

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

**DATE: TUESDAY, FEBRUARY 18, 2014  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.**

**THERE ARE NO PUBLIC HEARINGS TONIGHT**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN NANCY HALTER**
- 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. 13 – 2014** 1st

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** amending the Community Reinvestment Area Agreement between the City of Massillon and Midwest Health Services for the construction of a new office building within the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 14 – 2014** 1st

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

**AN ORDINANCE** authorizing the resale and conveyance of property Parcel #06-07770 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said property, and declaring an emergency.

**ORDINANCE NO. 15 – 2014** 1st

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

**AN ORDINANCE** repealing existing CHAPTER 1323 "NOTIFICATION OF FORECLOSURE FILING" and enacting a new CHAPTER 1323 "FORECLOSURE PROPERTY REGISTRY", of the Codified Ordinances of the City of Massillon.

**ORDINANCE NO. 16 – 2014** 1st

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

**AN ORDINANCE** repealing existing CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED STRUCTURES" and enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED RENTAL STRUCTURES", of the Codified Ordinances of the City of Massillon.

**ORDINANCE NO. 17 – 2014** 1st

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

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

**ORDINANCE NO. 18 – 2014**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2014, and declaring an emergency.

**ORDINANCE NO. 19 – 2014**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Local Law Enforcement Trust Fund, for the year ending December 31, 2014, and declaring an emergency.

**ORDINANCE NO. 20 – 2014**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Indigent Interlock/Alcohol Monitoring Fund, for the year ending December 31, 2014, and declaring an emergency.

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

A. MAYOR'S SUBMITS MONTHLY REPORT FOR DECEMBER 2013

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR - TABLED FROM FEBRUARY 3, 2014

**ORDINANCE NO. 136 – 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 8.10 acres of real estate owned by the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 137 – 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 10.65 acres of real estate owned by the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 148 – 2013**

**BY: PUBLIC UTILITIES COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes part of The Legends Golf Course property with a requested lease area from the City of Massillon of 9.77 acres, and declaring an emergency.



TUESDAY, FEBRUARY 18, 2014

ORDINANCE NO. 149 – 2013

BY: PUBLIC UTILITIES COMMITTEE

*Tabled 3/17*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes the property known as Shriver Park, with a requested lease area from the City of Massillon of 5.40 acres, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2 – 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to RM-1 Multiple Family Residential.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 5 – 2014

*amend 1st*  
BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement between the City of Massillon, Downtown Massillon Hotel, Ltd., and Charles Street Ltd., which would permit, if certain conditions are met, canceling the promissory note associated with the loan for the Hampton Inn project and release the related mortgages and any other liens related to the financing of the project upon payment in the amount of \$1.4 million to the City, and declaring an emergency.

ORDINANCE NO. 6 – 2014

*2nd*  
BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE establishing the new 2014 Club Legends Room/Tent fees to be charged at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 7 – 2014

*2nd*  
BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE establishing the new 2014 Facility/Pavilion Cancellation fees for the Massillon Parks and Recreation Department, and declaring an emergency.

ORDINANCE NO. 9 – 2014

*2nd*  
BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE accepting the dedication of road right of way and replat for the property located at 1306 17<sup>th</sup> Street SW owned by Jamie Gresser. The dedication includes approximately 0.119 acres of the existing roadway area and replat of the adjoining property, and declaring an emergency.

ORDINANCE NO. 10 – 2014

*2nd*  
BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Safety Forces Improvement Fund, for the year ending December 31, 2014, 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 3, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

**\*AMENDED\***  
ORDINANCE NO. 5 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement between the City of Massillon, Downtown Massillon Hotel, Ltd., and Charles Street Ltd., which would permit, if certain conditions are met, canceling the promissory note associated with the loan for the Hampton Inn project and release the related mortgages and any other liens related to the financing of the project upon payment in the amount of \$1.4 million to the City, 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, determines it necessary to enter into an agreement between the City of Massillon, Downtown Massillon Hotel, Ltd, and Charles Street Ltd., which would permit, if certain conditions are met, canceling the promissory note associated with the loan for the Hampton Inn project and release the related mortgages and any other liens related to the financing of the project upon payment in the amount of \$1.4 million to the City.

Section 2:

Provided this ordinance is passed, the final agreement and all associated documents shall be presented to Council for final approval prior to execution by the Mayor or her designee.

Section 3:

The Mayor of the City of Massillon, Ohio, is authorized to enter into the agreement, the terms and conditions of which are set forth upon payment in the amount of \$1.4 million to the City with the funds being deposited into the Section 108 Loan Repayment Fund 1341 for the defeasement agreement between the City of Massillon and HUD, or its fiscal designee, regarding the City's Section 108 Loan balance.

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:

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

PASSED IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT.

