

**MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT**

**DATE: MONDAY, NOVEMBER 16, 2020
VIA TELECONFERENCE CALL
TIME: 6:30 P.M.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN LINDA LITMAN**
- 3. PLEDGE OF ALLEGIANCE**
- 4. READING OF THE JOURNAL**
- 5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**
- 6. NEW AND MISCELLANEOUS BUSINESS**
- 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 119 – 2020

BY: PARK AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the lease of mowers for The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 120 – 2020

BY: PARK AND RECREATION COMMITTEE

AN ORDINANCE amending Ordinance No. 142 – 2016, changing the golf fees for The Legends of Massillon Golf Course, beginning with the 2021 season.

ORDINANCE NO. 121 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE to approve the 2020 Replacement Pages to the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 122 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1204 Municipal Court Special Court Fund, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 123 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 124 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one (1) year contract with Medical Mutual of Ohio for health insurance coverage for City employees, effective January 1, 2021 through December 31, 2021, and declaring an emergency.

ORDINANCE NO. 125 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 168 – 2019, salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, UNCLASSIFIED EMPLOYEES, and MISCELLANEOUS SCHEDULE for part-time employees, and declaring an emergency.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 996.00	Publication of September Ordinances
Walter H. Drane Co.	-	<u>2,109.40</u>	2020 Codified Ordinance Replacements
		\$3,105.40	Total

Mark Lombardi	-	\$ 170.39	Computer Equip. for Chambers (COVID-19 Funds)
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11. REPORTS FROM CITY OFFICIALS

12. REPORTS OF COMMITTEES

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 108 – 2020

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE amending Chapter 919 “SIDEWALK AND CURB REPLACEMENT PROGRAM” of the Codified Ordinances of the City of Massillon, Ohio.

ORDINANCE NO. 110 – 2020

BY: FINANCE COMMITTEE

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

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 114 – 2020

BY: COMMUNITY DEVELOPMENT

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Lepley & Co., LLC to provide an economic development “inducement grant” to fund start-up costs including build-out at the property located at 13 Penn Avenue S.E., Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 115 – 2020

BY: COMMUNITY DEVELOPMENT

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with the Legacy Project of Stark to provide an economic development “inducement grant” to fund the costs for expansion at the property located at 708 Tremont Avenue S.W., Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 117 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2020 appropriations from within the 1100 General Fund, for the year ending December 31, 2020, and declaring an emergency.

ORDINANCE NO. 118 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2021, and declaring an emergency.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 119 – 2020

BY: PARK AND RECREATION 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 to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the lease of mowers for The Legends of Massillon Golf Course, 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 necessary for the public peace, health or safety of the citizens of Massillon, Ohio, for 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, with lowest and best bidder, upon the approval of the Board of Control, for the lease of mowers for The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety is hereby authorized and directed to advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the lease of mowers for The Legends of Massillon Golf Course. The Park and Recreation Board approved this action by a 5-0 vote.

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.

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 120 – 2020

BY: PARK AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 142 – 2016, changing the golf fees for The Legends of Massillon Golf Course, beginning with the 2021 season.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines that it is necessary to amend Ordinance No. 142 – 2016, changing the golf fees for The Legends of Massillon Golf Course, beginning with the 2021 season. The rate changes in the golf fees is attached hereto as Exhibit “A”. The Park and Recreation Board approved this action by a 5-0 vote.

Section 2:

Ordinance No. 142 – 2016 is hereby amended, as provided above in Section 1.

Section 3:

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

Section 3:

This Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 121 – 2020

BY: RULES, COURTS, AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE to approve the 2020 Replacement Pages to the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

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

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

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

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

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

Section 1:

That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2020 Replacement Pages of the Codified Ordinances, are hereby approved and adopted.

Section 2:

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

Traffic Code

331.43	Wearing Earplugs or Earphones Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
335.091	Operating without Dealer or Manufacturer License Plates. (Added)
373.02	Riding Upon Seats. (Amended)

General Offenses Code

505.04 Abandoning Animals. (Amended)
537.17 Reserved. (Previously "Criminal Child Enticement")

Section 3:

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

Section 4:

That this Ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon; the emergency being that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed 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 _____, 2020

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL

CLAUDETTE O. ISTNICK, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

**CODIFIED
ORDINANCES
OF THE
CITY OF
MASSILLON
OHIO**

Local current through October 22, 2020

State current through June 19, 2020

CERTIFICATION

We, Kathy Catazaro-Perry, Mayor and Diane Rolland, Clerk of Council, of the City of Massillon, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Massillon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correct as and constitute the Codified Ordinances of the City of Massillon, Ohio, as amended to October 22, 2020.

