additional monitoring (EPA approved method)	\$ 250
Reporting violations:	
Report is improperly completed	\$ 100
Report is improperly signed or certified	\$ 100
Report is improperly signed or certified after notice by POTW	\$ 250
Unpermitted discharge:	
Unaware of requirement (no harm)	NOV
Unaware of requirement (harm to POTW)	\$ 500
Failure to apply for permit and discharge continues after notice by POTW	\$ 750

Monitoring:	
Failure to monitor all pollutants as required by permit (per parameter)	
Failure to monitor all pollutants as required by permit (per parameter)	\$100
Failure to install monitoring equipment for more than 30 days (each day)	\$ 200
Improper sampling or analysis (i.e. wrong techniques or methods)	\$ 200
Recurring failure to monitor	\$ 500
POTW personnel denied entry to facility for inspection or sampling	\$1,000

Sample results which exceed local or categorical limits will result in the assessment of administrative penalty or penalties as defined by the tables below.

Exceed Permit Limit By (Excluding pH violations)

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

pH Violations (Grab samples only)

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

Other permit violations:	
Waste streams are diluted in lieu of treatment	\$500
Failure to properly maintain pretreatment facility	\$500

Failure to correct noncompliance or halt discharge:	
No harm to POTW	\$500
Harm to POTW	\$1,000

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

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

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

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

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

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

Any user who violates any provision of the City of Massillon Sewer Use Code ordinance may be liable for a fine(s) up to a maximum amount of \$1,000 for each violation, with each day being separate violation. (925.51)
(Ord. 61-2008. Passed 5-5-08.)

~~All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Superintendent pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.~~

Industrial Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under Section 925.35(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed, who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the City, or where the Industrial User has been specifically notified of a longer retention periods by the Plant Manager.

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

925.55 FEES

~~The City shall adopt charges and fees which include fees for monitoring, inspections, and surveillance procedures, fees for filing appeals, fees for permit application, and fees for reviewing accidental discharge procedures and construction. All money received under the provisions of this chapter shall be credited to the "Wastewater Treatment Revenue Fund" of the City.~~

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

The permit fee to be paid by the applicant for a City Industrial Wastewater Discharge Permit shall be two hundred fifty dollars (\$250.00); the permit issued under this chapter shall permit the holder of such permit to discharge waste into the City sewer system for a period of three years from the date of issuance. Such permit shall be renewable thereafter for a like three year period by payment of a renewal fee of two hundred fifty dollars (\$250.00) and a filing of a renewal application upon the form provided by the Plant Manager to amendment of the permit terms and conditions, or revocation or suspension of such permit as provided by this chapter.

(a) When determined by the Safety-Service Director and/or the **Plant** Manager of the wastewater treatment ~~system~~ **Plant** that certain wastes and/or limitations heretofore prohibited by this chapter can be accepted without detriment to the wastewater treatment system, the City may enter into special agreements with industry for the discharge of such wastes deemed acceptable. Pollutants can only be accepted in accordance with provisions of federal regulations.

(b) Any agreement entered into under the provisions of this section shall stipulate the type and amount of pollutant and/or conditions permitted thereunder, the conditions of permitting such discharges and the amount of surcharge in addition to applicable users charge and industrial cost recovery charges that will adequately compensate the City for all costs associated with collecting, pumping, treating and disposing of such discharges.

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

All Industrial Users, including new sources, that are subject to categorical pretreatment standards shall submit baseline monitoring report ("BMRs") to the Plant Manager. These reports shall supply basic information to identify the Industrial User, the characteristics of the User's discharge and the compliance status. A BMR must contain the following information:

- (a) Name and address of the facility, including names of operator(s) and owner(s).
- (b) List of all environmental control permits held by or for the facility.
- (c) Brief description of the nature, average production rate, and SIC code for each of the operation (s) conducted, including a schematic process diagram which indicates points of discharge from the regulated process to the POTW.
- (d) Flow measurement information for regulated process streams discharged to the Municipal system. Flow measurements of other wastestreams will be necessary if application of the combined wastestream formula is necessary.
- (e) Identification of the pretreatment standards applicable to each regulated process and results of measurements of pollutant concentrations and/or mass. All samples must be representative of daily operations and results reported must include values for daily maximum and average concentration (or mass, where required). Where the flow of the regulated stream being sampled is less than or equal to 250,000 gallons per day, the Industrial User must take six samples within a two-week period. Where the flow of the stream is greater than 250,000 gallons per day, the Industrial User must take six samples within a two week period. If samples cannot be taken immediately downstream from the regulated process and other wastewaters are mixed with the regulated process, the Industrial User should measure flows and concentrations of the other wastestreams sufficient to allow use of the combined wastestream formula.
- (f) Statement of certification concerning compliance or noncompliance with the Pretreatment Standards.
- (g) If not in compliance, a compliance schedule must be submitted with the BMR that describes the actions the user will take and a timetable for completing those actions to achieve compliance with the standard. This compliance schedule must contain specific increments of progress in the form of dates for the commencement and completion of major events, however, no increment of the schedule shall exceed nine months. Within fourteen days of each completion date in the schedule, the Industrial User shall submit a progress report to the City indicating whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress and the steps being taken to return to the schedule.
- (h) The baseline monitoring report does not apply to discharges not covered by categorical standards.
- (i) Industrial Users shall submit BMRs to the Plant Manager within 180 days after the effective date on the applicable categorical standard, or within 180 days after the final decision on a category determination request, whichever is later.
- (j) New sources, and existing sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit a baseline

monitoring report at least ninety days prior to commencement of the facility's discharge to a POTW. New sources may provide estimates for the information on production, flow, and the presence and quantity of regulated pollutants in its wastestream. New sources shall also provide information on the pretreatment equipment the new source proposes to install to meet applicable discharge limits.

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

925.61 SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS
AND CERTIFICATIONS

The **application** and reports required by Sections 925.32, 925.38, 925.39 and 925.60 shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

and shall be signed as follows:

(a) By a responsible corporate officer, if the Industrial User submitting the **application** and reports required by Sections 925.32, 925.38, 925.39 and 925.60 is a corporation. For the purpose of this subsection, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of a corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or

~~(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~ **The manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.**

(b) By a general partner or proprietor if the Industrial User submitting the **applications** and reports required by Sections 925.32, 925.38, 925.39 and 925.60 is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsection (a) or (b) of this section if

(1) The authorization is made in writing by the individual described in subsection (a) or (b);

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the City.

(d) If an authorization under subsection (e) hereof is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) hereof must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

Certification Statements

- (1) Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by as described in Section 925.39 and pursuant to Section 925.39 must annually submit the following certification statement signed in accordance with the signatory requirements above. This certification must accompany an alternative report required by the Plant Manager:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, ____ to _____, ____ [months, days, year]. (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 925.39, (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information.

(Approximate justification may include water billing records, production records, etc.)

- (2) Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on Section 925.39 must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User. Based on my inquiry of the person or persons directly responsible 40 CFR 403.6(a)(2)(ii) or the most recent applicable National Pretreatment Standard part(s) and shall be signed in accordance with the criteria set forth in 40 CFR 403.12 (I)(1) – (4).
- (3) Certification for Toxic Organics Management Plans – Users that have in force a City approved Total Toxic Organics Management Plan (TOMP) must certify on each report with the following statement that there has been no dumping of contaminated toxic organics into the wastewater since the last monitoring report.

(Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority.)

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

APPENDIX A - PRIORITY TOXIC POLLUTANTS

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride (tetrachloromethane)
7. Chlorobenzene
8. 1, 2, 4 - Trichlorobenzene
9. Hexachlorobenzene
10. 1, 1 - Dichloroethane
11. 1, 2 - Dichloroethane
12. 1, 1, 1 - Trichloroethane
13. Hexachloroethane
14. 1, 1, 2 - Trichloroethane
15. 1, 1, 2, 2 - Tetrachloroethane
16. Chloroethane
17. Bis (2 - chloroethyl) ether
18. 2 - Chloroethyl vinyl ether (mixed)
19. 2 - Chloronaphthalene
20. 2, 4, 6 - Trichlorophenol
21. Parachlorometa cresol
22. Chloroform (trichloromethane)
23. 2 - Chlorophenol
24. 1, 2 - Dichlorobenzene
25. 1, 3 - Dichlorobenzene
26. 1, 4 - Dichlorobezene
27. 3, 3 - Dichlorobenzidine
28. 1, 1 - Dichloroethylene
29. 1, 2 - Trans-dichloroethylene
30. 2, 4 - Dichlorophenol
31. 1, 2 - Dichloropropane
32. 1, 2 - Dichloropropene
- 33. 1,2 - Dichloropropylene**
34. 2, 4 - Dimethylphenol
35. 2, 4 - Dinitrotoluene
36. 2, 6 - Dinitrotoluene
37. 1, 2 - Dephenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4 - Chlorophenyl phenyl ether
41. 4 -Bromophenyl phenyl ether
42. Bis (2 - chloroisopropyl) ether
43. Bis (2 - chloroethoxy) methane
44. Methylene Chloride (dichloromethane)
45. Methyl Chloride (chloromethane)

46. Methyl bromide (bromomethane)
47. Bromoform (tribromomethane)
48. Dichlorobromomethane
49. Chlorodibromomethane
50. Hexachlorobutadiene
51. Hexachlorocyclopentadiene
52. Isophorone
53. Naphthalene
54. Nitrobenzene
55. 2 - Nitrophenol
56. 4 - Nitrophenol
57. 2, 4 - Dinitrophenol
58. 4, 6 - Dinitro-o-cresol
59. N - nitrosodimethylamine
60. N - nitrosodiphenylamine
61. N - nitrosodi-n-propylamine
62. Pentachlorophenol
63. Phenol
64. Bis (2-ethylhexyl) phthalate
65. Butyl benzyl phthalate
66. Di-n-octyle phthalate
67. **Di-n-butyl phthalate**
67. Diethyl phthalate
68. Dimethyl phthalate
69. 1, 2 - Benzeanthracene (benzo (a) anthracene)
70. Benzo (a) pyrene (3, 4 - benzopyrene)
71. 3, 4 - Benzofluoranthene (benzo (b) fluoranthene)
72. 11, 12 - Benzofluoranthene (benzo (k) fluoranthene)
73. Chrysene
74. Acenaphthylene
75. Anthracene
76. 1, 12 - Benzo(ghi) perylene (benzo (ghi) perylene)
77. Fluorene
78. Phenanthrene
79. 1, 2, 5, 6 - Dibenzanthracene (dibenzo (a, h) anthracene)
80. Indeno (1, 2, 3-cd) pyrene (2, 3-o-phenylene pyrene)
81. Pyrene
82. Tetrachloroethylene
83. Toluene
84. Trichloroethylene
85. Vinyl chloride (chloroethylene)
86. Aldrin
87. Dieldrin
88. Chlordane (technical mixture and metabolites)
89. 4, 4 - DDT
90. 4, 4 - DDE (p, p-DDX)
91. 4, 4 - DDD (p, p-TDE)