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR



DATE FEBRUARY 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 13 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Community Reinvestment Area Agreement between the City of Massillon and Midwest Health Services for the construction of a new office building within 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:

That the Community Reinvestment Area Agreement between the City of Massillon and Midwest Health Services is hereby amended to correct the completion date for the construction of a new office building within the City of Massillon Community Reinvestment Area from March 1, 2014 to December 31, 2014. Ordinance No. 58 – 2013 was passed on June 3, 2013 authorizing the original agreement between the City of Massillon and Midwest Health Services.

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; the reason for the emergency being that said amended agreement reflect the completion date of the new office facility from March 1, 2014 to December 31, 2014 being constructed with the Community Reinvestment Area. 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 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 14 - 2014

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the resale and conveyance of property Parcel #06-07770 pursuant to the City's Vacant Land Reutilization Program, establishing the fair market value of said property, and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 107-2011, the City of Massillon has established a Vacant Land Reutilization Program for the purpose of resale and disposition of certain vacant, abandoned, or tax delinquent parcels acquired by the City of Massillon; and

WHEREAS, the City of Massillon, through the assistance of Stark County, has acquired several vacant, tax delinquent parcels and now wishes to resell these parcels to abutting property owners in order to return these properties to productive use; and

WHEREAS, Joseph Martin, who lives at 207 Rose Avenue SE, has made application to the City of Massillon Vacant Land Reutilization Program to acquire Parcel #06-07770, which abuts his property, for the purpose of expanding his yard area.

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

Section 1:

That the Council of the City of Massillon, Ohio, hereby declares that the following real property described herein, is not needed for any municipal purpose:

Known as and being Lot Number 1445 WH in the City of Massillon, County of Stark, and State of Ohio. (Tax Parcel 06-07770).

Section 2:

That the Council of the City of Massillon, Ohio, hereby approves the offering of said property described herein under terms and conditions of the City's Vacant Land Reutilization Program.

Section 3:

That the Council of the City of Massillon, Ohio, hereby determines that the fair market value of said property, described herein, shall not be less than One Thousand Dollars (\$1,000.00).



Section 4:

That the Council of the City of Massillon, Ohio, hereby authorizes the conveyance of said real property described herein to Joseph Martin, 207 Rose Avenue SE, for the purpose of expanding the yard area of his property; and that said property shall be conveyed for the sum of One Thousand Dollars (\$1,000.00); and further, that said conveyance shall be on the basis of written application without competitive bidding and shall be subject to the terms and conditions of the City's Vacant Land Reutilization Program

Section 5:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary to achieve the goals of the City's Vacant Land Reutilization Program by returning vacant, abandoned property to productive use within the community. 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 \_\_\_\_\_ 2014.

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

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

## Data For Parcel 607770

## Base Data

Parcel: 607770  
Owner: MASSILLON CITY LAND REUTILIZATION  
Site Address: 208 PENN AVE SE MASSILLON OH 44846-6753  
Map Routing Number: 06 043 07 1200  
Tax Map: [MAS\\_043.pdf](#)

[+1 Map this property](#)

## Tax Mailing Address - Data as of 1/25/2014

Address: MASSILLON CITY LAND  
REUTILIZATION  
ONE JAMES DUNCAN PLAZA  
MASSILLON OH 44846

## Geographic Information - Data as of 1/25/2014

Tax District: 00050 MASSILLON CITY-  
MASSILLON CSD  
School District: 7609 MASSILLON CSD  
City/Village: MASSILLON CITY  
Township: MASSILLON TOWNSHIP  
Neighborhood ID: 006-06-01-07

## Legal - Data as of 1/25/2014

Legal Description: 1445 WH  
DTE Classification: 500 - RESIDENTIAL VACANT LAND  
Last Inspected: 05/29/2008  
Reviewed By: MTB  
Reviewed Date: 05/29/2008

Property Class: RESIDENTIAL  
Listed By: MTB  
Source of Information: EXTERIOR (NO ACCESS)  
Total Tax Rate (In Mills): 76.200  
Effective Tax Rate (In Mills): 68.797704

## Allotments - Data as of 1/25/2014

No allotment data found for this parcel.

## Parcel History - Data as of 1/25/2014

Date  
12/06/2013

Activity  
TRANSFER FR. CAYSON CECILIA



Stark County GIS



Notes

Parcel 607770 - Massillon City Land Reutilization

DATE: FEBRUARY 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 15 - 2014

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE repealing existing CHAPTER 1323 "NOTIFICATION OF FORECLOSURE FILING" and enacting a new CHAPTER 1323 "FORECLOSURE PROPERTY REGISTRY", of the Codified Ordinances of the City of Massillon.