/s/ Kathy Catazaro-Perry
Mayor

/s/ Diana Rolland
Clerk of Council

Codified, edited and prepared for
publication by

THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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ROSTER OF OFFICIALS (2020)

COUNCIL

Claudette O. Istnick, President	Jim Thieret, Ward 2
Nancy J. Halter, At-Large	Mike Gregg, Ward 3
Ted Herncane, At-Large	Jill Creamer, Ward 4
Ed Lewis IV, At-Large	Megan Starrett, Ward 5
Mark Lombardi, Ward 1	Linda Litman, Ward 6

Diane Rolland, Clerk

ADMINISTRATION

Kathy Catazaro-Perry	Mayor
Barb Sylvester	Safety-Service Director
Jayne Ferrero	Auditor
Justin Richard	Law Director
William Bartos	Chief Counsel
Maude Slagle	Treasurer
Anita Combs	Administrative Assistant
Linda Benson	Administrative Assistant
Keith Moser	Police Chief
Tom Burgasser	Fire Chief
Terri Argent	Health Inspector
David Krock	City Engineer
Lori Kotagides-Boron	Budget Director/Income Tax Administrator
Samantha Walters	Community Development Director
Anna Jordan	Administrative Assistant
David Maley	Economic Development Specialist
Beverly Lewis	Housing Director
Frank Silla	Chief Building Official
Lee McBride	Operations Superintendent
Steve Pedro	Parks and Recreation Director
Carrie Lowry	Director of Legends Golf Course
Tony Ulrich	Waste Water Treatment Plant Manager

ITINERANT RETAILERS, CHARITABLE SOLICITORS AND SOLICITORS (Cont.)		LABOR RELATIONS (see also FAIR EMPLOYMENT)	
prohibited conduct	753.11	construction contracts (see CONSTRUCTION CONTRACTS)	
refuse, disposal of	753.09	labor organization	
roadways, sales on	753.08	membership	721.04
schools, near	753.08	picketing, nonmembers	721.16
JAYWALKING	371.03	strike, employees during	
JUKE BOX (see MECHANICAL AMUSEMENT DEVICE)		obstructing;	
JUNK (see SOLID WASTE)		intimidating	721.15
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fee	771.05	administrative fees for letters	137.03
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of residency	335.111
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arcades (see AMUSEMENT ARCADES)	
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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
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166-2017	12-18-17	163.03, 163.04
167-2017	1-16-18	163.02
10-2018	1-16-18	777.01, 777.99
18-2018	2-5-18	133.13
26-2018	3-5-18	181.03, 181.062, 181.063, 181.066, 181.07, 181.10
81-2018	9-4-18	505.01, 505.16, 505.17; Repeals 505.18, 505.19
143-2018	12-17-18	181.014
150-2018	11-20-18	181.081
23-2019	3-18-19	Repeals 509.10
52-2019	4-15-19	561.03
53-2019	4-15-19	1331.01 to 1331.05, 1331.99
60-2019	6-3-19	557.08
108-2019	9-3-19	181.081
8-2020	2-18-20	521.04
29-2020	4-6-20	121.01, 121.02
30-2020	4-6-20	121.02
76-2020	8-17-20	521.04

TITLE THREE - Legislative
Chap. 121. Council.
Chap. 123. Ordinances and Resolutions.

CHAPTER 121
Council

121.01 Attendance.

121.02 Rules of Council.

CROSS REFERENCES

Open meetings - see Ohio R.C. 121.22; ADM. Ch. 107
Composition - see Ohio R.C. 731.01, 731.06
Qualifications - see Ohio R.C. 731.02, 731.44
Election and term - see Ohio R.C. 731.03, 733.09
Clerk - see Ohio R.C. 731.04
Legislative powers - see Ohio R.C. 731.05
Vacancy - see Ohio R.C. 731.43
Meetings - see Ohio R.C. 731.44, 731.46
Rules and journal - see Ohio R.C. 731.45
President - see Ohio R.C. 733.09
Misconduct - see Ohio R.C. 733.72 et seq.

121.01 ATTENDANCE.

(a) No member of Council shall willfully fail to attend the stated or special meetings thereof after having been duly and legally notified of the special meetings, or refuse, on a call of Council being ordered, attend any meeting when properly notified.

(b) Any member of Council knowing they will be unable to attend a stated or special meeting shall notify the Council Clerk prior to the meeting.
(Ord. 29-2020. Passed 4-6-20.)

121.02 RULES OF COUNCIL.

(a) Organization.

Rule 1.

Within thirty days from the commencement of their term, the members of Council shall elect a Clerk of Council, who shall serve at the pleasure of Council. Council shall fix the duties, bonds, and compensation of the Clerk of Council. Council may also appoint any other employee of Council, as may be necessary, and may fix their duties, bonds and compensation.