- 92. Alpha-endosulfan
- 93. Beta-endosulfan
- 94. Endosulfan sulfate
- 95. Endrin
- 96. Endrin aldehyde
- 97. Heptachlor
- 98. Heptachlor epoxide (BHC hexachlorocyclohexane)
- 99. Alpha - BHC
- 100. Beta - BHC
- 101. Gamma - BHC
- 102. Delta - BHC (PCB - polychlorinated biphenyls)
- 103. PCB - 1242 (Arochlor 1242)
- 104. PCB - 1254 (Arochlor 1254)

- 105. PCB - 1221 (Arochlor 1221)
- 106. PCB - 1232 (Arochlor 1232)
- 107. PCB - 1248 (Arochlor 1248)
- 108. PCB - 1260 (Arochlor 1260)
- 109. PCB - 1016 (Arochlor 1016)
- 110. Toxaphene
- 111. 2, 3, 7, 8 - Tetrachlorodibenzo-p-dioxin
- 112. Antimony (Total)
- 113. Arsenic
- 114. Asbestos
- 115. Beryllium
- 116. Cadmium
- 117. Chromium
- 118. Copper
- 119. Cyanide, **Total**
- 120. Lead
- 121. Mercury
- 122. Nickel
- 123. Selenium
- 124. Silver
- 125. Thallium
- 126. Zinc

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 141 - 2012

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, 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 for the Director of Law of the City of Massillon, Ohio, to renew the one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants charged with violations of City Ordinances.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to renew the one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants. The City of Massillon shall pay the sum of One Hundred Ninety-Five Dollars (\$195.00) per case under the terms of the contract said payment to be made from municipal court funds which were previously used to pay private counsel appointed for indigent defendants. The contract will commence January 1, 2013 through the end of 2013 calendar year with an option to renew for an additional year.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason the Stark County Public Defender's Office will provide representation to the City of Massillon's indigent defendants that come before the Massillon Municipal Court and it is necessary to be effective immediately. 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 _____ 2012

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

APPROVED _____
KATHERINE CATAZARO-PERRY, MAYOR

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.142 – 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1410 16th Street Project Fund, 2105 Stormwater Utility Fund, 1482 OPWC Project Fund, Muni Motor Vehicle Fund, Solid Waste Fund, General Fund and the Museum Fund, for the year ending December 31, 2012, 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 1410 16th Street Project Fund, for the year ending December 31, 2012 the following:

\$17,641.79 to an account entitled "1st Street NE Improvement Project" 1410.435.2513

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2012 the following:

\$9,588.35 to an account entitled "1st Street NE Improvement Project" 2105.435.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 1482 OPWC Project Fund, for the year ending December 31, 2012 the following:

\$63,536.98 to an account entitled "1st Street NE Improvement Project" 1482.435.2515

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Muni Motor Vehicle Fund, for the year ending December 31, 2012 the following:

\$34,900.00 to an account entitled "Supplies & Materials" 1206.435.2410

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Department Fund, for the year ending December 31, 2012 the following:

\$16,000.00 to an account entitled "Landfill" 2102.605.2390
\$ 6,000.00 to an account entitled "Services & Contracts" 2102.605.2392
\$ 3,202.00 to an account entitled "Unemployment" 2101.605.2290
\$ 3,000.00 to an account entitled "Supplies/Materials/Postage" 2102.605.2410

Section 6:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2012 the following:

\$3,500.00 to an account entitled "Special Events Programs" 1100.905.239B

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Museum Fund, for the year ending December 31, 2012 the following:

\$481.31 to an account entitled "Massillon Museum Holding Account" 3110.905.2379
\$ 65.06 to an account entitled "Fees" 3110.905.2393

Section 8:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 9:

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: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the Bond Retirement WWT Fund, Wastewater Treatment Fund, WIC Program Fund, Law Dept. Community Partnership Grant Fund and the State Patrol Transfer Fund, for the year ending December 31, 2012, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the Bond Retirement WWT Fund, for the year ending December 31, 2012, as follows:

\$190,580.70 from an account entitled "Principle - Design" 1305.940.2611
\$ 5,514.15 from an account entitled "Principle - Upgrade" 1305.940.2613
\$ 3,854.20 from an account entitled "Interest - Design" 1305.940.2621
\$ 2,038.05 from an account entitled "Fees" 1305.940.2393
\$ 1,386.27 from an account entitled "Interest - Fothergill" 1305.940.2622

Section 2:

The appropriations are hereby reduced in the Wastewater Treatment Fund, for the year ending December 31, 2012, as follows:

\$100,000.00 from an account entitled "Utilities" 2101.610.2340

Section 3:

The appropriations are hereby reduced in the WIC Program Fund, for the year ending December 31, 2012, as follows:

\$2,911.00 from an account entitled "Salary & Wages" 1219.730.2110
\$2,822.00 from an account entitled "PERS - WIC" 1219.730.2230
\$ 300.76 from an account entitled "Medicare - WIC" 1219.730.2231
\$1,473.75 from an account entitled "Utilities" 1219.730.2340
\$ 25.00 from an account entitled "Services/Contracts" 1219.730.2392
\$3,144.06 from an account entitled "Hosp/Eye/Dental/Pres/Life" 1219.730.2210
\$ 665.14 from an account entitled "Supplies & Materials" 1219.730.2410

Section 4:

The appropriations are hereby reduced in the Law Dept. Community Partnership Grant Fund, for the year ending December 31, 2012, as follows:

\$4,879.73 from an account entitled "Salary – Community Partnership" 1228.115.2111
\$3,242.31 from an account entitled "Hospitalization" 1228.115.2210
\$ 31.15 from an account entitled "Medicare" 1228.115.2231

Section 5:

The appropriations are hereby reduced in the State Patrol Transfer Fund, for the year ending December 31, 2012, as follows:

\$7,731.03 from an account entitled "State Patrol Transfer Law Library" 3105.930.2390
\$9,867.15 from an account entitled "State Patrol Transfer To General Fund 3105.930.2720

Section 6:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 7:

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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 _____ 2012

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

KATHERINE CATAZARO-PERRY, MAYOR

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2012 appropriations from within the General Fund, for the year ending December 31, 2012, 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 2012 appropriation from within the General Fund, for the year ending December 31, 2012, the following:

FROM:	Travel	1100.125.2389	\$ 1,000.00
	Services/Contracts	1100.125.2392	\$ 5,000.00
	Supplies	1100.125.2410	\$14,000.00
	Supplies/Materials/Postage	1100.440.2410	\$ 1,830.43
	Transfer – Debt Retirement	1100.905.2712	\$ 6,662.95
	Uniform Allowance – Police	1100.305.2280	\$ 5,033.32
	Uniform Allowance – Fire	1100.325.2280	\$ 3,400.00
	Services Contract Police	1100.305.2392	\$ 2,000.00
	Supplies/Materials Police	1100.305.2410	\$ 2,000.00
	Salary – Health	1100.705.2110	\$ 2,000.00
	Services/Contracts Law Director	1100.115.2392	\$ 1,766.00
	PERS Auditor	1100.205.2230	\$ 1,645.33
	Hosp/Eye Treasurer	1100.215.2210	\$ 1,400.00
	Furtherance of Justice	1100.315.2387	\$ 1,400.00
	Travel/Seminar Engineer	1100.405.2389	\$ 1,000.00
	Funeral Expense	1100.325.2391	\$ 500.00
	Supplies/Materials Morals	1100.315.2410	\$ 500.00
	Travel/Seminar Fire	1100.325.2389	\$ 379.25
	Supplies/Materials Domestic Violence	1100.116.2410	\$ 225.00
	PERS Building	1100.415.2230	\$ 217.99
	Medicare – Service Dept.	1100.160.2231	\$ 190.00

	Travel/Seminar Domestic Violence	1100.116.2389	\$ 187.00
	Hosp/Eye Law Director	1100.115.2210	\$ 99.54
	PERS Health	1100.705.2230	\$ 88.23
	Hosp/Eye Domestic Violence	1100.116.2210	\$ 55.50
	Medicare – Auditor	1100.205.2231	\$ 60.00
	Accrued Liab. Police	1100.305.2260	\$ 53.38
	PERS Council	1100.105.2230	\$ 24.98
	Medicare Mayor	1100.110.2231	\$ 14.01
TO	Bailiff Salary	1100.135.2111	\$ 1,000.00
	Bailiff Salary	1100.135.2111	\$ 5,000.00
	Bailiff Salary	1100.135.2111	\$14,000.00
	Insurance	1100.905.2312	\$ 1,830.43
	Unemployment Fire	1100.325.2290	\$17,900.00
	County Collection Fees	1100.905.2393	\$ 4,045.53
	Unemployment Police	1100.305.2290	\$ 3,065.00
	PERS Domestic Violence	1100.116.2230	\$ 1,918.72
	Annexation Fees	1100.905.2721	\$ 1,626.46
	Salary Law Director Staff	1100.115.2111	\$ 1,374.55
	Medicare Law Director Staff	1100.115.2231	\$ 300.00
	Medicare Domestic Violence	1100.116.2231	\$ 200.00
	Medicare Council	1100.105.2231	\$ 31.00
	PERS Service Dept.	1100.160.2230	\$ 20.63
	PERS Mayor	1100.110.2230	\$ 20.59

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

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 2012. 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: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2012

BY: FINANCE COMMITTEE

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

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

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

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

Section 1:

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

Section 2:

Effective October 1, 2012 through December 31, 2012 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Forty percent (40%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Sixty percent (60%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3.) Zero percent (0%) shall be deposited into the "Park and Recreation Capital Improvement 1433 Fund".

