

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT
AGENDA

DATE: TUESDAY, FEBRUARY 19, 2013
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DONNIE PETERS
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. 15 – 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

1st Reading

AN ORDINANCE authorizing the Massillon Historic Preservation Commission to designate six (6) city parks in the City's historic district as permitted by Chapter 1349 of the Codified Ordinances, and declaring an emergency.

ORDINANCE NO. 16 – 2013

BY: ENVIRONMENTAL COMMITTEE

PASS 8-0

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

ORDINANCE NO. 17 – 2013

BY: ENVIRONMENTAL COMMITTEE

PASS 8-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Mutual Agreement for technical assistance between the City of Massillon, Ohio and Stark County Ohio Soil and Water Conservation District, and declaring an emergency.

ORDINANCE NO. 18 – 2013

BY: STREETS, HIGHWAYS TRAFFIC & SAFETY

PASS 8-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way (SR 172) Catch Basin Replacement Project in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 19 – 2013

BY: FINANCE COMMITTEE

PASS 8-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1406 Wastewater Treatment Capital Improvement Fund and the 2105 Stormwater Utility Fund, for the year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 20 – 2013

BY: FINANCE COMMITTEE

PASS 8-0

AN ORDINANCE reducing the appropriations in the Massillon Museum Fund, for the year ending December 31, 2013, and declaring an emergency.

RESOLUTION NO. 4 – 2013

BY: HEALTH, WELFARE & BLDG REGULATION

PASS 8-0

A RESOLUTION to enter into an agreement with the City of Canal Fulton, Ohio for the enforcement of the Residential Code of Ohio, within said city.

RESOLUTION NO. 5 – 2013

BY: HEALTH, WELFARE & BLDG REGULATION

PASS 8-0

A RESOLUTION to enter into an agreement with the City of Canal Fulton, Ohio for the enforcement of the Ohio State Building Codes.

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

ORDINANCE NO. 12 – 2013

BY: RULES, COURTS & CIVIL SERVICE

1ST READING

AN ORDINANCE amending Ordinance No. 3 – 2010 and all other ordinances inconsistent therewith by repealing Section 8, paragraphs (f)(1) and (f)(6), and enacting new Section 8, paragraphs (f)(1) and (f)(6), and declaring an emergency.

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: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 15 - 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Massillon Historic Preservation Commission to designate six (6) city parks in the City's historic district as permitted by Chapter 1349 of the Codified 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 determines it to be in the best interest of the citizens of Massillon to designate six (6) city parks as listed properties in the City's historic district. The six (6) city parks to be included are as follows:

- a). Kendal Park – 951 Wales Rd NE, known as Union Square – Parcel #06-80401
- b). Kiddie Koral Park – 851 Wales Rd NE, known as Charity Square – Parcel #06-80402
- c). North Sippo Park – 1344 Rodman Ave NE
- d). South Sippo Park – 1400 Tremont Ave SE
- e). Oak Knoll Park – 618 6th St SW – Parcel #06-80403
- f). Union Cemetery – 290 9th St NE

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:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason to recognize the historic significance these six (6) parks have to the City of Massillon. 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.

2nd page is the signature page

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 16 - 2013

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for sewer sludge removal and disposal at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for sewage sludge removal and disposal at the Wastewater Treatment Plant in the City of Massillon. This will be for a three (3) year contract.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and upon award and approval by the Board of Control, with the lowest and best bidder, according to law, as authorized in Section 1 of this Ordinance. This will be for a three (3) year contract.

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, for the efficient operation of the Wastewater Treatment Plant of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17 - 2013

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Mutual Agreement for technical assistance between the City of Massillon, Ohio and Stark County Ohio Soil and Water Conservation District, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a Mutual Agreement for technical assistance between the City of Massillon, Ohio and Stark County Ohio Soil and Water Conservation District, effective for a period of three (3) years. The cost will be Three Thousand Five Hundred Dollars (\$3,500.00) per year for three (3) years.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Mutual Agreement for technical assistance between the City of Massillon, Ohio and Stark County Ohio Soil and Water Conservation District, effective for a period of three (3) years. The cost will be Three Thousand Five Hundred Dollars (\$3,500.00) per year for three (3) years. See attached mutual agreement hereto.

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 preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the Mutual Agreement is signed to help carry out the city's mandated responsibility of the Ohio EPA NPDES Phase 2 Permit Sections. 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

**Mutual Agreement for Technical Assistance
Between the City of Massillon and
Stark County [Ohio] Soil & Water Conservation District**

Upon this _____ day of _____, 20____, this Memorandum of Understanding was entered into, by and between Stark Soil & Water Conservation District, herein referred to as the "District" and the City of Massillon, herein referred to as the "MS4 Operator". This Memorandum will be effective beginning on the date signed and ending when the Ohio EPA NPDES Phase 2 Permit expires on January 29, 2014.