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

Section 1:

Existing CHAPTER 1323 "NOTIFICATION OF FORECLOSURE FILING" is hereby repealed and enacting a new CHAPTER 1323 "FORECLOSURE PROPERTY REGISTRY", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

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

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

CHAPTER 1323  
~~Notification of Foreclosure Filing~~  
Foreclosure Property Registry

- 1323.01 Definitions.
- ~~1323.02 Notice to the City of foreclosure filing.~~
- 1323.02 Applicability
- ~~1323.03 Persons responsible for maintenance~~
- 1323.03 Owner required to act; enforcement authority
- ~~1323.04 Fees.~~
- 1323.04 Violations Liability
- 1323.05 Appeals.
- 1323.06 Assignment of Registration Fees, Penalties, and Fines
- 1323.07 Severability
- 1323.08 Savings Clause
- 1323.99 Penalty.

CROSS REFERENCES

Registration of vacant buildings - see BLDG. Ch. 1331

FINDINGS AND PURPOSE.

The City of Massillon finds, determines and declares that:

(a) The purpose of this chapter is to establish a foreclosure/vacant property registration program to register foreclosures and regulate the maintenance of vacant properties which are in foreclosure. Foreclosed properties and buildings, and properties in the foreclosure process, that remain vacant and unoccupied for any appreciable period of time become an attractive nuisance to children, a harborage for rodents, an increased fire hazard, and an invitation to derelicts, vagrants and criminals as a temporary residence and as a place to engage in illegal conduct, frequently including illegal drug-related activity; that unkempt and unsecured grounds surrounding such buildings invite the dumping of garbage and trash thereon and the congregation of unauthorized persons who use the property for illegal activity; that such buildings contribute to the growth of blight within the City, necessitate additional governmental services and costs, significantly interfere with the use and enjoyment of neighboring properties, and depress market values of surrounding properties, thereby reducing tax revenues; and that such buildings accordingly create an unhealthy and unsafe condition affecting the public and constitute an unreasonable use of property and a public nuisance.

(b) Protection of the public health, safety and welfare requires the establishment and enforcement of the means by which such nuisance conditions may be prevented and abated.

(c) Vacant properties that are going through or have been through the foreclosure process are frequently the responsibility of banks, lenders, and/or servicers.

(d) Properties in default and Real-Estate Owned ("REO") properties are at a greater risk of becoming unmaintained vacant properties than other properties.

(e) Even one vacant property that is not actively and well maintained,



monitored and managed can cause blight and crime.

(f) It is in the interest of the welfare of neighborhoods in the city that banks, lenders, and/or servicers which fail to maintain **vacant** properties that they own or have an interest in be subject to the imposition of fines.

#### 1323.01 Definitions.

(a) "Person" means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership, trust or association. "Person" shall not include a taxing authority filing a foreclosure action due to delinquent property taxes.

(b) ~~"Vacant" means that no person actually resides in any part of the building or that no person conducts a lawful business in any part of the building.~~

~~(Ord. 119-2011. Passed 11-9-11.)~~

(b). "Abandoned" means a structure that is unoccupied as the result of the relinquishment of possession or control by an owner or other person with the right of possession or control of the structure, a mortgagor or the mortgagor's assigns whether or not the mortgagor or mortgagor's assigns have relinquished equity and title. A structure may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was abandoned, including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, mail, past due utility notices, or other means of notice by publication, the accumulation of junk, litter, trash, or debris, absence of windows or window treatments, absence of furnishings and personal items, statements of neighbors, delivery agents or similarly situated persons that the property is abandoned.

(c). "Beneficiary" means the current beneficiary (either the original beneficiary or the assignee(s), including, but not limited to, a lender, under a note secured by a deed of trust.

(d). "Beneficiary's designated agent" means an entity, including, but not limited to, a servicing company that has contracted with the Beneficiary to perform duties related to the note secured by a deed of trust, including, but not limited to, the collection of installment payments on the note and administration of any default and foreclosure process.

(e). "Code Official" has the same meaning as that set forth in Section 1309.01 (C) of the Codified Ordinances of the City of Massillon, or his or her designee.

(f). "Codes" means the Codified Ordinances of the City of Massillon or those adopted by said Codified Ordinances

- (g). "Days" means calendar days.
- (g). "Evidence of vacancy" means any condition visible from the exterior of the property that alone or in combination with other existing conditions would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; unmaintained pools or spas; an accumulation of newspaper, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities; an accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, and/or government employees that the property is vacant.
- (h). "Inspector" means a person employed by or under contract to the City of Massillon to perform inspections to determine compliance with Codes and to order corrective measures and/or initiate administrative, civil, or criminal proceedings.
- (i). "Owner" means the registered owner of a property, any person who holds legal or equitable title to the property, is a mortgagee, a vendee-in-possession, assignee of rents, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a property. The Owner of a property in default or for which a foreclosure action is pending or for which a judgment in foreclosure has been issued shall include the mortgagee, the successor in interest to the mortgagee, the lender or servicing company and any agent acting for the mortgagee, its successors, or a lender or servicing company. Under this definition, there may be more than one "Owner" of a property for purposes of this Chapter.
- (j). "Property in default" means a residential property within the city that is subject to a current Notice of Default and/or Notice of Trustee's Sale, or the filing of complaint for foreclosure.
- (k). "REO property" (Real-Estate Owned" property) means a residential property within the city for which title has transferred to the mortgagee, including but not limited to, a lender or servicing company, as the result of a foreclosure sale or deed in lieu of foreclosure.
- (l). "Responsible party" means, for a property in default, the beneficiary and/or the beneficiary's designated agent; and for REO property, the owner or the owner's designated agent. In the event that there is more than one responsible party for a single property, each responsible party shall be jointly and severally liable for compliance with the provisions of this ordinance.
- (m). "Secure" means a covering shall be placed over all doors and windows which are within fifteen feet of the exterior grade, consisting of one-half