Section 3:

That Ordinance No. 41 - 2012 be and is hereby repealed as of September 30, 2012

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. . Corrected copies are to be sent to all official recipients.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, and for the further reason that said funds are necessary to provide sufficient funds to adequately maintain the Park and Recreation Department and provide sufficient funds for the operations of the department on a daily basis. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2012

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

APPROVED: _____
KATHERINE CATAZARO-PERRY, MAYOR

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 2012

BY: FINANCE COMMITTEE

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

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

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

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

Section 1:

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

Section 2:

Effective January 1, 2013 through December 31, 2013 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Forty-Two and a Half percent (42.5%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Fifty-Six and a Half percent (56.5%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3.) One percent (1%) shall be deposited into the "Park and Recreation Capital Improvement 1433 Fund".

Section 3:

That Ordinance No. 145 - 2012 be and is hereby repealed as of December 31, 2012

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, and for the further reason that said funds are necessary to provide sufficient funds to adequately maintain the Park and Recreation Department and provide sufficient funds for the operations of the department on a daily basis. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2012

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

APPROVED: _____
KATHERINE CATAZARO-PERRY, MAYOR

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 34 – 2012 and any other ordinances inconsistent with this ordinance, and authorizing and directing the Auditor of the City of Massillon as of January 1, 2013 to deposit funds received from golfing fees at The Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement – Legends Fund, and declaring an emergency.

WHEREAS, the legislative authority of the City of Massillon is required to designated the funds where such monies are to be deposited; and

WHEREAS, the City desires as of January 1, 2013 to deposit 97.25% of the monies received from golfing fees at The Legends of Massillon Golf Course into The Legends Operating Fund and 2.75% of the monies received into the Bond Retirement Fund.

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

Section 1:

Ordinance No. 34 – 2012 and any other ordinances inconsistent with this ordinance be and are hereby repealed.

Section 2:

The Auditor of the City of Massillon is hereby authorized and directed as of January 1, 2013 to deposit funds received from golfing fees at The Legends of Massillon Golf Course as follows: 97.25% of the monies received shall be deposited into The Legends Operating Fund and 2.75% of the monies received shall be deposited into the Bond Retirement Fund.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are needed to comply with the objectives of both funds, and for the additional reason 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 _____ 2012

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

APPROVED: _____
KATHERINE CATAZARO-PERRY, MAYOR

DATE: DECEMBER 17, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 148 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 92 - 2012, and declaring an emergency.

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

Section 1:

Ordinance No. 92 - 2012 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

(A) Effective January 1, 2013 the funds collected under the provision of this ordinance shall be disbursed as follows:

- (1) Ninety-Eight(98) percent shall be deposited in the General Fund and Two (2) percent shall be deposited in said "Income Tax Capital Improvements" Fund and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including "Chip and Seal" method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety and the emergency being the necessity of providing funds for the operation of necessary governmental functions imposed by law, including the proper police and fire protection, but not limited thereto, for, without said funds, said governmental functions would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized. And 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 _____, 2012

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

KATHERINE CATAZARO-PERRY, MAYOR

DATE: DECEMBER 17, 2012CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.149 - 2012

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2013 and declaring an emergency.

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

Section 1:

That in order to provide for the current expenses and other expenses of the City of Massillon, Ohio, during the fiscal period ending December 31, 2013, the following sums be and are hereby appropriated.

<u>Acct.#</u>	<u>Account</u>	<u>Amount</u>	<u>Dept. Total</u>	<u>Fund Total</u>
<u>COUNCIL</u>				
1100.105.2110	Council Salary.....\$	77,000.00		
1100.105.2111	Council Clerk Salary.....	38,550.00		
1100.105.2210	Health/Life.....	4,434.00		
1100.105.2230	P.E.R.S.....	16,177.00		
1100.105.2231	City Share Medicare.....	1,675.48		
1100.105.2389	Travel/Seminar/School.....	0.00		
1100.105.2392	Services/Contracts.....	10,100.00		
1100.105.2410	Supplies/Materials/Postage.....	500.00		
	TOTAL COUNCIL.....		\$ 148,436.48	
<u>MAYOR</u>				
1100.110.2110	Mayor Salary.....\$	64,748.00		
1100.110.2111	Mayor Adm. Asst. Salary.....	37,808.68		
1100.110.2112	Budget Director Salary.....	0.00		
1100.110.2210	Health/Life.....	26,014.00		
1100.110.2230	P.E.R.S.....	14,357.94		
1100.110.2231	City Share Medicare.....	1,487.07		
1100.110.2389	Travel/Seminar/School.....	- 0 -		
1100.110.2392	Services/Contracts.....	40,000.00		
1100.110.2410	Supplies/Materials/Postage.....	1,500.00		
	TOTAL MAYOR.....		\$ 185,915.69	
<u>LAW DIRECTOR</u>				
1100.115.2110	Law Director Salary.....\$	47,900.00		
1100.115.2111	Law Director Clerk Salary.....	300,000.00		
1100.115.2210	Health/Life.....	61,692.00		
1100.115.2230	P.E.R.S.....	48,706.00		
1100.115.2231	City Share Medicare.....	5,044.55		
1100.115.2317	Bond.....	100.00		
1100.115.2389	Travel/Seminar/School.....	500.00		
1100.115.2392	Services/Contracts.....	8,000.00		
1100.115.2410	Supplies/Materials/Postage.....	4,500.00		
	TOTAL LAW DIRECTOR.....		\$ 476,442.55	

<u>Acct. #</u>	<u>Account</u>	<u>Amount</u>	<u>Dept. Total</u>	<u>Fund Total</u>
<u>DOMESTIC VIOLENCE GRANT</u>				
1100.116.2111	Salary.....	\$ 53,425.00		
1100.116.2210	Health/Life.....	5,210.00		
1100.116.2230	P.E.R.S.....	7,479.50		
1100.116.2231	City Share Medicare.....	774.66		
1100.116.2270	Worker's Comp.....	1,915.61		
1100.116.2389	Travel/Seminar/School.....	250.00		
1100.116.2392	Contracted Services.....	0.00		
1100.116.2410	Supplies/Materials/Postage.....	750.00		
	TOTAL DOMESTIC VIOLENCE GRANT.....		\$ 69,804.77	
 <u>MUNICIPAL COURT</u>				
1100.125.2110	Judges Salary.....	\$ 75,024.00		
1100.125.2111	Muni Court Staff Salary.....	367,460.00		
1100.125.2112	Sub-Judge Salary.....	10,000.00		
1100.125.2210	Health/Life.....	123,800.00		
1100.125.2230	P.E.R.S.....	61,948.00		

1100.125.2231	CITY SHARE MEDICARE	6,416.00
1100.125.2389	TRAVEL, SEMINAR, SCHOOLING	10,000.00
1100.125.2392	SERVICES/CONTRACTS	75,000.00
1100.125.2410	SUPPLIES/MATERIALS/POSTAGE	35,000.00
	TOTAL MUNI COURT	764,648.00
CLERK OF COURT		
1100.130.2110	CLERK OF COURT SALARY	58,200.00
1100.130.2111	DEPUTY CLERKS SALARY	770,000.00
1100.130.2150	ACCUMULATED SICK LEAVE	0.00
1100.130.2210	HEALTH/LIFE	244,060.00
1100.130.2230	P.E.R.S.	115,948.00
1100.130.2231	CITY SHARE MEDICARE	12,008.90
1100.130.2290	UNEMPLOYMENT	0.00
1100.130.2317	BOND	275.00
1100.130.2340	UTILITIES	0.00
1100.130.2389	TRAVEL, SEMINAR, SCHOOLING	4,000.00
1100.130.2392	SERVICES/CONTRACTS	20,000.00
1100.130.2396	DRAWER CHANGE ACCT	500.00
1100.130.2410	SUPPLIES/MATERIALS/POSTAGE	78,000.00
	TOTAL CLERK OF COURT	1,302,991.90
BAILIFF		
1100.135.2111	BAILIFF SALARY	391,578.00
1100.135.2210	HEALTH/LIFE	93,750.00
1100.135.2230	P.E.R.S.	54,821.00
1100.135.2231	CITY SHARE MEDICARE	5,678.00
1100.135.2317	BOND	3,500.00
1100.135.2389	TRAVEL, SEMINAR, SCHOOLING	2,500.00
1100.135.2392	SERVICES/CONTRACTS	5,500.00
1100.135.2410	SUPPLIES/MATERIALS/POSTAGE	7,000.00
1100.135.2430	GAS & OIL	8,200.00
	TOTAL BAILIFF	572,527.00
PLANNING COMMISSION		
1100.140.2111	PLANNING STENO SALARY	671.00
1100.140.2230	P.E.R.S.	93.94
1100.140.2231	CITY SHARE MEDICARE	9.73
1100.140.2410	SUPPLIES/MATERIALS/POSTAGE	60.00
1100.140.2720	REFUNDS	0.00
	TOTAL PLANNING COMMISSION	834.67
CIVIL SERVICE		
1100.150.2110.	CIVIL SERVICE COMM SALARY	9,300.00
1100.150.2111	STENO SALARY	0.00
1100.150.2210	HEALTH/LIFE	0.00
1100.150.2230	P.E.R.S.	1,302.00
1100.150.2231	CITY SHARE MEDICARE	134.85
1100.150.2389	TRAVEL, SEMINAR, SCHOOLING	140.00
1100.150.2392	SERVICES/CONTRACTS	16,000.00
1100.150.2410	SUPPLIES/MATERIALS/POSTAGE	1,000.00
	TOTAL CIVIL SERVICE	27,876.85
SERVICE DEPARTMENT		
1100.160.2110	DIRECTOR SALARY	68,931.00