Recognizing the need for effective relationships in carrying out their mandated responsibilities of the Ohio EPA NPDES Phase 2 Permit Sections:

- 3.2.4. Construction Site Storm Water Run-off (MCM 4)
- 3.2.5 Post-Construction Storm Water Quality (MCM 5)

The MS4 Operator and the District accept this agreement as the document, which describes the process for exchange. Cooperation between these two units of government facilitates solutions to problems encountered by the MS4 Operator as it plans for development, conservation of its environment as well as water quality improvements per EPA's mandated requirements.

District Responsibilities:

1. The District will continue to revise and/or update the existing Stark County Storm Water Quality Regulations to ensure compliance with MCM 4 and MCM 5 requirements from the Ohio EPA Phase 2 Small MS4 Permit and Construction General Permit (CGP).
2. The District will review Storm Water Pollution Prevention Plans (SWP3) and inspect all earthmoving projects that will result in the disturbance of one acre or more of land (or less than 1 acre if part of a larger plan of development) per the current Storm Water Quality Regulations and Ohio EPA NPDES Phase 2 Permit.
3. The District will address public complaints pertaining to MCM 4 and MCM 5 by site investigation, letter or phone call.
4. The District will send copies of all inspection reports to the MS4 operator reporting all non-compliant and enforcement sites. Copies of all Post-Construction Maintenance reports will be sent to the MS4 operator as requested, upon completion of the construction project.
5. The District will inspect post construction practices after the permit holder has been informed, in writing, that the Notice of Termination (NOT) can be submitted to OEPA. Post construction inspections will be completed annually and the District will inform the responsible party or parties named in the Long Term Maintenance Plan as well as the MS4

Operator in writing of all required maintenance. The District will require maintenance reports from any entity/operator for any alternative structural BMP (manufactured/alternative/proprietary). If the maintenance items are not completed by the timeline given by the District, the District will notify the MS4 Operator in writing so the MS4 Operator can take the appropriate actions to ensure the "adequate long-term operation and maintenance" of BMP's that discharge to their MS4's system per the MCM 5 requirements of the OEPA NPDES Small MS4 Permit.

6. The District will furnish to the MS4 Operator the information required for their Storm Water Management Program report at the end of every year relating to the MCM 4 and MCM 5 as listed above.
7. The District will offer training materials pertaining to erosion and sediment control and post construction water quality for local officials, staff and Homeowners Associations who will be responsible for long term maintenance of post construction BMP's .

MS4 Operator Responsibilities:

1. Recognize the environmental and economic functions of open spaces such as wetlands, stream corridors, ravines, woodlands, flood plains and open fields as worthy of protection.
2. The MS4 Operator will require verification from the District on any site disturbing 1 acre or more that the Ohio EPA NPDES Permit has been issued and a Storm Water Pollution Prevention Plan has been submitted and approved before a zoning/building permit will be issued.
3. Adopt, apply and enforce District recommendations when the MS4 Operator deems them technically feasible and economically reasonable solutions to resource management and conservation problems. The MS4 Operator recognizes that the District has authority to enforce its recommendations only through the County's Storm Water Quality Regulations. The District depends on the MS4's reliance of the District's recommendations as reasonable and worthy of enforcement through the MS4's existing regulatory process.
4. Direct builders, developers and consultants to the District for assistance on planning, conservation and permitting problems early in the land development and planning cycle.

Agreed Responsibilities:

1. The District and the MS4 Operator will meet annually to review the effectiveness of this agreement, coordinate individual and joint progress and exchange information.
2. The MS4 Operator recognizes the District's obligation to make its report and other written materials available to the public upon request in accordance with the Ohio Public Records Act.

3. The MS4 Operator will offer the District a yearly conservation appropriation in the amount of \$3,500.00 for the remaining permit term to support the District's Urban Program. These appropriations will be billed in January of each year and shall be paid within 60 days of receipt. In the event that the MS4 Operator's funding source for compliance with this contract ceases for any reason, the MS4 Operator will notify the District immediately and arrange a meeting to review funding solutions or terminate the MOU.
4. This agreement may be amended or terminated at any time by mutual consent of both parties, or terminated by either party giving sixty (60) days' notice in writing to the other.