Rule 2. Nominations shall be made from the floor, and, after nominations have been closed, the chair shall appoint two tellers. Voting shall be by ballot; and a majority of those present shall be required for an election. In case no election results from the first two ballots, the candidate receiving the fewest number of votes on the second ballot, shall be dropped from the list of nominees; and similar procedure shall be followed with each subsequent ballot until an election results. All elections by Council shall be conducted in a similar manner.

(b) Powers and Duties.

Rule 3. When the office of Councilperson becomes vacant, the vacancy shall be filled in accordance with Ohio R. C. 731.43.

Rule 4. Council shall be the judge of the election and qualification of its members. A majority of all the members elected shall be a quorum to do business, but a less number may adjourn from day to day and compel attendance of absent members in such manner and under such penalties as are prescribed by ordinance. Council shall provide rules for the manner of calling special meetings.

Rule 5. Council shall determine its own rules and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules, and declare their seat vacant for absence having continued for two months. No expulsion shall take place without the concurrence of two-thirds of all the members elected, and until the delinquent member has been notified of the charge or charges against them, and has had an opportunity to be heard.

Rule 6. Council shall have the management and control of the finances and property of the City, except as may otherwise be provided, and have such other powers and perform such other duties as may be conferred by law.

Rule 7. Council shall not enter into any contract which is not to go into full operation during the term for which all the members of such Council are elected.

Rule 8. Regular meetings of Council shall be held on the first and third Monday of each month in the Council Chambers in the Municipal Government Center, at 6:30 p.m., except on a Monday when the building is closed for a holiday, then Council shall meet on the following day, (Tuesday), but Council may adjourn any regular or special meetings to meet at any time within three weeks.

Rule 8.1 Committee meetings of Council shall be held on the second and last Monday of each month in the Council Chambers in the Municipal Government Center, at 6:30 p.m., except on a Monday when the building is closed for a holiday, the Council shall meet on the following day, (Tuesday). Committee meetings will begin with the Community Development, then other committees alphabetically, with Finance last. During each respective committee meeting all members of Council may be seated at the table. Any correspondence from a non-committee member shall be ushered through the committee chairperson and follow Robert's Rules of Order.

Rule 9. The Mayor, or any three members may call special meetings upon at least a twelve hour notice to each member, served personally or left at their usual place of residence.

Rule 10. No business shall be transacted at any special meeting of Council except the particular business for the transaction of which the meeting may be called; and the notice required by law to be served upon each member requiring their attendance upon the special meeting, shall contain a statement of the business for the transaction of which such special meeting may be called. (Ord. 29-2020. Passed 4-6-20.)

Rule 11. Order of business:

1. Roll call.
2. Invocation.
3. Pledge of allegiance.
4. Reading of the journal.
5. Remarks of delegations and citizens to matters on the agenda.
6. New and miscellaneous business.
7. Introduction of ordinances and resolutions.
8. Unfinished business.
9. Petitions and general communications.
10. Bills, accounts and claims.
11. Reports from City officials.
12. Reports of committees.
13. Resolutions and requests of Council member.
14. Call of the calendar.
15. Third reading ordinances and resolutions.
16. Second reading ordinances and resolutions.
17. Remarks of delegations and citizens to matters not on the agenda.
18. Adjournment. (Ord. 30-2020. Passed 4-6-20.)

Rule 12. (A) Except as otherwise provided in division (B) of this section, the President of the legislative authority of a City shall be elected for a term of two years, commencing on the first day of January next after their election. They shall be an elector of the City, and shall preside at all regular and special meetings of such legislative authority, but they shall have no vote therein except in case of a tie.

- (B) A City legislative authority may, by majority vote, adopt a resolution causing the Board of Elections to submit to the City electors the question of whether the term of office of the President of the legislative authority should be changed from two to four years. The question shall be voted upon at the next general election occurring not less than seventy-five days after the certification of the resolution to the Board of Elections. If a majority of the votes cast on the question is in the affirmative, the term of office of the President of the legislative authority shall be four years effective on the first day of January following the next regular municipal election.

A City legislative authority whose President's term of office is four years may, by majority vote, adopt a resolution causing the Board of Elections to submit to the City electors the question of whether the President's term should be changed from four to two years. The question shall be voted upon at the next general election occurring not less than seventy-five days after the certification of the resolution to the Board of Elections. If a majority of the votes cast on the question is in the affirmative, the term of the office of the President of the legislative authority shall be two years effective on the first day of January following the next regular municipal election.

Rule 13. When the Mayor is absent from the City, or is unable for any cause to perform their duties, the President of Council shall be the Acting Mayor. While the President of Council is acting as Mayor, they shall not serve as President of Council.