inch thick plywood attached to the framing of all such doors and windows by wood screws of a minimum length of one and one-half inches, placed twelve inches on center and the plywood shall be properly painted. In order to be considered Secure, a property must also be in compliance with all requirements of the Massillon Property Maintenance Code.

- (n). "Vacant" means a structure that is not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Multi-family residential structures shall be considered vacant when substantially all of the dwelling units are not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Commercial structures shall be considered vacant when all commercial activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant commercial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in commercial activity, or that otherwise qualifies as "Abandoned" under this Section. Industrial structures shall be considered Abandoned when all industrial or manufacturing activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant industrial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in industrial or manufacturing activity, or that otherwise qualifies as "Abandoned" under this Section. In determining whether a structure is vacant, it is also relevant to consider, among other factors, the percentage of the overall square footage of the building or floor not in use to the occupied space; the condition and value of any items in the structure and the presence of rental or for sale signs on the property. A property that is temporarily unoccupied and is in the process of being renovated under proper and unexpired permits shall not be considered vacant.

#### 1323.02 Notice to the City of Foreclosure filing.

Any person who files a complaint or otherwise initiates a foreclosure involving real property located within the corporate limits of the City of Massillon shall notify the Chief Building Official of the City of Massillon or his/her designee of the filing of the foreclosure complaint, within thirty (30) days after filing the complaint with the relevant court, by filing with the Chief Building Official of the City of Massillon or his/her designee a complete copy of the complaint and the contact name, address and phone number of the complainant. The fee for notice of a foreclosed property is one hundred dollars (\$100.00) per foreclosure filing for a residential property (one- or two-family structure) and three hundred dollars (\$300.00) for a commercial property (all structures other than one-or two-family structures). The fee shall be paid at the time of notification.

Notice under this subsection is sufficient if it is deposited in the mail, first class, to the owner or entity filing the foreclosure action. Failure to make registration within thirty (30) business days from the date of said notice shall result in the additional assessment of a \$100.00 penalty for residential and \$300.00 for commercial foreclosure filings. The City Auditor shall then certify to the County Auditor the registration fee and penalty as referenced in this section. Such amounts (fee \$100.00 + penalty \$100.00 = \$200.00 residential and \$300.00 + penalty \$300.00 = \$600.00 commercial) shall be entered upon the tax duplicate and shall be lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General fund as provided by Ohio R.C. 731.54.



(Ord. 119-2011. Passed 11-9-11.)

### 1323.03 Applicability

(a) Applicability. This Chapter shall be applicable to all residential, commercial, and industrial structures located within the City of Massillon.

### ~~1323.03 Persons Responsible for Maintenance.~~

~~(a) If the building or structure located on the property that is the subject of the foreclosure is vacant at the time of the filing of the foreclosure, or if the property is otherwise vacant, then the person filing the foreclosure complaint shall also notify the City of the name, address and contact information of the person who will be responsible for maintaining the property.~~

~~(b) If the building or structure located on the property that is the subject of the foreclosure becomes vacant at any time after the filing of the foreclosure, then the person filing the foreclosure complaint shall notify the City of the name, address and contact information of the person who will be responsible for maintaining the property within thirty (30) days.~~

~~(c) If at any time during the foreclosure proceedings there is a change in the person(s) responsible for maintaining the property, then the person filing the foreclosure complaint shall notify the City of the name, address and contact information of the person who will, or who has, assumed responsibility for maintaining the property within thirty (30) days.~~

(Ord. 119-2011. Passed 11-9-11.)

### 1323.04 Owner Required to Act; Enforcement Authority

(a). The owner of any properties in default and/or REO properties that have structures that have become vacant as defined above shall, within thirty (30) days after the structure first becomes vacant or within thirty (30) days of receiving notice that a structure is vacant, file a registration statement for each such structure with the Code Official or his or her designee on forms provided for such purposes. Any Owner of a property which files a foreclosure action against said property, or for which a foreclosure action is pending, or a judgment of foreclosure has been issued shall provide a cash bond acceptable to the Massillon Building Department or their designee, in the sum of not less than Ten Thousand Dollars (\$10,000.00), to secure the continued maintenance of the property throughout its vacancy and compensate the City for any expenses incurred in inspecting, securing, repairing, marking and/or making such building safe by any legal means including, but not limited to, demolition. A portion of said bond, in the amount not to exceed 10% of the bond amount, shall be retained by the City as an administrative fee to fund an account for expenses incurred for administering this program. Foreclosure filing fees will be credited towards the bond administrative fee.