1100.160.2111	CLERK SALARY	37,808.68
1100.160.2210	HEALTH/LIFE	14,093.00
1100.160.2230	P.E.R.S.	14,943.56
1100.160.2231	CITY SHARE MEDICARE	1,547.73
1100.160.2383	PETTY CASH	0.00
1100.160.2389	TRAVEL, SEMINAR, SCHOOLING	500.00
1100.160.2392	SERVICES/CONTRACTS	750.00
1100.160.2410	SUPPLIES/MATERIALS/POSTAGE	1,500.00
1100.160.2430	GAS & OIL	1,000.00
	TOTAL SERVICE	141,073.97
AUDITOR		
1100.205.2110	AUDITOR'S SALARY	56,256.51
1100.205.2111	DEPUTY AUDITORS' SALARY	192,121.19
1100.205.2210	HEALTH/LIFE	66,507.00
1100.205.2230	P.E.R.S.	34,772.88
1100.205.2231	CITY SHARE MEDICARE	3,601.48
1100.205.2317	BOND	100.00
1100.205.2389	TRAVEL, SEMINAR, SCHOOLING	1,000.00
1100.205.2392	SERVICES/CONTRACTS	30,000.00
1100.205.2410	SUPPLIES/MATERIALS/POSTAGE	20,250.00
	TOTAL AUDITOR	404,609.06
INCOME TAX		
1110.210.2110	TAX ADMINISTRATOR SALARY	42,550.71
1110.210.2111	INCOME TAX SALARY	132,796.26
1100.210.2210	HEALTH/LIFE	37,594.00
1100.210.2230	P.E.R.S.	24,548.58
1100.210.2231	CITY SHARE MEDICARE	2,542.53
1100.210.2290	UNEMPLOYMENT	0.00
1100.210.2383	PETTY CASH	0.00
1100.210.2389	TRAVEL, SEMINAR, SCHOOLING	0.00
1100.210.2391	WEB PAGE	7,200.00
1100.210.2392	SERVICES/CONTRACTS	43,000.00
1100.210.2410	SUPPLIES/MATERIALS/POSTAGE	8,000.00
1100.210.2430	GAS & OIL	125.00
1100.210.2720	REFUNDS	200,000.00
1100.210.2721	SD REV SHARING	70,000.00
	TOTAL INCOME TAX	568,357.08
TREASURER		
1100.215.2110	TREASURER SALARY	13,672.00
1100.215.2111	TEMPORARY HELP	0.00
1100.215.2210	HEALTH/LIFE	12,175.00
1100.215.2230	P.E.R.S.	1,914.08
1100.215.2231	CITY SHARE MEDICARE	198.24
1100.215.2317	BOND	200.00
1100.215.2389	TRAVEL, SEMINAR, SCHOOLING	500.00
1100.215.2392	SERVICES/CONTRACTS	1,000.00
1100.215.2410	SUPPLIES/MATERIALS/POSTAGE	1,000.00
	TOTAL TREASURER	30,659.32
POLICE		
1100.305.2110	POLICE DEPT SALARY	1,194,337.00

1100.305.2111	STENO STAFF	62,200.00
1100.305.2114	ANIMAL CONTROL	0.00
1100.305.2118	POLICE COMP PAID	130,000.00
1100.305.2119	POLICE OVERTIME PAID	200,000.00
1100.305.2210	HEALTH/LIFE	454,945.00
1100.305.2230	P.E.R.S.	8,708.00
1100.305.2231	CITY SHARE MEDICARE	40,736.84
1100.305.2260	POLICE ACCRUED LIABILITY	51,730.00
1100.305.2280	POLICE UNIFORM ALLOWANCE	33,440.00
1100.305.2290	UNEMPLOYMENT COMP	0.00
1100.305.2375	CENTRAL DISPATCH - POLICE	311,512.00
1100.305.2389	TRAVEL, SEMINAR, SCHOOLING	12,500.00
1100.305.2392	SERVICES/CONTRACTS	40,000.00
1100.305.2410	SUPPLIES/MATERIALS/POSTAGE	17,000.00
1100.305.2430	GAS & OIL	102,850.00
1100.305.2530	SAFETY EQUIPMENT	7,500.00
1100.305.2590	LEASES	0.00
1100.305.2710	DISABILITY & PENSION TRANSFER	306,586.22
	TOTAL POLICE	2,974,045.06
SPECIAL INVESTIGATION		
1100.315.2387	FURTHERANCE OF JUSTICE	5,000.00
1100.315.2410	SUPPLIES/MATERIALS/POSTAGE	2,000.00
	TOTAL SPECIAL INVESTIGATIONS	7,000.00
	TOTAL POLICE DEPARTMENT	2,981,045.06
FIRE DEPARTMENT		
1100.325.2110	FIRE DEPARTMENT SALARY	1,480,270.00
1100.325.2118	FIRE COMP PAID	80,000.00
1100.325.2119	FIRE OVERTIME PAID	30,000.00
1100.325.2210	HEALTH / LIFE	450,000.00
1100.325.2231	CITY SHARE MEDICARE	42,597.67
1100.325.2260	ACCRUED LIABILITY	41,264.00
1100.325.2280	UNIFORM ALLOWANCE	40,000.00
1100.325.2290	UNEMPLOYMENT COMP	0.00
1100.325.2375	CENTRAL DISPATCH - FIRE SHARE	195,766.00
1100.325.2373	PETTY CASH	0.00
1100.325.2389	TRAVEL, SEMINAR, SCHOOLING	12,500.00
1100.325.2391	FUNERAL EXPENSE	500.00
1100.325.2392	SERVICES/CONTRACTS	65,000.00
1100.325.2393	EMS BILLING / OVERPYMT CHARGES	50,000.00
1100.325.2394	SIREN LEASE MAINTENANCE	2,500.00
1100.325.2410	SUPPLIES/MATERIALS/POSTAGE	87,000.00
1100.325.2430	GAS & OIL	25,000.00
1100.325.2530	SAFETY EQUIPMENT	15,000.00
1100.325.2710	DISABILITY & PENSION TRANSFER	375,664.80
	TOTAL FIRE	2,993,062.47
FIRE DEPARTMENT FEMA GRANT		
1100.326.2110	FIRE DEPT SALARY - FEMA GRANT	599,422.00
1100.326.2210	HEALTH/LIFE - FEMA GRANT	121,275.00
1100.326.2231	CITY SHARE MEDICARE - FEMA GRANT	8,691.62
1100.326.2270	WORKERS COMP - FEMA GRANT	21,492.88

1100.326.2710	DISABILITY & PENSION TR - FEMA GRANT	143,861.28
	TOTAL FIRE DEPT FEMA GRANT	894,742.78
	TOTAL FIRE DEPARTMENT	3,887,805.25
ENGINEERING DEPARTMENT		
1100.405.2110	ENGINEERING DEPT SALARY	40,020.00
1100.405.2118	ENGINEER COMP PAID	0.00
1100.405.2119	ENGINEER OVERTIME PAID	0.00
1100.405.2210	HEALTH/LIFE	14,306.00
1100.405.2230	P.E.R.S.	5,602.80
1100.405.2231	CITY SHARE MEDICARE	580.29
1100.405.2389	TRAVEL, SEMINAR, SCHOOLING	5,000.00
1100.405.2392	SERVICES/CONTRACTS	28,950.00
1100.405.2393	PHASE II ENVIRONMENTAL ASSES.	0.00
1100.405.2410	SUPPLIES/MATERIALS/POSTAGE	9,000.00
1100.405.2430	GAS & OIL	2,300.00
	TOTAL ENGINEERING DEPT	105,759.09
CITY HALL		
1100.410.2110	JANITORS SALARY	57,000.00
1100.410.2210	HEALTH/LIFE	11,922.00
1100.410.2230	P.E.R.S.	7,980.00
1100.410.2231	CITY SHARE MEDICARE	826.50
1100.410.2333	ENERGY SAVINGS LEASE	31,203.00
1100.410.2340	UTILITIES	300,000.00
1100.410.2392	SERVICES/CONTRACTS	25,000.00
1100.410.2410	SUPPLIES/MATERIALS/POSTAGE	6,500.00
	TOTAL CITY HALL	440,431.50
BUILDING DEPARTMENT		
1100.415.2110	BUILDING SALARY	153,245.31
1100.415.2210	HEALTH/LIFE	4,389.00
1100.415.2230	P.E.R.S.	21,454.34
1100.415.2231	CITY SHARE MEDICARE	2,222.06
1100.415.2389	TRAVEL/SEMINAR/SCHOOLING	5,000.00
1100.415.2392	SERVICES/CONTRACTS	5,000.00
1100.415.2410	SUPPLIES/MATERIALS/POSTAGE	8,600.00
1100.415.2420	3% ASSESSMENT TAX	5,000.00
1100.415.2430	GAS & OIL	5,500.00
1100.415.2720	REFUNDS	0.00
	TOTAL BUILDING	210,410.71
STREET REPAIR		
1100.435.2110	STREET DEPT SALARY	75,000.00
1100.435.2210	HEALTH/LIFE	29,805.00
1100.435.2230	P.E.R.S.	10,500.00
1100.435.2231	CITY SHARE MEDICARE	1,087.50
1100.435.2281	UNION HEALTH & WELFARE	6,185.00
1100.435.2340	UTILITIES	0.00
1100.435.2410	SUPPLIES/MATERIALS/POSTAGE	42,000.00
1100.435.2430	GAS & OIL	14,000.00
	TOTAL STREET REPAIR	178,577.50
GARAGE		
1100.440.2392	SERVICES/CONTRACTS	50,000.00