Rule 14. In case of the death, resignation, or removal of the Mayor, the President of the legislative authority of the City shall become the Mayor, and shall hold the office for the unexpired term. Thereupon the President Pro Tempore of such legislative authority shall become President thereof for the unexpired term, and shall have the same rights, duties, and powers as their predecessor. The vacancy thus created in the legislative authority shall be filled for the unexpired term as provided in Ohio R. C. 731.43, and such legislative authority shall elect another President Pro Tempore to hold such office for the unexpired term.

Rule 15. The President of Council shall take the chair at the time and place so designated for any meeting, and shall immediately call Council to order. In the absence of the President, the President Pro Tem shall act in their seat and in the absence of both officers, the Clerk of Council shall call Council to order, and, if a quorum shall then be present, Council may then select one of their number to act as President.

Rule 16. The President shall have general control of the Council Chamber, shall preserve order and decorum and decide questions of order, and may, call to order any member who violates the rules. They may speak upon any question, if not objected to by a member, after calling the President Pro Tem or a member to the chair.

Rule 17. The President shall appoint all special committees with the approval of Council, and the first named of any committee shall be chairman of same.

Rule 18. The President shall, not later than the first regular meeting succeeding the organization of Council, in each term, appoint the standing committees, consisting of not less than three members each, for the ensuing term, subject however, to the approval of a majority of the members elected to Council.

Council may, by a majority vote of all the members elected thereto, at any regular meeting, change the personnel of any committee appointed by the President.

Rule 18.1

Each member of Council shall be responsible for chairing at least one committee and sitting as a member on at least two other committees.

Rule 19.

Standing Committees.

1. Finance Committee - to which shall be referred all matters pertaining to: finances, appropriations, budget requests, salaries, wages and benefits, indebtedness, taxation, payment of moneys, damages, claims.
2. Streets, Highways, Traffic and Safety Committee - to which shall be referred all matters pertaining to: streets, alleys, curbs, sidewalks, bridges, drainage ditches, areas between curb line and private property line, grade crossings, the street department, vehicular and pedestrian traffic control and safety, parking meters, meter maids, on and off-street parking, street marking, signs and paintings.
3. Public Utilities Committee - to which shall be referred all matters pertaining to: privately operated public utilities, such as electric light, water, gas, telephone, bus, taxi, railroads, pipe lines, street lighting and fire hydrants.
4. Police and Fire Committee - to which shall be referred all matters pertaining to: the Police and Fire Departments; special and auxiliary policemen and firemen, school police, police and fire pension funds, ambulance service, vehicular licensing.
5. Environmental Committee - to which shall be referred all matters pertaining to sanitary sewer system and disposal plant, storm water sewer system, waste and garbage collection and disposal, drains, the sewer and waste collection departments.
6. Health, Welfare and Building Regulations Committee - to which shall be referred all matters pertaining to: public health and sanitation, air and stream pollution, nuisances, direct and work relief, unemployment, social service, initiative and referendum petitions, civil defense, the health and relief departments, heating code, building regulations and building department.
7. Parks and Recreation Committee - to which shall be referred all matters pertaining to: public and private parks and recreational facilities, City buildings and property, natural waterways, canal lands, park and flood control departments and the City owned golf course.

8. Community Development Committee - to which shall be referred all matters pertaining to: new municipal undertakings, redistricting, planning, allotments, subdivision regulations, rehabilitation, redevelopment or conservation of property, zoning, commercial signs, Planning Commission, the attraction, promotion retention, and expansion of industrial enterprises of interest to the City, annexation, and purchase or sale of land.
9. Rules, Courts and Civil Service Committee - to which shall be referred all matters pertaining to: City manpower planning, job evaluation and descriptions, and shall be Council's representation negotiations, the Massillon Municipal court, including the Massillon Municipal Clerk's Office, the Massillon City Law Department, Council rules and Criminal Offenses.

(c) All Meetings to be Open.

Rule 19.1 All meetings of Council shall be public meetings, open to the public at all times, unless otherwise provided by law. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of Council.

(d) Reports of Committees and City Officers.

Rule 20. The standing and select committees of Council shall have leave to report by ordinance or otherwise.

Rule 21. All reports of committees shall be in writing and signed by such members as concur therein and the same shall be read by the Clerk, or by the member making the report, unless the reading be dispensed with by assent of Council.

Rule 22. All reports of committees or City officials shall be made in writing when requested by Council. Any such request made by Council shall be reduced to writing before any action shall be required to be taken thereon.