The registration statement shall remain valid for one year from the date of registration. The registering party shall then be required to annually renew the registration per chapter 1331 of the Massillon City Code.

The owner shall notify the Code Official or his or her designee within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative

enforcement proceeding or court proceeding instituted by the City against the owner of the structure. An owner shall be liable under this Section for failing to register a vacant structure, paying an appropriate annual registration fee, or timely updating any change in registration.

(b). In addition to other information required by the Code Official, the registration statement shall include the name, street address and telephone number of a natural person twenty-one years of age or older, designated by the owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner in connection with the enforcement of this Chapter. This person must maintain an office in Stark County, Ohio, or must actually reside within Stark County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate him- or herself as agent.

By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered structure by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the Code Official or his or her designee in writing of a change of authorized agent or until the owner files a new annual registration statement. An owner shall be liable under this Section for failing to register an authorized agent.

(c). The owner of any vacant structure that falls within this chapter shall, within fifteen (15) days of registering a vacant structure, cause a physical inspection of the structure to be made and Secure the structure in accordance with this Chapter. Photographs shall be taken of the property that accurately portrays the condition of the structure. Photographs shall be dated and preserved. An owner shall be liable under this Section for failing to inspect the property or structure or for failing to maintain the inspection photographs as required by this Section.

(d). Any owner who fails to register a vacant structure under the provisions of this subsection shall further be deemed to consent to receive, by posting at the structure, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the structure and premises.

(e). The Code Official may issue rules and regulations for the administration of this Section. These rules may designate board-up materials and methods which must be used when securing a structure beyond the standards provided so that the boarding is reasonably incapable of being removed by trespassers or others acting without the owner's consent.

#### ~~1323.04 Fees.~~

~~The fee for notice of a foreclosed property is one hundred dollars (\$100.00) for a residential property (one or two family structure) and three hundred dollars (\$300.00) for a commercial property (all structures other than one or two family structures). The fee shall be paid at the time of notification.~~  
(Ord. 119-2011. Passed 11-9-11.)

#### 1323.05 Violations Liability

(a). Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling or collecting rents, and any other person managing or controlling a structure or premises in any part of which there is a violation of the provisions of this code, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to said structure or premises and is subject to injunctions, abatement orders or other remedial orders.

(b). The liabilities and obligations hereunder imposed on an owner shall attach to a trustee under a land trust holding title to such building, structure or premises without the right of possession, management or control, unless said trustee in a proceeding under said provisions of this code discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling or collecting rents, as the same may appear on the records of the trust.

(c). The liabilities and obligations imposed on an owner shall attach to any financial institution, mortgage company, or any other person or entity with or without an interest in the structure or premises who knowingly takes any action in any judicial or administrative proceeding that is intended to delay issuance or enforcement of any remedy for any violation of the Codes, provided that with respect to fines such person shall be liable only for fines which accrue on or after the date of such action and further provided that no liability shall be imposed under this section for any action taken in any proceeding, including a proceeding to foreclose on a lien, that does not delay or prevent the prosecution of any action brought by the City to enforce the adopted Codes.

#### 1323.06 Appeals.

Appeals shall be processed in accordance with Section 1129.03 (a) of the Codified Ordinances of the City of Massillon.

#### 1323.07 Assignment of Registration Fees, Penalties, and Fines.

Registration fees, penalties, and fines associated with and collected on behalf of this chapter shall be deposited in a specific fund in the annual budget of the City of Massillon and shall only be expended for the specific purposes set forth in this Chapter.

#### 1323.08 Severability.

If any section, subsection, clauses, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

#### 1323.09 Savings Clause.

The repeal or amendment herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this ordinance, as amended.

#### 1323.99 Penalty.

#### 1323.10 Appropriation of Fees Collected.

All fees collected shall be paid into the treasury of the City and shall in turn be certified by the Budget Director and used accordingly for enforcement of this section.

#### 1323.99 Penalty.

~~No person shall fail to file a complete copy of a foreclosure complaint involving real property located within the City of Massillon on which there is a building or structure with the Chief Building Official of the City of Massillon or his/her designee within thirty (30) days after filing the complaint with the relevant court. Whoever violates this section is guilty of failure to file notice of a foreclosure complaint, shall be fined one hundred fifty dollars (\$150.00 residential) and (\$250.00 commercial). Each day during which noncompliance continues shall constitute a separate offense, and applicable court cost. (Ord. 119 2011. Passed 11-9-11.)~~

(a). The owner of any vacant structure, in accordance with the provisions of this chapter, shall file a registration statement and post a cash bond for each such structure with the Code Official or his or her designee on forms provided for such purposes. Any such registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the structure.