1100.440.2410	SUPPLIES/MATERIALS/POSTAGE	46,000.00
1100.440.2430	GAS & OIL	5,000.00
	TOTAL GARAGE DEPARTMENT	101,000.00
HEALTH DEPARTMENT		
1100.705.2110	HEALTH DEPT SALARY	221,770.95
1100.705.2210	HEALTH/LIFE	69,915.00
1100.705.2230	P.E.R.S.	31,047.93
1100.705.2231	CITY SHARE MEDICARE	3,215.68
1100.705.2280	UNIFORM ALLOWANCE	0.00
1100.705.2389	TRAVEL, SEMINAR, SCHOOLING	0.00
1100.705.2392	SERVICES/CONTRACTS	0.00
1100.705.2410	SUPPLIES/MATERIALS/POSTAGE	0.00
1100.705.2430	GAS & OIL	800.00
	TOTAL HEALTH DEPARTMENT	326,749.56
MOSQUITO CONTROL		
1100.725.2392	SERVICES/CONTRACTS	400.00
1100.725.2410	SUPPLIES/MATERIALS/POSTAGE	5,600.00
	TOTAL MOSQUITO CONTROL	6,000.00
MISCELLANEOUS		
1100.905.2150	ACCUM SICK LEAVE	20,000.00
1100.905.2270	WORKERS COMPENSATION	298,132.71
1100.905.2312	INSURANCE	300,000.00
1100.905.2381	STARK CO JAIL SETTLEMENT	70,000.00
1100.905.2390	REGIONAL PLANNING	2,000.00
1100.905.2391	REAL PROPERTY TAX	61,260.00
1100.905.2392	STREET LIGHTING	235,000.00
1100.905.2393	COUNTY FEES	42,000.00
1100.905.2394	OHIO MUNICIPAL LEAGUE	3,530.00
1100.905.2395	STATE EXAMINATION	30,000.00
1100.905.2396	BANK CHARGES	4,000.00
1100.905.2398	TAXES DUE FROM ANNEXATIONS	0.00
1100.905.2399	WORKERS COMP DEFENSE	7,500.00
1100.905.239A	ARBITRATOR SERVICES/CONTRACTS	10,000.00
1100.905.239C	PICNIC IN THE PARK	0.00
1100.905.239E	PURCHASING FEE	170.00
1100.905.239O	INDIGENT BURIAL	750.00
1100.905.2510	LAND ACQUISITIONS	0.00
1100.905.2712	TRANSFER DEBT RETIREMENT	601,724.00
1100.905.2720	REFUNDS	250.00
1100.905.2721	ANNEXATION FEES	10,000.00
1100.905.2752	ADVANCE OUT - MUNI ROAD	15,000.00
	TOTAL MISC ACCTS	1,711,316.71
* TOTAL GENERAL FUND *		14,643,272.72
STREET M & R FUND		
SAFETY		
1201.420.2110	SAFETY DEPT SALARY	130,000.00
1201.420.2210	HEALTH/LIFE	24,325.00
1201.420.2118	SAFETY - COMP PAID	0.00
1201.420.2119	SAFETY - O.T. PAID	0.00
1201.420.2230	P.E.R.S.	18,200.00

1201.420.2231	CITY SHARE MEDICARE	1,885.00
1201.420.2270	WORKERS COMP	4,661.28
1201.420.2280	UNIFORM ALLOWANCE	1,200.00
1201.420.2281	UNION HEALTH & WELFARE	2,000.00
1201.420.2290	UNEMPLOYMENT COMP	0.00
1201.420.2340	UTILITIES	45,000.00
1201.420.2380	STARK CO LABOR MGT COUNCIL	0.00
1201.420.2383	PETTY CASH	0.00
1201.420.2389	TRAVEL/SEMINAR/SCHOOLING	0.00
1201.420.2392	SERVICES/CONTRACTS	3,000.00
1201.420.2410	SUPPLIES/MATERIALS/POSTAGE	35,000.00
1201.420.2430	GAS & OIL	3,600.00
	TOTAL SAFETY DEPARTMENT	268,871.28
<u>STREET DEPT</u>		
1201.435.2110	STREET SALARY	410,000.00
1201.435.2118	STREET - COMP PAID	0.00
1201.435.2119	STREET O.T. PAID	50,000.00
1201.435.2210	HEALTH/LIFE	82,600.00
1201.435.2230	P.E.R.S.	64,400.00
1201.435.2231	CITY SHARE MEDICARE	6,670.00
1201.435.2270	WORKERS COMP	16,493.76
1201.435.2280	UNIFORM ALLOWANCE	1,400.00
1201.435.2290	UNEMPLOYMENT COMP	0.00
1201.435.2340	UTILITIES	8,115.00
1201.435.2389	TRAVEL/SEMINAR/SCHOOLING	0.00
1201.435.2392	SERVICES/CONTRACTS	10,000.00
1201.435.2393	CITY/COLLECTION FEES	0.00
1201.435.2410	SUPPLIES/MATERIALS/POSTAGE	150,000.00
1201.435.2430	GAS & OIL	37,000.00
1201.435.2511	STREET RESURFACING	0.00
	TOTAL STREET DEPT	836,678.76
	TOTAL STREET M & R FUND	1,105,550.04
<u>STATE HWY M & R</u>		
<u>SAFETY</u>		
1202.420.2110	SAFETY SALARY	10,024.00
1202.420.2230	P.E.R.S.	1,403.36
1202.420.2231	CITY SHARE MEDICARE	145.35
1202.420.2270	WORKERS COMP	359.42
1202.420.2441	SUPPLIES/MATERIALS/POSTAGE	24,000.00
	TOTAL SAFETY	35,932.13
<u>STREET DEPT</u>		
1202.435.2110	STREET DEPT SALARIES	0.00
1202.435.2230	OPERS	0.00
1202.435.2410	SUPPLIES/MATERIALS/POSTAGE	30,000.00
	TOTAL STREET	30,000.00
	TOTAL STATE HWY M & R FUND	65,932.13
<u>COMMUNITY DEVELOPMENT</u>		
1203.845.2110	SALARY	178,865.00
1203.845.2210	HEALTH/LIFE INSURANCE	39,894.00
1203.845.2230	P.E.R.S.	25,041.10

1203.845.2231	CITY'S SHARE MEDICARE	2,593.54
1203.845.2270	WORKERS' COMPENSATION	6,413.38
1203.845.2290	UNEMPLOYMENT COMPENSATION	0.00
1203.845.2385	COLLECTIONS FEES	550.00
1203.845.2389	TRAVEL/SEMINAR/SCHOOLING	2,000.00
1203.845.2391	REAL PROPERTY TAXES	0.00
1203.845.2392	SERVICES/CONTRACTS	13,000.00
1203.845.2410	SUPPLIES/MATERIALS/POSTAGE	5,600.00
1203.845.2801	DEMOLITIONS	0.00
1203.845.2803	SR CITIZENS HOMEMAKER PROGRAM	0.00
1203.845.2806	HOUSING REHABILITATION	60,000.00
1203.845.2811	SEC 108	131,432.00
1203.845.2812	TARGET AREA STREETS	0.00
1203.845.2814	FAIR HOUSING	5,000.00
1203.845.2819	MASSILLON LITERACY CO	0.00
1203.845.2824	BOYS/GIRLS CLUB OF MASSILLON	0.00
1203.845.2828	MAIN STREET REVITALIZ	0.00
1203.845.2841	FAMILY LIVING CENTER	0.00
1203.845.2854	YWCA TOTS DAY CARE PROG	0.00
1203.845.2857	WESTERN STARK MEDICAL	0.00
1203.845.2858	DOMESTIC VIOLENCE SHELTER	0.00
1203.845.2859	INTERFAITH CAREGIVERS	0.00
1203.845.2862	NEIGHBORHOOD PARTNERSHIP	0.00
1203.845.2863	LIGHTHOUSE VISIONS PROGRAM	0.00
1203.845.2867	FAMILY ECONOMIC SUCCESS PROG	0.00
1203.845.2869	SALVATION ARMY HOUSING OUTRE.	0.00
1203.845.2872	CDBG RECOVERY PROJECT SENIOR	0.00
1203.845.2873	FORECLOSURE PREVENTION LEGAL AID	0.00
1203.845.2874	YOUTH SUMMER RECREATION	0.00
	TOTAL COMMUNITY DEV. FUND	470,389.02
MASSILLON MUNI COURT CI FUND		
1204.125.2410	SUPPLIES/MATERIALS/POSTAGE	50,000.00
1204.125.2510	NEW EQUIPMENT	150,000.00
	TOTAL MUNI COURT	200,000.00
SAFETY FORCES IMPROVEMENT FUND		
1205.325.2530	EQUIPMENT	0.00
	(INTENTIONALLY LEFT BLANK)	0.00
	TOTAL SAFETY FORCES IMPROV.	0.00
MUNI MOTOR VEH LICENSE FUND		
MUNI MOTOR VEH LICENSE		
1206.405.2392	STORM SEWER REPAIRS TOTAL	0.00
1206.425.2510	STORM SEWER REPAIRS	0.00
1206.435.2392	CONTRACTED SERVICES	25,000.00
1206.435.2410	SUPPLIES/MATERIALS/POSTAGE	25,000.00
1206.435.2430	GAS & OIL	0.00
1206.435.2510	STREET REPAIR	0.00
1206.435.2511	TREMONT BRIDGE PROJECT	0.00
1206.435.2512	32ND ST NW BRIDGE REPLACEMENT	0.00
	TOTAL MOTOR VEH LICENSE FD	50,000.00
NEIGHBORHOOD STABILIZATION PROGRAM FUND		