Rule 22.1 All reports of committees, reports or requests from City officials and other written communications to Council, from Council committees shall be in the hands of the Clerk of Council not later than 9:00 a.m., Wednesday prior to the time of regular meeting. Such provisions may be waived only by a majority vote of the members elected at any Council meeting so as to permit the reading and reference of any report, request or communications which has not been in the hands of the Clerk prior to 9:00 a.m. on the Wednesday prior to the time of the next regular meeting of Council. This rule shall not apply to a special meeting of Council.

Rule 22.2 Reports and communications to Council will be directed to the appropriate Council committee(s) as ordered by the President of Council, unless directed otherwise by Council.

Rule 22.3 Any communication from any City employee under the jurisdiction of the Safety and Service Director, shall be referred to the Director for review and recommendations before being read by the Clerk of Council at any regular meeting.

Any communication from any employee in the Department of Treasurer, Auditor, Law Director or Mayor shall be referred to the Head of the Department from which the communication originated, for review and recommendations before being read by the Clerk of Council at any meeting.

Rule 23.

If any matter, ordinance, resolution, question or report referred by Council to a committee or City official, be not reported upon on or before the second meeting from the time of such request, the same may be called up by the President or any member of Council and further action taken thereon.

(e) Committee of the Whole.

Rule 24.

The Committee of the Whole, shall consist of the members of Council only, but the President of Council shall be ex-officio a member of the Committee of the Whole. In forming a Committee of the Whole, the President shall leave the chair, and the President Pro-Tem shall preside. The rules of procedure shall be the same as in Council, insofar as practicable.

Rule 24.1

The Clerk of Council shall prepare an agenda for the next Council meeting after 9:00 a.m. on the Wednesday prior to the time of the next regular meeting of Council. Subject agenda shall be available in the Municipal Government Center by 12:00 noon on the Friday prior to the time of the next regular meeting of Council. Subject agenda shall be available to the public and contain a listing of brief title of all: communications to Council, resolutions and requests of Council or Councilpersons, reports by and to Council, new resolutions and ordinances, ordinances and resolutions for second reading and ordinances and resolutions which are to have their third reading. Subject agenda shall constitute the official business to come before Council at their next regular meeting. This rule shall not apply to a special meeting of Council.

(f) Ordinances and Resolutions.

Rule 25.

The action of Council shall be by ordinance or resolution, and on the passage of each ordinance or resolution the vote shall be taken by "yes" and "no" and entered upon the journal. This procedure shall not apply to the ordering of an election, or direction by Council to any Board or officer to furnish Council with information as to the affairs of any Department or office. No by-law, ordinance or resolution of a general or permanent nature shall be passed unless it has been fully and distinctly read, at least by title only on three different days, and with respect to any such by-law, ordinance or resolution, there shall be no authority to dispense with this rule, except by a three-fourths vote of all members elected to Council, and entered on the journal. No ordinance shall be passed by Council without the concurrence of a majority of all members elected thereto.

- Rule 25.1 All ordinances and resolutions to be placed on the agenda for a Council meeting shall be in the Council Clerk's hands no later than 9:00 a.m. Wednesday, prior to the meeting at which the ordinance or resolution is to be introduced. This rule may be temporarily suspended by a majority vote of the elected members of Council.
- Rule 26. Ordinances or resolutions presented on reports of a committee, or by any member of the Council shall be considered in the order in which they are presented unless Council shall otherwise direct.
- Rule 27. Any member of Council may present or request an ordinance or resolution, not appearing on the agenda, to Council for referral by the presiding officer to the appropriate committee. If opposition is made to the presented or requested legislation, the question shall be, "shall the ordinance or resolution be rejected?". If it be not rejected, it shall be referred to the appropriate committee by the presiding officer without debate.
- Rule 27.1 Upon referral of a Council member's presented or requested ordinance or resolution by the presiding officer to the appropriate committee, such committee shall report on same with or without amendment, as the committee may deem best, on or before the second regularly scheduled meeting of Council from the time of presentation or request.
- Rule 28. Any two members of Council may sponsor an ordinance or resolution and have it placed on the agenda for Council action. If such legislation is sponsored by two members, both not of the appropriate sponsoring committee, the sponsorship is deemed "non-committee".
- Rule 28.1 All non-committee sponsored ordinances or resolutions appearing on the agenda for Council action shall be given first reading only, and, unless otherwise ordered by Council, be referred by the presiding officer to the appropriate committee, which shall report on same with or without amendment, as the committee may deem best, on or before the second regularly scheduled meeting of Council from the time of first reading.
- Rule 28.2 A non-committee sponsored ordinance or resolution may only be placed on the agenda for second reading, third reading, and passage by leave of a majority vote of the elected member, of Council, and only after the second regularly scheduled meeting of Council from the time of first reading.
- Rule 29. Ordinances or resolutions shall receive the approval of two members of the appropriate sponsoring committee before passage, and in case they are introduced for first reading without such approval, shall be referred without debate to the appropriate committee for consideration in accordance with Rule 28.1, unless this rule shall be temporarily suspended by the concurrence of a majority vote of the elected members to Council.