In witness thereof, this Agreement executed and agreed to on the ____ day of _____, 20__:

City of Massillon

Stark Soil & Water Conservation District

By _____

By _____

Title _____

Title _____

Date _____

Date _____

All services of the District, ODNR and the USDA Natural Resources Conservation Service are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 - 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way (SR 172) Catch Basin Replacement Project in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way (SR 172) Catch Basin Replacement Project in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Lincoln Way (SR 172) Catch Basin Replacement Project in the City of Massillon.

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 preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the Lincoln Way (SR 172) Catch Basin Replacement Project. 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 – 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1406 Wastewater Treatment Capital Improvement Fund and the 2105 Stormwater Utility Fund, for the year 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:

There be and hereby is appropriated from the unappropriated balance of the 1406 Wastewater Treatment Capital Improvement Fund, for the year ending December 31, 2013 the following:

\$18,250.00 to an account entitled "Capital Supplies" 1406.610.2410

\$18,242.00 to an account entitled "Capital Supplies" 1406.610.2410

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 2105 Stormwater Utility Fund, for the year ending December 31, 2013 the following:

\$3,500.00 to an account entitled "Contracted Services" 2105.549.2392 *STARIL SOIL*

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the Massillon Museum Fund, for the year 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:

The appropriations are hereby reduced in the Massillon Museum Fund, for the year ending December 31, 2013, as follows:

\$213.44 from an account entitled "Massillon Museum Holding Account" 3110.905.2379

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:

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.

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND. PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2013

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: A RESOLUTION to enter into an agreement with the City of Canal Fulton, Ohio for the enforcement of the Residential Code of Ohio within said city.

WHEREAS, the City of Canal Fulton, Ohio, seeks to obtain the authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Ohio Revised Code, with the condition that the City of Massillon Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio;

WHEREAS, The City of Massillon desires and is willing to administer and enforce the Residential Code of Ohio within the limits of said City of Canal Fulton pursuant to its authority contained in Chapter 3781 of the Ohio Revised Code and as granted by the Ohio Board of Building Standards; and

WHEREAS, the City of Massillon accepts the authority and responsibility to carry out the terms of the agreement.

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

Section 1:

The City of Massillon shall have full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the City of Canal Fulton and in consideration therefore, the City of Massillon shall retain all permit and inspection fees authorized by the State of Ohio for such purposes.

Section 2:

That this Resolution shall be immediately effective.

RECORD OF RESOLUTIONS

City of Canal Fulton, Ohio, Form No. 30046

Resolution No. _____

Passed _____

20 _____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH THE CITY OF MASSILLON, OHIO FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO WITHIN THE CITY.

WHEREAS, the Council of the City of Canal Fulton, Ohio desires to establish the Canal Fulton, Ohio Building Department, and

WHEREAS, the City of Canal Fulton, Ohio has applied to the Ohio Board of Building Standards for Certification of a Building Department, and

WHEREAS, the City of Canal Fulton, Ohio desires to enter into an agreement with the City of Massillon, Ohio for enforcement of the Residential Code of Ohio,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, STARK COUNTY, OHIO, THAT:

The City of Canal Fulton, Ohio agrees to enter into an agreement with the City of Massillon, Ohio for enforcement of the Residential Code of Ohio within the City pursuant to Agreement attached as Exhibit "A" and incorporated by reference herein.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution _____ 13 duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2013 and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2013.

Teresa Dolan, Clerk-of-Council

SEF/bp

AGREEMENT FOR RESIDENTIAL BUILDING DEPARTMENTS

THIS AGREEMENT entered into this _____ day of _____, 20____, by and between the Mayor of Canal Fulton, Ohio, acting for and on behalf of the City of Canal Fulton, Ohio, hereinafter referred to as the City and the City of Massillon, Ohio hereinafter referred to as City.

WITNESSETH:

WHEREAS, the City of Canal Fulton, Ohio desires to enforce the Residential Code of Ohio for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of residential buildings specified in section 3781.06 of the Revised Code of Ohio; and

WHEREAS, the City of Canal Fulton, Ohio seeks to obtain the authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code, with the condition that the City of Massillon Residential Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio;

WHEREAS, the said Board of Building Standards has certified the City of Canal Fulton Residential Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective April 1, 2013, as set forth in said Board's certification rule; and

WHEREAS, the City of Massillon desires and is willing to administer and enforce the Residential Code of Ohio within the limits of said City of Canal Fulton pursuant to its authority so to do contained in Chapter 3781 of the Revised Code of Ohio and as granted by the Ohio Board of Building Standards; and

WHEREAS, the City of Canal Fulton, Ohio has heretofore agreed through its Mayor and its Clerk to enter into an agreement with the City of Massillon, Ohio for the enforcement of the Residential Code of Ohio within the limits of said City of Canal Fulton; and