1207.845.2110	NSP SALAIRES	0.00
1207.845.2230	P.E.R.S.	0.00
1207.845.2270	WORKERS COMPENSATION	0.00
1207.845.2377	NSP ADMINISTRATION	0.00
1207.845.2801	DEMOLITION	0.00
1207.845.2802	HOUSING ACTIVITIES	0.00
	TOTAL NEIGHBORHOOD STABILIZATION	0.00
<u>PARKING ENFORCEMENT</u>		
1208.445.2110	SALARY - PARKING ENF.	14,404.00
1208.445.2230	P.E.R.S.	2,016.56
1208.445.2231	CITY SHARE MEDICARE	208.86
1208.445.2270	WORKERS COMP	516.47
1208.445.2280	UNIFORM ALLOWANCE	300.00
1208.445.2340	UTILITIES	350.00
1208.445.2377	ADMINISTRATIVE FEE	625.00
1208.445.2392	SERV. & CONTRACTS/ADM FEE	3,000.00
1208.445.2410	SUPPLIES/MATERIALS/POSTAGE	500.00
1208.445.2720	REFUNDS	50.00
	TOTAL PARKING ENFORCEMENT	21,970.89
<u>POLICE PENSION FUND</u>		
1209.305.2240	POLICE PENSION FUND	662,943.00
	TOTAL POLICE PENSION FUND	662,943.00
<u>FIRE PENSION FUND</u>		
1210.325.2250	FIRE PENSION FUND	746,049.00
	TOTAL FIRE PENSION FUND	746,049.00
<u>SUMMER CONCERT FUND</u>		
1212.505.2110	SALARY	0.00
1212.505.2230	PERS PENSION	0.00
1212.505.2231	MEDICARE	0.00
1212.505.2392	SERVICES/CONTRACTS	10,000.00
	TOTAL SUMMER CONCERT	10,000.00
<u>SPECIAL FUND</u>		
1214.915.2392	SERVICES/CONTRACTS	0.00
	TOTAL SPECIAL	0.00
<u>LAW ENFORCEMENT FUND/FURTHERANCE OF JUSTICE FUND</u>		
1215.305.2387	FUTHERANCE OF JUSTICE	0.00
1215.305.2389	TRAVEL/SEMINAR/SCHOOLING	0.00
1215.305.2392	SERVICES/CONTRACTS	0.00
1215.305.2410	SUPPLIES/MATERIALS/POSTAGE	2,625.00
1215.305.2412	DIVERTED PHARM. ENFORCEMENT	0.00
1215.305.2530	NEW EQUIPMENT	0.00
	TOTAL LAW ENFORCEMENT	2,625.00
<u>WIC FUND</u>		
1219.730.2110	W.I.C. SALARY	78,365.00
1219.730.2210	HEALTH/LIFE	29,170.00
1219.730.2230	P.E.R.S.	10,971.10
1219.730.2231	CITY SHARE MEDICARE	1,136.29
1219.730.2270	WORKERS COMP	2,809.86
1219.730.2340	UTILITIES	1,000.00
1219.730.2389	TRAVEL/SEMINAR/SCHOOLING	300.00

1219.730.2392	SERVICES/CONTRACTS	0.00
1219.730.2410	SUPPLIES/MATERIALS/POSTAGE	3,180.00
1219.730.2750	ADVANCE TO	0.00
	TOTAL WIC	126,932.25
WASTE RECYCLE FUND		
1222.605.2410	SUPPLIES/MATERIALS/POSTAGE	0.00
1222.605.2392	SERVICES/CONTRACTS	0.00
	TOTAL WASTE RECYCLING	0.00
MUNI COURT - INDIGENT INTERLOCK/ALC MON FUND		
1223.135.2100	SALARY / PART-TIME INTERN	8,320.00
1223.135.2230	P E R S	1,165.00
1223.135.2231	CITY SHARE MEDICARE	121.00
1223.135.2392	SERVICES / CONTRACTS	40,000.00
1223.135.2510	EQUIPMENT	30,000.00
	TOTAL MUNI COURT II/AMF	79,606.00
INDIGENT DRIVERS ALCOHOL TR FUND		
1225.125.2392	SERVICES/CONTRACTS	100,000.00
	TOTAL INDIGENT DRIVERS	100,000.00
ENFORCEMENT & EDUCATION FUND		
1226.305.2392	SERVICES/CONTRACTS	500.00
1226.305.2410	SUPPLIES/MATERIALS/POSTAGE	450.00
	TOTAL ENFORCEMENT & EDUCA.	950.00
HOME FUND		
1229.845.2150	ACCUMULATED SICK LEAVE	0.00
1229.845.2814	HOME HOUSING REHABILITATION	119,828.00
	TOTAL HOME	119,828.00
CLERK OF COURTS COMPUTER FUND		
1232.130.2111	SALARY - CLERK OF CTS	64,000.00
1232.130.2210	HEALTH/LIFE	16,417.00
1232.130.2230	P.E.R.S.	8,960.00
1232.130.2231	CITY SHARE MEDICARE	928.00
1232.130.2270	WORKERS COMP	2,294.78
1232.130.2389	TRAVEL/SEMINAR/SCHOOLING	6,000.00
1232.130.2392	SERVICES/CONTRACTS	15,000.00
1232.130.2420	SUPPLIES/MATERIALS/POSTAGE	10,000.00
1232.130.2510	EQUIPMENT	11,500.00
	TOTAL CLERK OF COURTS COMPUTER FUND	135,099.78
MUNICIPAL COURT COMPUTER FUND		
1233.125.2392	SERVICES/CONTRACTS	40,000.00
1233.125.2410	SUPPLIES	2,000.00
1233.125.2510	NEW EQUIPMENT	8,000.00
	TOTAL MUNI COURT	50,000.00
PARK AND REC DEPT FUND		
1234.505.2111	SALARY - PARK	165,000.00
1234.505.2112	SALARY - RECREATION	770,667.00
1234.505.2113	SALARY - SENIOR CENTER	61,000.00
1234.505.2118	PARK REC COMP TIME PAID	0.00
1234.505.2119	PARK REC OVERTIME PAID	0.00
1234.505.2119	ACCUMULATED SICK LEAVE	0.00
1234.505.2210	HEALTH/LIFE	67,031.00

1234.505.2230	P.E.R.S.	139,533.38
1234.505.2231	CITY SHARE MEDICARE	14,451.67
1234.505.2270	WORKERS COMP	35,736.49
1234.505.2280	UNIFORM ALLOWANCE	600.00
1234.505.2281	UNION HEALTH & WELFARE	2,500.00
1234.505.2290	UNEMPLOYMENT COMP	5,500.00
1234.505.2311	INSURANCE	36,000.00
1234.505.2340	UTILITIES	90,000.00
1234.505.2341	UTILITIES REC CENTER	195,000.00
1234.505.2377	ADMINISTRATIVE FEE	0.00
1234.505.2378	CONCERT EXPENSES	0.00
1234.505.2389	TRAVEL/SEMINAR/SCHOOLING	4,600.00
1234.505.2391	REAL ESTATE TAXES	0.00
1234.505.2392	SERVICES/CONTRACTS	181,500.00
1234.505.2393	SERV/CONT - REC CENTER	0.00
1234.505.2394	SERV/CONT - YOUTH CENTER	0.00
1234.505.2410	SUPPLIES/MATERIALS/POSTAGE	142,500.00
1234.505.2430	GAS & OIL	35,000.00
1234.505.2530	PARK EQUIPMENT	0.00
1234.505.2710	TRANSFER TO	0.00
1234.505.2720	REFUNDS	37,000.00
1234.505.2721	SD REVENUE SHARING	6,072.00
1234.505.5.2750	ADVANCE TO	0.00
	TOTAL PARK AND REC FUND	1,989,691.54
LEGENDS		
1234.920.2110	SALARY	340,000.00
1234.920.2210	HEALTH/LIFE	16,150.00
1234.920.2230	P.E.R.S.	47,600.00
1234.920.2231	MEDICARE	4,930.00
1234.920.2270	WORKERS COMP	12,191.04
1234.920.2280	UNIFORM ALLOWANCE	0.00
1234.920.2290	UNEMPLOYMENT COMP.	4,000.00
1234.920.2311	BUILDING/VEHICLE INSURANCE	14,000.00
1234.920.2340	UTILITIES	48,000.00
1234.920.2377	ADMINISTRATIVE FEE	0.00
1234.920.2389	TRAVEL/SEMINAR/SCHOOLING	300.00
1234.920.2390	SALES TAX	17,000.00
1234.920.2391	REAL PROPERTY TAXES	0.00
1234.920.2392	SERVICES/CONTRACTS	97,500.00
1234.920.2393	FOOD/BEV CONTRACTED SERVICES	88,000.00
1234.920.2398	BANK CHARGES	10,000.00
1234.920.2410	SUPPLIES/MATERIALS/POSTAGE	147,500.00
1234.920.2411	PRO-SHOP SUPPLIES	29,000.00
1234.920.2412	FOOD/BEV SUPPLIES	90,000.00
1234.920.2430	GAS/OIL	25,000.00
1234.920.2512	CAPITAL PURCH/FOOD/BEVERAGE	0.00
1234.920.2532	CAPITAL EQUIPMENT	95,000.00
1234.920.2710	TRANSFER	0.00
	TOTAL LEGENDS	1,086,171.04
	TOTAL PARK AND REC FUND	3,075,862.58

COMMUNITY HEALTH SERVICE		
1235.705.2110	SALARY-HEALTH	32,453.27
1235.705.2230	P.E.R.S.	4,543.46
1235.705.2231	MEDICARE	470.57
1235.705.2270	WORKERS COMP	1,163.64
1235.705.2389	TRAVEL/SEMINAR/SCHOOLING	2,000.00
1235.705.2392	SERVICES/CONTRACTS	78,000.00
1235.705.2395	RENT - LEASE	28,000.00
1235.705.2410	SUPPLIES/MATERIALS/POSTAGE	4,200.00
1235.705.2390	CONTRACTS	5,000.00
1235.705.2411	SUPPLIES	15,000.00
1235.705.2430	GAS & OIL	1,250.00
	TOTAL HOME HEALTH SERV FD	172,080.94
ECONOMIC DEVELOPMENT		
1237.845.2392	SERVICES/CONTRACTS	0.00
	TOTAL ECONOMIC DEV FUND	0.00
PROBATION SERVICES/CONTRACTS FUND		
1238.125.2110	SALARY-MEDIATOR	123,455.00
1238.125.2210	HEALTH/LIFE	0.00
1238.125.2230	P.E.R.S	17,284.00
1238.125.2231	CITY SHARE MEDICARE	1,790.00
1238.125.2.2270	WORKERS COMPENSATION	4,426.60
1238.125.5.2392	SERVICES/CONTRACTS	20,000.00
1238.125.5.2410	SUPPLIES/MATERIALS/POSTAGE	5,000.00
	TOTAL PROBATION SERVICES	171,955.60
MUNI COURT - VETERANS PARK DUNCAN PLAZA FUND		
1240.125.2392	SERVICES / CONTRACTS	10,000.00
1240.125.2410	SUPPLIES	5,000.00
	TOTAL MUNI COURT VPDPF	15,000.00
ENTERPRISE ZONE FUND		
1241.845.2110	SALARY	15,572.00
1241.845.2230	P.E.R.S.	2,180.08
1241.845.2231	MEDICARE	225.79
1241.845.2270	WORKERS COMP	558.35
1241.940.2392	SERVICES/CONTRACTS	0.00
	TOTAL ENTERPRISE ZONE FD	18,536.22
ADR FUND		
1242.125.5.2110	SALARY-MEDIATOR	53,986.00
1242.125.5.2210	HEALTH/LIFE	11,875.00
1242.125.5.2230	P.E.R.S	7,558.00
1242.125.5.2231	CITY SHARE MEDICARE	783.00
1242.125.5.2270	WORKERS COMPENSATION	1,935.72
1242.125.5.2410	SUPPLIES/MATERIALS/POSTAGE	2,000.00
	TOTAL ADR	78,137.72
LINCOLN CENTER DEBT RETIREMENT FUND		
1303.940.2392	SERVICES/CONTRACTS	0.00
1303.940.2610	PHASE II PRINCIPAL	295,000.00
1303.940.2611	PHASE III PRINCIPAL	125,000.00
1303.940.2620	PHASE II INTEREST	23,410.00
1303.740.2621	PHASE III INTEREST	73,506.26