Rule 29.1 Approval of two members of the appropriate sponsoring committee may be given in writing or verbally to the Clerk of Council enabling the subject legislation to be placed on the agenda. Members are responsible for contacting the Clerk.

Rule 30. All committee sponsored ordinances and resolutions placed on the agenda for Council action shall be first read on the day of introduction, and, unless otherwise ordered by Council, shall be laid on the table until the next regular meeting of Council, when the same shall be read a second time, and, unless otherwise ordered by Council, shall be laid on the table until the next regular meeting of Council, when the same shall be read a third time, and, unless otherwise acted on, the final vote shall be taken thereon and recorded in the journal and the concurrence of a majority of the elected members to Council shall suffice for adoption.

Rule 31. The largest sum and longest time shall be put first in cases where different sums or different times are named.

Rule 32. All ordinances and resolutions shall be known by their number, author, and title. Ordinances and resolutions shall be numbered consecutively, beginning with the number one, each year, and the number shall be followed by the year of introduction.

(g) Mayor's Veto.

Rule 33. Every ordinance or resolution of Council shall, before it goes into effect, be presented to the Mayor for approval. The Mayor, if approved, shall sign and return it forthwith to Council. If not approved, they shall within ten days after its passage or adoption return it with their objections to Council, or if Council is not in session, to the next regular meeting thereof, which objections Council shall cause to be entered upon its journal. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money. If he does not return such ordinance or resolution within the time limited in this section, it shall take effect in the same manner as if they had signed it, unless Council by adjournment prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it to Council with their objections, Council may, after ten days reconsider it, and if such ordinance, resolution or item, upon such reconsideration is approved by the vote of two-thirds of all the members elected to Council, it shall then take effect as if signed by the Mayor.

- (h) Roll Call.
Rule 34. In calling the roll upon any vote, the Clerk shall call the names of the members in their alphabetical order and in a rotating manner so that each ordinance and resolution shall be first voted on by a different member of Council until all members have so voted, and before the announcement of the vote by the presiding officer, the Clerk shall, upon demand of any member, read the vote so taken.
- (i) Call of the Council.
Rule 35. Any member shall have the right to demand a call of Council, and on such demand the Clerk shall call the roll and note in the journal the absentees.
The presiding officer shall direct a sergeant-at-arms or some member to notify the absentees that important business demands their presence in Council Chambers at once, and, until all further proceedings under the call are dispensed with, no business shall be transacted.
- (j) Motions.
Rule 36. When a question or proposition is before Council, or under debate, no motion shall be entertained except the following:
1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone to a day certain.
5. To commit or amend.
6. To postpone indefinitely.
Such motions shall have precedence in the order above arranged except that the motion to adjourn shall always be in order, unless Council is engaged in voting. The motion to adjourn, to lay on the table, for the previous question, and to postpone indefinitely shall be decided without debate.
- (k) Previous Question.
Rule 37. When the previous question shall be moved and seconded by two members, it shall be put in these words: "Shall the main question now be put?", and until decided shall preclude all further debate and all amendments of the main question, and all further amendments of any pending amendments and all further debate thereon except one motion to adjourn and one motion to lay on the table but pending amendments shall be put in their proper order before the main question.
Should the previous question be decided in the negative, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made.
Rule 38. All incidental questions or questions of order arising after the motion for the previous question shall have been made, shall be decided, whether on appeal or otherwise, without debate.

Rule 39. On a motion for a previous question and prior to voting on the same, a call of Council shall be in order, but after demand for the previous question shall have been sustained no call shall be in order, and Council shall be brought to an immediate vote, first upon the pending amendments in the inverse order of their age, and then upon the main question.

(l) Reconsideration.

Rule 40. A motion to reconsider, shall take precedence over all other questions; only a member who was absent and excused or who voted with the prevailing side may move a reconsideration of any action of Council, and provided that the motion to reconsider be made not later than the next regular meeting, after such action was taken. No motion to reconsider shall be made more than once on any one matter or subject, and the same number of votes shall be required to reconsider any action of Council that are required to pass or adopt the same.

(m) Undebatable Questions.

Rule 41. All questions are debatable, except:

1. To adjourn.
2. To take a recess.
3. To fix a time at which to reassemble.
4. The previous question.
5. To withdraw a motion.
6. To suspend a rule.
7. To lay on the table.
8. To take from the table.
9. Question-point of order.
10. Question of consideration-objection.
11. To proceed to the order of the day.
12. To indefinitely postpone.
13. All questions relating to the priority of business.