WHEREAS, the City of Massillon, Ohio has on the _____ day of _____, 20____, adopted its resolution authorizing the City of Massillon to enter into said agreement with the City of Canal Fulton, Ohio for the purposes aforesaid;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The City of Canal Fulton hereby grants to the City of Massillon authority to do all things necessary to exercise enforcement authority and to accept and approve plans and specifications and make inspections necessary with the City of Canal Fulton in accordance with the provisions of the Residential Code of Ohio pursuant to Ohio Administrative Code 4101:8 - Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, and shall apply and be enforced within the City of Canal Fulton, Ohio.
2. The City of Massillon accepts the authority and responsibility to carry out the terms of this agreement.
3. The City of Massillon shall have full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the City of Canal Fulton and in consideration therefore, the City of Massillon shall retain all permit and inspection fees authorized by the State of Ohio for such purposes.
4. The effective date for which the City of Massillon shall begin to perform its duties under the terms of this agreement shall be the date of certification by the Ohio Board of Building Standards, and this agreement shall thereafter continue in full force and effect until either of the parties

DATE: FEBRUARY 19, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND. PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 2013

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: A RESOLUTION to enter into an agreement with the City of Canal Fulton, Ohio for the enforcement of the Ohio State Building Codes.

WHEREAS, the City of Canal Fulton, Ohio, seeks to obtain the authority for enforcement of the provisions of the Ohio State Building Codes through certification by the Ohio State Building Codes pursuant to Section 3781.10(E) of the Ohio Revised Code, with the condition that the City of Massillon Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio;

WHEREAS, the City of Massillon desires and is willing to administer and enforce the Ohio State Building Codes within the limits of said City of Canal Fulton pursuant to its authority contained in Chapter 3781 of the Ohio Revised Code and as granted by the Ohio Board of Building Standards; and

WHEREAS, the City of Massillon accepts the authority and responsibility to carry out the terms of the agreement.

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

Section 1:

The City of Massillon shall have full authority to do all things necessary to administer and enforce the Ohio State Building Codes within the limits of the City of Canal Fulton and in consideration therefore, the City of Massillon shall retain all permit and inspection fees authorized by the State of Ohio for such purposes.

Section 2:

That this Resolution shall be immediately effective.

RECORD OF RESOLUTIONS

Dayton Legal Draft, Inc., Form No. 50015

Resolution No. _____

Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF
THE CITY OF CANAL FULTON, OHIO TO
ENTER INTO AN AGREEMENT WITH
THE CITY OF MASSILLON, OHIO FOR
ENFORCEMENT OF THE OHIO STATE
BUILDING CODES WITHIN THE CITY.

WHEREAS, the Council of the City of Canal Fulton, Ohio desires to
establish the Canal Fulton, Ohio Building Department, and

WHEREAS, the City of Canal Fulton, Ohio has applied to the Ohio Board
of Building Standards for Certification of a Building Department, and

WHEREAS, the City of Canal Fulton, Ohio desires to enter into an
agreement with the City of Massillon, Ohio for enforcement of the Ohio State
Building Codes.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, STARK COUNTY, OHIO, THAT:

The City of Canal Fulton, Ohio agrees to enter into an agreement with the
City of Massillon, Ohio for enforcement of the Ohio State Building Codes within
the City pursuant to Agreement attached as Exhibit "A" and incorporated by
reference herein.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby
certify that this is a true and correct copy of Resolution _____ 13 duly
adopted by the Council of the City of Canal Fulton, on the date of _____.
2013 and that publication of the foregoing Resolution was duly made by posting
true and correct copies thereof at five of the most public places in said
corporation as determined by Council as follows: Post Office, Public Library,
Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council
Chambers each for a period of fifteen days, commencing on the _____ day of
_____, 2013.

Teresa Dolan, Clerk-of-Council

SEF/bp

AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2013, by and between the Mayor of Canal Fulton, Ohio, acting for and on behalf of the City of Canal Fulton, Ohio, hereinafter referred to as the City and the City of Massillon, Ohio hereinafter referred to as City.