(b). The owner of any vacant structure who fails to file a registration statement for each such structure within the timeframes established by this Chapter or who fails to update a change in registration information within the timeframes established by this Chapter shall be subject to a fifty dollar (\$50.00) per day administrative penalty with a maximum penalty of one thousand dollars (\$1,000).

(c). Notwithstanding any other language in this Chapter and unless otherwise specified, any person who violates any provision of this section or of the rules and regulations issued hereunder and fails to maintain the property according to the Codes shall be guilty of a first degree misdemeanor and, upon conviction, shall be fined not less than two hundred dollars (\$200.00) for each offense. Every day that a violation continues shall constitute a separate and distinct offense.



DATE: FEBRUARY 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 16 - 2014

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE repealing existing CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED STRUCTURES" and enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED RENTAL STRUCTURES" the Codified Ordinances of the City of Massillon.

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

Section 1:

Existing CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED STRUCTURES" is hereby repealed and enacting a new CHAPTER 1330 "REGISTRATION OF NON-OWNER OCCUPIED RENTAL STRUCTURES", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

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

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

**CHAPTER 1330**  
**Registration of Non-Owner Occupied (Rental) Structures**

- 1330.01    **Registration.**  
1330.02    **Registration schedule.**  
1330.99    **Penalty.**

**CROSS REFERENCES**

Registration of vacant buildings - see BLDG. Ch. 1331  
Nuisances - see BLDG. Ch. 1353

**1330.01 REGISTRATION.**

(a) The **owner** or agent for the **owner** of any **non-owner occupied (rental)** structures shall register properties with the Massillon Building Department, complete a registration application form prescribed by the Chief Building Official and pay all fees required as stated in Section 1330.02. This registration may be transferred to a new **owner**, provided the requirements of Section 1330.02 have been met.

(b) Any **owner** of **non-owner occupied (rental)** structures must file information about a contact agent with the City of Massillon. The agent must be at least 18 years of age and be locally accessible, with an office or residence in the State of Ohio.

(c) If a property has multiple individual **owners**, only one **owner** is required to file as the contact agent. If the property is owned by a trust - a trustee must file, an estate - the executor or administrator must file, a partnership or a limited partnership - a general partner must file, a limited liability company - a member, manager or officer of the company must file, an association - an associate must file, a corporation - an officer must file, any other business entity - a member, manager or officer must file. If the **owner** resides outside the State of Ohio, the **owner** must designate an in-state agent.

(Ord. 49-2012. Passed 9-4-12.)

## 1330.02 REGISTRATION SCHEDULE.

(a) All **non-owner occupied** (rental) structures shall be registered within thirty (30) days of occupancy, the fees are as follows:

(1) Registration: ~~\$30.00~~ \$50.00 for the first unit and \$30.00 for each additional unit within a structure (this is a one time fee to be paid the first time property rental unit is applying for registration). All structures registered as of the effective date of this amended ordinance will be grandfathered.

(b) Transfer Fee:

(1) The fee for transferring a rental property is \$50.00 per rental unit/~~\$30.00~~ additional between two **owners** currently registered; otherwise, 1330.02(a) shall apply. Transfer must be completed within thirty (30) days of the closing papers or deed.

A. Should this allotted time lapse, the transfer will be subject to fines per Section 1330.99(a).

B. Change of Information: Any change of contact or tenant information must be reported within thirty (30) days of change.

(Ord. 49-2012.  
Passed 9-4-12.)

## 1330.99 PENALTY.

Notice under this subsection is sufficient if it is deposited in the mail, first class, to the last known owner or entity in control of the property on the records of the Stark County Auditor at the time of notification. ~~A notification letter will be sent informing owner of registration requirements. Failure to make registration within fifteen (15) business days from the date of notice shall result in the assessment of a \$50.00 penalty per unit. Failure to make registration within thirty (30) business days from the date of said notice shall result in the additional assessment of a \$50.00~~

penalty per rental unit/\$30.00 each additional unit. The City Auditor shall then certify to the County Auditor the registration fee 1330.02 (A) and penalty 1330.99 as referenced. Such amounts (fee \$50.00 + penalty \$50.00 = \$100.00/additional units fee \$30.00 + penalty \$30.00 = \$60.00) shall be entered upon the tax duplicate and shall be lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General fund as provided by Ohio R.C. 731.54.

~~—(b)— Failure to make registration within sixteen to thirty (16-30) business days from the date of notice shall result in the assessment of a \$100.00 penalty per unit.~~

~~—©— Failure to make registration within thirty one to sixty (31-60) business days from the date of notice shall result in the assessment of a \$200.00 penalty per unit.~~

(Ord. 49-2012. Passed 9-4-12.)