Rule 42. After a motion is stated by the President or read by the Clerk, it shall be deemed to be in possession of Council, but may be withdrawn by leave of Council at any time before division or amendment.

Rule 43. All questions, except privileged questions, shall be put in the order in which they arise.

Rule 44. A motion to adjourn to a day certain or indefinitely shall not again be allowed at the same stage of the ordinance or proposition.

Rule 45. A motion to adjourn shall always be in order, but, being decided in the negative, shall not again be entertained until some motion, call, order or discussion shall have taken place.

(n) Questions of Order.

Rule 46. If any member, in speaking or otherwise, transgresses the rules of Council, the President shall, or any member may, call them to order; and the member called shall take their seat, if required to do so by the President, until the question of order is decided.

Rule 47. All questions of order shall be decided by the President without debate. Such decision shall be subject to an appeal to Council by any member, on which appeal no member shall speak more than once unless by leave of Council, and the President may speak in preference to other members in rising from their seat for that purpose.

Rule 48. If the decision be in favor of the member called to order, they shall be at liberty to proceed; if otherwise, he shall not be at liberty to proceed, in case any member objects, without leave of Council.

(o) Duties of Members.

Rule 49. Whenever a member wishes to speak, they shall raise his or her hand to obtain acknowledgement for the presiding officer. On acknowledgement of the President, who shall announce the name of the member to speak, the member shall first address the President, and then speak from their seat or from the seat of any other member tendered to them for the purpose.

Rule 50. In all cases the member who shall first address the chair, shall speak first.

Rule 51. No member shall speak more than twice on the same question, unless by leave of Council; they shall confine themselves to the question under debate, and shall avoid personality.

Rule 52. Any member discussing a question may read from books, papers or documents or any matter pertinent to the subject under consideration, or may require the Clerk so to read, without asking leave.

Rule 53. Any member may call for a statement of the question, which the President may give sitting.

Rule 54. Any member may call for a division of the question, and the decision of the President shall be subject to appeal, as in questions of order.

Rule 55. Any member may excuse themselves from serving on any committee, with consent of Council.

Rule 56. Every member present when the question is put shall vote, unless Council, for special reasons, shall excuse themselves, or unless the member states that he or she has a conflict of interest and in good conscience he or she cannot vote on the question. A request to be excused from voting shall not be in order unless made before Council divides, or before the call of yes and no is commenced; and any member requesting to be excused from voting may make a brief verbal statement of their reasons for making such request; and the question shall then be taken up without further debate.

Rule 57. When the President is putting any question, or is addressing Council, no one shall walk across the hall; and while a member is speaking, no one shall pass between him and the chair. No member or other person shall remain at the Clerk's desk while a vote is being called or ballots being counted.

Rule 58. Any member has the right to demand the yeas and no on any question before the question is put; and upon the call for the yeas and no the Clerk shall call the names of the members alphabetically.

Rule 59. An appeal to Council from the decision of the chair may be taken by any member, if duly seconded and on such appeal the question shall be stated as follows: "An appeal has been taken from the decision of the chair; you who are of the opinion that the appeal shall be heard will say yes; and you who are opposed will say no; which question shall be put without debate". If Council shall decide to hear the appeal the chair shall at once be vacated by the occupant thereof, who shall call any member to the chair, and may participate in the debate on the appeal. When the debate shall be closed, the question to be put shall be as follows, and shall be decided as are all other questions: "You who are of the opinion that the decision of the chair shall stand as the judgment of Council, say yes; and you who are of the opinion that the decision of the chair shall not stand as the judgment of Council, say no."

Rule 60. No member shall withdraw from Council without leave.

Rule 61. Any member may protest against the action of Council and have their reasons therefor entered upon the journal if couched in respectful language.

Rule 62. The presiding officer may, at any time permit a member to introduce an ordinance or resolution or motion out of the regular order provided not more than two members object thereto.

(p) The Calendar.

Rule 63. The Clerk shall keep a Council calendar which shall consist of a list of ordinances and resolutions, consecutively numbered, giving names of sponsor, title, date, committee reference and final disposition of same. A call of the calendar shall consist of citing the committee references of the various measures, request for information as to the progress of their consideration.

(q) Who Admitted Within Bar.

Rule 64. No persons except members of Council, City officials, representatives of the press, radio, and persons invited shall be admitted within the bar of the Council Chambers.

Rule 65. The Mayor shall be permitted to participate in discussion of ordinances, resolutions, and other matters affecting public policy or welfare that arise; the Director of Public Service and Safety shall be permitted to discuss questions relative to their respective department only.