	TOTAL LINCOLN CENTER DEBT RETIREMENT	516,916.26
SENIOR HOUSING DEBT RETIREMENT FUND		
1304.940.2610	DEBT RETIREMENT PRINCIPAL	0.00
1304.940.2620	INTEREST	60,175.00
	TOTAL SENIOR HOUSING DEBT RETIREMENT	60,175.00
WWT DEBT RETIREMENT FUND		
1305.940.2393	SERVICES AND CHARGES	0.00
1305.940.2610	DEBT RETIREMENT PRINCIPAL	0.00
1305.940.2611	DEBT RETIREMENT PRIN UPGRAD	2,075,667.00
1305.940.2612	DEBT RETIREMENT PRIN FOTHER	75,550.88
1305.940.2613	PLANT UPGRADE	28,090.76
1305.940.2620	INTEREST	0.00
1305.940.2621	INTEREST - DESIGN	467,828.00
1305.940.2622	INTEREST FOTHERGILL	25,665.38
1305.940.2623	PLANT UPGRADE INTEREST	14,723.40
	TOTAL WWT DEBT RETIREMENT	2,687,525.42
PARK & REC DEBT RETIREMENT FUND		
1306.505.2610	DEBT RETIREMENT PRINCIPAL	380,000.00
1306.505.2620	INTEREST	449,093.76
	TOTAL PARK & REC DEBT RETIREMENT	829,093.76
LEGENDS DEBT RETIREMENT		
1306.920.2611	DEBT RETIREMENT PRINCIPAL	160,592.65
1306.920.2620	INTEREST	363,452.35
	TOTAL LEGENDS DEBT RETIREMENT	524,045.00
	TOTAL PARK & REC DEBT RETIREMENT FUND	1,353,138.76
TIF DEBT RETIREMENT FUND (MARKETPLACE)		
1340.905.2392	SERVICES/CONTRACTS	0.00
1340.905.2610	DEBT RETIREMENT PRINCIPAL	90,708.25
1340.905.2620	INTEREST	39,961.75
	TOTAL TIF DEBT RETIREMENT	130,670.00
SEC 108 DEBT RETIREMENT FUND		
1341.845.2610	DEBT RETIREMENT PRINCIPAL	85,000.00
1341.845.2620	INTEREST	46,432.00
	TOTAL SEC 108 DEBT RETIREMENT	131,432.00
OPWC LOAN PAYMENT		
1342.940.2610	OPWC PRINCIPAL	24,631.46
	TOTAL OPWC	24,631.46
	TOTAL DEBT SERVICE	4,904,488.90
INCOME TAX CAPITAL IMPROV		
1401.210.2530	INCOME TAX COPIER	0.00
1401.305.2510	POLICE DEPT. RENOVATIONS	0.00
1401.305.2530	LEASE PURCHASE POLICE CRUISER	0.00
1401.325.2392	SERVICES/CONTRACTS BODY MACH	0.00
1401.325.2510	FIRE DEPT. ROOF REPAIRS	0.00
1401.325.2511	FIRE DEPARTMENT CAP. IMPROV / LEASES	0.00
1401.325.2512	SIREN SYSTEM	0.00
1401.325.2513	SIREN SYSTEM REPAIR/MAINTENANCE	0.00
1401.325.2530	LEASE PURCHASE	0.00
1401.325.2531	FIRE DEPT EQUIPMENT	0.00
1401.405.2532	SURVEYING SUPPLIES	0.00

1401.415.2530	BUILDING DEPARTMENT	0.00
1401.435.2392	LLW SIGNAL DESIGN	0.00
1401.435.2393	1ST STREET ORNAMENTAL LIGHTS	0.00
1401.435.2510	STREET RESURFACING	0.00
1401.435.2511	RICHVILLE DR. REHAB	0.00
1401.435.2512	INFRASTRUCTURE REPAIRS	0.00
1401.435.2513	27TH & LINCOLN WAY PROJECT	0.00
1401.435.2514	SPRINGHAVEN CIR NE ROADWAY	0.00
1401.435.2515	VALERIE AVE NE STORM SEWER	0.00
1401.435.2530	STREET DEPT. CI EQUPT.	0.00
1401.505.2513	PARK DEPT. LEASES	0.00
1401.905.2393	MISCELLANEOUS ACCOUNTS	0.00
1401.905.2530	LEASES	0.00
1401.920.2510	LEGENDS CLUB HOUSE ROOF REPAIR	0.00
	TOTAL INC TAX CAP IMPRVT FUND	0.00
WASTE WATER TREATMENT C.I.		
1406.610.2392	SERVICES/CONTRACTS	0.00
1406.610.2393	FEES	0.00
1406.610.2410	CAPITAL SUPPLIES	0.00
1406.610.2510	CAPITAL PURCHASE	0.00
1406.610.2511	HARSH AVE. SEWER RELOCATE	0.00
1406.610.2512	CHAMPIONSHIP SEWER REPAIR	0.00
1406.610.2513	COLONIAL PKY/WOODVIEW	0.00
1406.610.2514	BAR SCREEN & GRIT SCREW REP	0.00
1406.615.2392	SERVICE/CONTRACTS	0.00
	WASTE WATER TREATMENT- C.I. TOTAL	0.00
STORM SEWER		
1407.425.2510	STORM SEWER REPAIRS	0.00
1407.905.2510	FEMA DISASTER	0.00
	STORM SEWER TOTAL	0.00
SOLID WASTE CAPITAL IMPROVEMENT FUND		
1413.605.2530	NEW EQUIPMENT	0.00
	TOTAL SOLID WASTE CAPITAL IMP	0.00
PARK AND REC CAPITAL IMPROVEMENT FUND		
PARK & REC		
1433.505.2392	SERVICES/CONTRACTS	0.00
1433.505.2410	SUPPLIES/MATERIALS/POSTAGE	0.00
1433.505.2510	CI PROJECTS	0.00
1433.505.2512	CAPITAL OUTLAYS/REC. CENTER	0.00
1433.505.2530	EQUIPMENT	0.00
1433.505.2720	REFUNDS	0.00
1433.505.2721	SD REVENUE SHARING	0.00
	TOTAL PARK AND REC CI FUND	0.00
WASTEWATER TREATMENT FUND		
WWT		
2101.610.2110	SALARY	1,353,061.00
2101.610.2150	ACCUM SICK LEAVE	44,000.00
2101.610.2210	HEALTH/LIFE	460,982.00
2101.610.2230	P.E.R.S.	189,428.54
2101.610.2231	CITY SHARE MEDICARE	19,619.38

2101.610.2270	WORKERS COMP	48,515.36
2101.610.2280	UNIFORM ALLOWANCE	15,000.00
2101.610.2281	UNION HEALTH & WELFARE	15,000.00
2101.610.2290	UNEMPLOYMENT COMP	0.00
2101.610.2311	INSURANCE	43,000.00
2101.610.2333	ENERGY SAVINGS LEASE	112,894.00
2101.610.2340	UTILITIES	908,000.00
2101.610.2377	ADMINISTRATIVE FEES	150,000.00
2101.610.2382	COUNTY COLLECTION FEES	7,000.00
2101.610.2389	TRAVEL/SEMINAR/SCHOOLING	2,500.00
2101.610.2390	SLUDGE HAULING/LANDFILLS DISP.	290,000.00
2101.610.2392	SERVICES/CONTRACTS	327,819.00
2101.610.2410	SUPPLIES/MATERIALS/POSTAGE	646,000.00
2101.610.2430	GAS & OIL	13,000.00
2101.610.2530	NEW EQUIPMENT	40,000.00
2101.610.2531	VEHICLE LEASES	50,000.00
	TOTAL WWT	4,735,819.28
CITY SEWER O & M		
2101.615.2110	SALARY	412,945.00
2101.605.2119	O & M OVERTIME PAID	0.00
2101.615.2150	ACCUM SICK LEAVE	0.00
2101.615.2210	HEALTH/LIFE	164,637.00
2101.615.2230	P.,E.R.S.	57,812.30
2101.615.2231	CITY SHARE MEDICARE	5,987.70
2101.615.2270	WORKERS COMP	14,806.56
2101.615.2312	INSURANCE	2,000.00
2101.615.2340	UTILITIES	5,000.00
2101.615.2382	COUNTY COLLECTION FEES	500.00
2101.615.2389	TRAVEL/SEMINAR/SCHOOLING	1,000.00
2101.615.2392	SERVICES/CONTRACTS	200,000.00
2101.615.2410	SUPPLIES/MATERIALS/POSTAGE	100,000.00
2101.615.2430	GAS & OIL	13,000.00
2101.615.2530	NEW EQUIPMENT	25,000.00
2101.615.2720	REFUNDS	500.00
	TOTAL CITY SEWER O & M	1,003,188.56
SOLID WASTE FUND		
SOLID WASTE		
2102.605.2110	SALARY	0.00
2102.605.2119	OVERTIME PAID	0.00
2102.605.2150	ACCUM SICK LEAVE	0.00
2102.605.2210	HEALTH/LIFE	0.00
2102.605.2230	P.E.R.S.	0.00
2102.605.2231	CITY SHARE MEDICARE	0.00
2102.605.2270	WORKERS COMP	0.00
2102.605.2280	UNIFORM ALLOW	0.00
2102.605.2281	UNION HEALTH & WELFARE	0.00
2102.605.2290	UNEMPLOYMENT COMP	85,332.00
2102.605.2312	VEHICLE INSURANCE	0.00
2102.605.2340	UTILITIES	0.00
2102.605.2377	ADMINISTRATIVE EXPENSE	0.00