DATE: FEBRUARY 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17 - 2014

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

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

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

Section 1:

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

(SEE ATTACHED EXHIBIT "A")

Section 2:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

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

\_\_\_\_\_  
TONY M. TOWNSEND, PRESIDENT

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

\_\_\_\_\_  
KATHY CATAZARO-PERRY, MAYOR

**CHAPTER 1331**  
**Registration of Vacant Buildings**

<u>1331.01</u>	<b>Applicability.</b>
<u>1331.02</u>	<b>Definitions.</b>
<u>1331.03</u>	<b>Registration of vacant buildings; compliance and requirements.</b>
<u>1331.04</u>	<b>Prohibition for failure to register.</b>
<u>1331.05</u>	<b>No abrogation of other provisions.</b>
<u>1331.99</u>	<b>Penalty.</b>

**CROSS REFERENCES**

Registration of non-owner occupied structures - see BLDG. Ch. 1330  
Nuisance - see BLDG. Ch. 1353

**1331.01 APPLICABILITY.**

This chapter shall be applicable to all residential and commercial buildings located within the City. (Ord. 48-2012. Passed 9-4-12.)

**1331.02 DEFINITIONS.**

The following shall apply to this chapter:

(a) "Chief Building Official" means the Chief Building Official of the City of Massillon or his designee.

(b) "Owner" means any person who alone or jointly or severally with others shall have the legal or equitable title to a property and shall include executors, administrators, trustees or guardians of the estate of the owner and any purchaser or assignee under a certificate of sale pursuant to mortgage foreclosure. The term "owner" shall also include partnerships and corporations and other unincorporated associations. Any individual "owner" regardless of whether he shares ownership responsibility with other persons. Any general partner of a partnership and any officer of a corporation or unincorporated association shall have direct and personable responsibility and liability for compliance with the provisions of this

chapter.

~~(e) "Vacant Building" means any structure that is unoccupied.~~

(c) "Abandoned" means a structure that is unoccupied as the result of the relinquishment of possession or control by an owner or other person with the right of possession or control of the structure, a mortgagor or the mortgagor's assigns whether or not the mortgagor or mortgagor's assigns have relinquished equity and title. A structure may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was abandoned, including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, mail, past due utility notices, or other means of notice by publication, the accumulation of junk, litter, trash, or debris, absence of windows or window treatments, absence of furnishings and personal items, statements of neighbors, delivery agents or similarly situated persons that the property is abandoned.

(d) "Vacant" means a structure that is not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Multi-family residential structures shall be considered vacant when substantially all of the dwelling units are not lawfully occupied or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant commercial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in commercial activity, or that otherwise qualifies as "Abandoned" under this Section. Industrial structures shall be considered Abandoned when all industrial or manufacturing activity has ceased at the site or that otherwise qualifies as "Abandoned" under this Section. Multi-tenant industrial structures shall be considered vacant when substantially all of the units are not lawfully occupied or engaging in industrial or manufacturing activity, or that otherwise qualifies as "Abandoned" under this Section. In determining whether a structure is vacant, it is also relevant to consider, among other factors, the percentage of the overall square footage of the building or floor not in use to the occupied space; the condition and value of any items in the structure and the presence of rental or for sale signs on the property. A property that is temporarily unoccupied and is in the process of being renovated under proper and unexpired permits shall not be considered vacant.

(e) "Evidence of vacancy" means any condition visible from the exterior of the property that alone or in combination with other existing conditions would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; unmaintained pools or spas; an accumulation of newspaper, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities; an accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; statements

by neighbors, passersby, delivery agents, and/or government employees that the property is vacant.

(Ord. 48-2012. Passed 9-4-12.)

### **1331.03 REGISTRATION OF VACANT BUILDINGS; COMPLIANCE AND REQUIREMENTS.**

(a) All buildings presently located within the City which are "vacant" as defined in this chapter or which hereafter become "vacant" shall be registered by the owner thereof within thirty (30) days from date of their last occupancy with the Chief Building Official. The registration requirement of this section shall not apply to vacant buildings in which an owner is seeking to lease or sell the vacant building, so long as the building is vacant for no longer than ninety (90) days from the date of the last occupancy.

(b) Registration shall be made on forms supplied by the Chief Building Official and shall include:

- (1) A description of the premises.
- (2) The names and addresses of the owners of the premises.
- (3) The names and addresses of the person or persons who shall be responsible for compliance with this chapter.
- (4) The period of time for which the premises are to remain vacant.
- (5) A plan for conforming the premises to applicable minimum housings, health, fire and safety laws and regulations.

(c) Upon a complaint of any building pursuant to this chapter, or when any such vacant building comes to his attention, the Chief Building Official shall cause inspections to be made of the premises to determine the condition of such building and premises and whether there exists any fire, safety or health hazards upon the premises, and shall



provide notices to the owners thereof to comply with the provisions of this chapter.

(d) As a minimum requirement, all vacant buildings as defined in this chapter shall conform to the following requirements:

(1) The interior of the building, to include any garage area, shall be cleaned and free of debris.