WITNESSETH:

WHEREAS, the City of Canal Fulton, Ohio desires to enforce the Ohio State Building Codes for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings specified in section 3781.06 of the Revised Code of Ohio; and

WHEREAS, the City of Canal Fulton, Ohio seeks to obtain the authority for enforcement of the provisions of the Ohio State Building Codes through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code, with the condition that the City of Massillon Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio;

WHEREAS, the said Board of Building Standards has certified the City of Canal Fulton Building Department to exercise enforcement authority in accordance with the Ohio State Building Codes, effective April 1, 2013, as set forth in said Board's certification rule; and

WHEREAS, the City of Canal Fulton desires and is willing to administer and enforce the Ohio State Building Codes within the limits of said City of Canal Fulton pursuant to its authority so to do contained in Chapter 3781 of the Revised Code of Ohio and as granted by the Ohio Board of Building Standards; and

WHEREAS, the City of Canal Fulton, Ohio has heretofore agreed through its Mayor and its Clerk to enter into an agreement with the City of Massillon, Ohio for the enforcement of the Ohio State Building Codes within the limits of said City of Canal Fulton; and

WHEREAS, the City of Massillon, Ohio has on the _____ day of _____, 20____, adopted its resolution authorizing the City of Massillon to enter into said agreement with the City of Canal Fulton, Ohio for the purposes aforesaid;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The City of Canal Fulton hereby grants to the City of Massillon authority to do all things necessary to exercise enforcement authority and to accept and approve plans and specifications and make inspections necessary with the City of Canal Fulton in accordance with the provisions of the Ohio State Building Codes pursuant to Ohio Administrative Code 4101:1 – the Ohio Building Code; and 4101:2 – the Ohio Mechanical Code, and Ohio Administrative Code 4101:3 – the Ohio Plumbing Code as promulgated by the Ohio Board of Building Standards, and shall apply and be enforced within the City of Canal Fulton, Ohio.
2. The City of Massillon accepts the authority and responsibility to carry out the terms of this agreement.
3. The City of Massillon shall have full authority to do all things necessary to administer and enforce the Ohio State Building Codes within the limits of the City of Canal Fulton and in consideration therefore, the City of Massillon shall retain all permit and inspection fees authorized by the State of Ohio for such purposes.
4. The effective date for which the City of Massillon shall begin to perform its duties under the terms of this agreement shall be the date of certification by the Ohio Board of Building Standards, and this agreement shall thereafter continue in full force and effect until either of the parties

shall give written notice to the other and the Board of Building Standards of its intention to terminate the agreement, which may be for any reason, except that this agreement shall not terminate until the effective date of repeal of the rule of conditional certification by the Board of Building Standards.

5. The City of Canal Fulton hereby agrees to hold the City of Massillon harmless from all claims or causes of action of every kind and nature arising from the acts of the City of Massillon, its agents, or employees, or representatives in the administration and enforcement of the Ohio State Building Codes within the limits of said City of Canal Fulton.

6. This agreement shall be deemed to authorize the City of Massillon to administer and enforce for the City of Canal Fulton any amendments or additions to the Ohio State Building Codes hereafter adopted by the Board of Building Standards pursuant to the authority granted by said Board by Chapter 3781 of the Revised Code of Ohio at all times after said Board shall have adopted such amendments or additions.

IN WITNESS WHEREOF, we have hereunto set our hands to this agreement this _____ day of _____, 20__.

SIGNED IN THE PRESENCE OF: CITY OF CANAL FULTON, OHIO

Mayor

Clerk

SIGNED IN THE PRESENCE OF: CITY OF MASSILLON, OHIO

Mayor

Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Law Director - City of Canal Fulton, Ohio

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Law Director - City of Massillon, Ohio

This Instrument prepared by
Scott E. Fellmeth
Attorney at Law.

shall give written notice to the other and the Board of Building Standards of its intention to terminate the agreement, which may be for any reason, except that this agreement shall not terminate until the effective date of repeal of the rule of conditional certification by the Board of Building Standards.

5. The City of Canal Fulton hereby agrees to hold the City of Massillon harmless from all claims or causes of action of every kind and nature arising from the acts of the City of Massillon, its agents, or employees, or representatives in the administration and enforcement of the Residential Code of Ohio within the limits of said City of Canal Fulton.

6. This agreement shall be deemed to authorize the City of Massillon to administer and enforce for the City of Canal Fulton any amendments or additions to the Residential Code of Ohio hereafter adopted by the Board of Building Standards pursuant to the authority granted by said Board by Chapter 3781 of the Revised Code of Ohio at all times after said Board shall have adopted such amendments or additions.

IN WITNESS WHEREOF, we have hereunto set our hands to this agreement this _____ day of _____, 20__.

SIGNED IN THE PRESENCE OF: CITY OF CANAL FULTON, OHIO

Mayor

Clerk

SIGNED IN THE PRESENCE OF: CITY OF MASSILLON, OHIO

Mayor

Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Law Director - City of Canal Fulton, Ohio

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Law Director - City of Massillon, Ohio

This Instrument prepared by
Scott E. Fellmeth
Attorney at Law.