2102.605.2389	TRAVEL/SEMINAR/SCHOOLING	0.00
2102.605.2390	LANDFILL	11,000.00
2102.605.2392	SERVICES/CONTRACTS	0.00
2102.605.2410	SUPPLIES/MATERIALS/POSTAGE	0.00
2102.605.2430	GAS & OIL	0.00
2102.620.2720	REFUNDS	0.00
	TOTAL SOLID WASTE	96,332.00
INSURANCE FUND		
2202.905.2310	EMPLOYEE INS.	3,000.00
2202.905.2311	RETIRES INS.	2,000.00
	TOTAL INSURANCE FUND	5,000.00
UNCLAIMED MONEY FUND		
3108.905.5.2390	UNCLAIMED MONEY	0.00
3108.905.5.2710	TRANSFER TO GENERAL	0.00
	TOTAL UNCLAIMED MONEY	0.00
MASSILLON MURAL FUND		
3112.905.2379	MASSILLON MURAL	0.00
	TOTAL MASSILLON MURAL	0.00
STATE PATROL TRANSFER FUND		
3105.930.2390	TRANSFER TO LAW LIBRARY	30,000.00
3105.960.2720	REFUND TO GENERAL	30,000.00
	TOTAL STATE PATROL TRANSFER FUND	60,000.00
FIRE DAMAGE STRUCTURE FUND		
3107.905.2390	FIRE DAMAGE STRUCTURE FUND	50,000.00
	TOTAL FIRE DAMAGE STRUCTURE FUND	50,000.00
TIF SERVICE PAYMENT FUND		
3109.905.5.2379	SCHOOL DISTRICT PAYMENTS	164,000.00
3109.905.5.2380	DEVELOPERS TIF PAYMENTS	250,000.00
3109.905.5.2393	COUNTY FEES	4,000.00
	TOTAL TIF SERV PAYMENT FUND	418,000.00
MASSILLON MUSEUM FUND		
3110.905.2379	MASSILLON MUSEUM HOLDING	491,117.00
3110.905.2393	COUNTY FEES	6,000.00
	TOTAL MASSILLON MUSEUM FUND	497,117.00
GRAND TOTAL ALL FUNDS		33,892,666.63
ALL FUNDS		
1100 GENERAL FUND		14,643,272.72
1201 STREET M & R		1,105,550.04
1202 STATE HWY M & R		65,932.13
1203 COMMUNITY DEVELOPMENT		470,389.02
1204 MASSILLON MUNI COURT CI		200,000.00
1206 MUNI MOTOR VEH LICENSE		50,000.00
1207 NEIGHBORHOOD STABILIZATION FUND		0.00
1208 PARKING ENFORCEMENT FUND		21,970.89
1209 POLICE PENSION FUND		662,943.00
1210 FIRE PENSION FUND		746,049.00
1212 SUMMER CONCERT FUND		10,000.00
1214 SPECIAL FUND		0.00

1215 LAW ENFORCEMENT FUND	2,625.00
1219 WIC FUND	126,932.25
1222 WASTE RECYCLING FUND	0.00
1223 MUNI CT INDIGENT INTERLOCK/ALC	79,606.00
1225 INDIGENT DRIVERS FUND	100,000.00
1226 ENFORCEMENT & EDUCATION FUND	950.00
1229 HOME FUND	119,828.00
1232 CLERK OF COURTS COMPUTER FUND	135,099.78
1233 MUNICIPAL COURT COMPUTER FUND	50,000.00
1234 PARKS AND RECREATION DEPT FUND	3,075,862.58
1235 COMMUNITY HEALTH SERVICE FUND	172,080.94
1237 ECONOMIC DEVELOPMENT FUND	0.00
1238 PROBATION SERVICES / CONTRACTS FUND	171,955.60
1240 MUNI CT VETERANS PARK/DUNCAN PLAZA FUND	15,000.00
1241 ENTERPRISE ZONE FUND	18,536.22
1242 ADR FUND	78,137.72
1303 LINCOLN CENTER DEBT RETIREMENT FUND	516,916.26
1304 SENIOR HOUSING DEBT RETIREMENT FUND	60,175.00
1305 W W T DEBT RETIREMENT FUND	2,687,525.42
1306 PARKS & REC DEBT RETIREMENT	1,353,138.76
1340 TIF DEBT RETIREMENT (MARKETPLACE)	130,670.00
1341 SECTION 108 LOAN GUARANTEE	131,432.00
1342 OPWC DEBT FUND	24,631.46
1401 INCOME TAX CAP IMPROVEMENT FUND	0.00
1406 WASTEWATER TREATMENT CAP IMPROVEMNT FUND	0.00
1407 STORM SEWER FUND	0.00
1409 MUNICIPAL ROAD FUND	0.00
1413 SOLID WASTE CAPITAL IMPROVEMENT FUND	0.00
1433 PARKS AND REC CAPITAL IMPROVEMENT FUND	0.00
2101 WASTEWATER TREATMENT DEPT FUND	5,739,007.84
2102 SOLID WASTE DEPT FUND	96,332.00
2202 INSURANCE FUND	5,000.00
3105 STATE PATROL TRANSFER FUND	60,000.00
3107 FIRE DAMAGE STRUCTURE FUND	50,000.00
3108 UNCLAIMED MONEY FUND	0.00
3109 TIF SERVICE PAYMENT TO SCHOOL	418,000.00
3110 MASSILLON MUSEUM FUND	497,117.00
TOTAL ALL FUNDS	33,892,666.63

Section 2:

The City Council hereby declares that amounts may be transferred between accounts in the same Department subject to the approval of the Department Head, the Finance Committee and the Auditor.

Section 3:

That the City Auditor is hereby authorized to draw his/her warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the Board of Officers (or Officer) authorized by law to be approved the same, or an Ordinance a Resolution of council to make the expenditures; provided that no warrant shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or Ordinance. Provided further that the appropriation for contingencies can only be expended upon approval of a two-thirds vote of Council for items of expense constituting a legal obligation against the City and for purposes other than those covered by other specific appropriations herein made.

Section 4:

That there be and hereby is transferred from various appropriated accounts above certain funds as follows:

\$ 306,586.22	from General Fund to Police Pension Fund	1100.305.2710
\$ 375,664.80	from General Fund to Fire Pension Fund	1100.325.2710
\$ 143,861.28	from General Fund to Fire Pension Fund	1100.326.2710
\$ 516,916.26	from General Fund to Lincoln Center Phase II Bond Retirement Fund	1100.905.2712
\$ 60,175.00	from General Fund to Senior Housing Debt Retirement Fund	1100.905.2712
\$ 24,631.46	from General Fund to OPWC Debt Fund	1100.905.2712

Section 2:

That this Ordinance being one providing for appropriation for the current expenses of the City of Massillon, Ohio, shall be in force and take effect from and after passage and upon approval of the Mayor for the year beginning January 1, 2013.

PASSED IN COUNCIL _____ DAY OF _____, 2012.

ATTEST:

MARY BETH BAILY, Clerk of Council

GLENN GAMBER, President of Council

APPROVAL: _____

KATHERINE CATAZARO-PERRY, Mayor

ORDINANCE NO. 150-2012

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

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

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

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

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

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

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2013 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

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

Traffic Code

301.031	Beacon; Hybrid Beacon. (Added)
301.161	Highway Traffic Signal. (Added)
301.17	Intersection. (Amended)
301.181	Median. (Added)
301.26(b)	Private Road or Driveway. (Added)
301.361	Shared-Use Path. (Added)
301.45	Traffic (Amended).
301.46	Traffic Control Device. (Amended)
301.47	Traffic Control Signal. (Amended)
303.01	Compliance With Order of Police Officer. (Amended)
303.041	Emergency, Public Safety and Coroner's Vehicles Exempt. (Amended)
303.99	General Traffic Code Penalty. (Amended)
313.03	Traffic Signal Indications. (Amended)
313.04	Lane-Use Control Signal Indications. (Amended)
313.05	Special Pedestrian Control Signals. (Amended)
313.06	Flashing Traffic Signals. (Repealed)
331.12	U-Turns Restricted. (Amended)

Traffic Code (Cont.)

333.11	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited. (Added)
335.07	Driving Under License Suspension or Restriction. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
337.01	Driving Unsafe Vehicles. (Amended)
337.09	Lights on Parked or Stopped Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
337.23	Limited Load Extension on Left Side of Passenger Vehicle. (Amended)
337.29	Bumper Heights. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.06	Vehicles Transporting Explosives. (Amended)
339.07	Towing Requirements. (Amended)
339.08	Loads Dropping or Leaking. (Amended)
341.01	Commercial Vehicle Definitions. (Amended)

General Offenses Code

501.11	Organizational Criminal Liability. (Amended)
513.12	Drug Paraphernalia. (Amended)
513.121	Marihuana Drug Paraphernalia. (Added)
529.021	Purchase by Minors. (Amended)
529.04	Liquor Consumption in Motor Vehicle. (Amended)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring. (Amended)
533.09	Soliciting. (Amended)
549.14	Possessing Replica Firearms in School. (Amended)

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

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

PASSED IN COUNCIL THIS _____ DAY OF _____, _____.

APPROVED: _____
Clerk of Council

President

Mayor