(2) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed during summer months.

(3) No junk cars shall be parked on the premises.

(e) All buildings, found to be "vacant" as defined in this chapter, that are also open and unsecured to trespass, shall additionally meet the following requirements:

(1) All windows and doors on the ground floor area, including the basement and garage, shall be boarded up and secured with minimum one-half inch sheathing grade plywood and the sheathing shall be properly painted. In order to be considered secure, a property must also be in compliance with all requirements of the Massillon Property Maintenance Code. If the City is required to secure the premises, materials will consist of standard one half inch sheathing secured from the outside.

(2) The sheathing shall be applied in a neat and orderly manner, cut to the size of the opening.

(3) All costs incurred therein by the City will become a lien on the real estate.

(f) The plan required in subsection 1331.03 (b) (5) hereof shall be reviewed and approved by the Chief Building Official and implemented and completed within ~~six~~ ~~(6)~~ three (3) months of the date that the building is registered under this chapter.

(g) The fee for each year or fraction thereof for which such vacant building units

are registered shall be ~~\$100.00~~ \$120.00 for Residential and \$240.00 for Commercial/Industrial structures, ~~per building per year, plus an additional \$10.00 per unit of building per year.~~ If the building is vacant for a fraction of a year, the fee shall be prorated (\$10.00 a month) according to the fraction of the year the building is vacant. Registrations must be renewed annually in the first month of the calendar year. The owner of any building that is required to be registered by this chapter may, upon the showing of financial hardship, have the payment of registration fees waived or deferred upon recommendation by the Board of Building Appeals. ~~If any registration fee is not made within the time set forth in this chapter, the required fee shall be increased an additional \$10.00 per month for the period of time that the registration is delinquent.~~

(h) The registration fee of subsection (g) shall not apply to any vacant building in which an owner is seeking to lease or sell the vacant building, so long as the building is vacant for no longer than ninety (90) days from the date of the last occupancy.

(i) No registration shall be assignable. If the names or addresses of any of the person required as a part of the registration statement change, a new registration statement shall be properly made within ten (10) days from the date of such change in the same manner and form as herein prescribed.

(Ord. 48-2012. Passed 9-4-12.)

#### **1331.04 PROHIBITION FOR FAILURE TO REGISTER.**

No person shall own a vacant building as defined in this chapter unless the building is registered with the Chief Building Official in accordance with the requirements of this chapter.

#### **1331.05 NO ABROGATION OF OTHER PROVISIONS.**

This chapter does not in any manner abrogate the other provisions of the Health, Building and Housing Codes of the City pertaining to the abatement of public nuisances or unsafe buildings. (Ord. 48-2012. Passed 9-4-12.)

#### **1331.99 PENALTY**

(a) An Official Notice shall be posted on the structure and a notification letter will be sent informing the owner of registration requirements. Notice under this subsection is sufficient if it is deposited in the mail, first class, to the last known owner or entity in control of the property on the records of the Stark County Auditor at the time of notification. Failure to make registration within ~~fifteen (15)~~ thirty (30) business days

from the date of notice shall result in the additional assessment penalty of a ~~\$50.00~~ \$120.00 for Residential and \$240.00 for Commercial/Industrial structures penalty per-unit building. The City Auditor shall then certify to the County Auditor the registration fee 1331.03 (g) and penalty 1331.99 as referenced above. Such amounts (fee \$120.00 + penalty \$120.00 = \$240.00 Residential and fee \$240.00 + penalty \$240.00=\$480.00 Commercial /Industrial) shall be entered upon the tax duplicate and shall be lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General fund as provided by Ohio R.C. 731.54.

~~(b) Failure to make registration within sixteen to thirty (16-30) business days from the date of notice shall result in the assessment of a \$100.00 penalty per unit.~~

~~(c) Failure to make registration within thirty one to sixty (31-60) business days from the date of notice shall result in the assessment of a \$200.00 penalty per unit.~~

(Ord. 48-2012. Passed 9-4-12.)

DATE: FEBRUARY 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 – 2014

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2014, 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 Economic Development Fund, for the year ending December 31, 2014, the following:

\$8,000.00 to an account entitled "Services & Contracts" 1237.845.2392

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. 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 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 – 2014

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Local Law Enforcement Trust Fund, for the year ending December 31, 2014, 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 Local Law Enforcement Trust Fund, for the year ending December 31, 2014, the following:

\$2,500.00 to an account entitled "Supplies/Materials/Postage" 1215.305.2410

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. 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 18, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 – 2014

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Interlock/Alcohol Monitoring Fund, for the year ending December 31, 2014, 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 Indigent Interlock/Alcohol Monitoring Fund, for the year ending December 31, 2014, the following:

\$75,000.00 to an account entitled "Indigent Interlock/Alcohol Monitoring Services & Contracts" 1223.135.2392

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. 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.