(r) Unclassified Rules.

Rule 66. On meeting of Council, and after the reading and disposal of the journal, the President shall take up the order of business where left off at the previous meeting of Council, and when the remaining order of business has been completed, he or she shall begin at the commencement of the regular order and continue until the entire order of business has been called.

Rule 67. Members of Council, all persons within the bar of Council and persons within the Council Chambers shall at all times observe the proper decorum and, while Council is in session, shall refrain from loud talking and similar disconcerting conduct.

Rule 68. These rules may be suspended, altered, repealed, or added to by a majority vote of all the members of Council at any regular meeting.

Rule 69. All questions not provided for by these rules, shall be governed by Robert's Rules of Order or Gregg's Parliamentary Law.

Rule 70. The Clerk shall prepare and have at each meeting of Council for use of the President, and each member of Council, a copy of these rules, with all amendments thereto.

Rule 71. The immediate supervisor of the Clerk shall be the President of Council, subject to the direction of Council. Any issue or concern regarding the Clerk should be documented and directed to the President of Council, who shall address the matter promptly and directly with the Clerk. The Clerk shall also be subject to all other ordinances and other rules and regulations governing employees of the City.

1. The Clerk shall perform the duties of the position generally during the hours of 8:30 a.m. to 4:30 p.m. The Clerk shall attend all regularly scheduled meetings of Council and Council's work session. The Clerk shall notify the President of Council or President Pro Tem in the event of illness or other circumstance preventing such attendance or fulfillment of the Clerk's duties.
2. The Clerk shall maintain the official records of Council, including, but not limited to, a correct and accurate journal of the proceedings of Council and its Committees, a correct and accurate record of all ordinances and resolutions considered by Council, together with a record of their publication where required by law, a record of all notices published on behalf of Council, and a record of all correspondences on behalf of Council.
3. The Clerk shall be guided in the performance of the foregoing duties by the Employee Manual, adopted herein by Council.

Rule 72. Each member of Council shall maintain a telephone line with a telephone number kept on file with the Clerk of Council to enable the public to contact individual members of Council.

Rule 73. EDITOR'S NOTE: Former Rule 73 was repealed by Ordinance 111-2012.

Rule 74.

If the regular Clerk of Council is absent from his or her duties for just cause, the President of Council may appoint a temporary acting Clerk of Council who shall have all the duties and lawful powers to act for and as the Clerk of Council during the just absence of the Clerk of Council. The temporary acting Clerk of Council's compensation shall be paid at the rate of fifty dollars (\$50.00) per meeting for attendance at any regular meeting, work session, or special meeting. The President is further authorized to select and train an acting Clerk. The acting Clerk shall be paid the sum of fifty dollars (\$50.00) per training session. (Ord. 29-2020. Passed 4-6-20.)

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

- (a) As used in this section:
- (1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:
 - A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
 - B. Provides hearing protection."Earphones" does not include speakers or other listening devices that are built into protective headgear.
 - (2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:
 - A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
 - B. Provides hearing protection.
- (b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.
- (c) This section does not apply to:
- (1) Any person wearing a hearing aid;
 - (2) Law enforcement personnel while on duty;
 - (3) Fire Department personnel and emergency medical service personnel while on duty;
 - (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
 - (5) Any person engaged in the operation of refuse collection equipment;
 - (6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.
- (d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.84)

331.44 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.

- (a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars (\$2,000).
- (b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

- (c)
 - (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
 - (2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars (\$2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.
- (d) As used in this section:
 - (1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.
 - (2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization. (ORC 4511.714.)

CHAPTER 335 Licensing; Accidents

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| <p>335.01 Driver's license or commercial driver's license required.</p> <p>335.02 Permitting operation without valid license; one license permitted.</p> <p>335.021 Ohio driver's license required for in state residents.</p> <p>335.03 Driving with temporary instruction permit; curfew.</p> <p>335.031 Driving with probationary license; curfew.</p> <p>335.032 Use of electronic wireless communication device prohibited while driving.</p> <p>335.04 Certain acts prohibited.</p> <p>335.05 Wrongful entrustment of a motor vehicle.</p> <p>335.06 Display of license.</p> <p>335.07 Driving under suspension or license restriction.</p> <p>335.071 Driving under OVI suspension.</p> <p>335.072 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.</p> | <p>335.073 Driving without complying with license reinstatement requirements.</p> <p>335.074 Driving under license forfeiture or child support suspension.</p> <p>335.08 Operation or sale without certificate of title.</p> <p>335.09 Display of license plates or validation stickers; registration.</p> <p>335.091 Operating without dealer or manufacturer license plates.</p> <p>335.10 Expired or unlawful license plates.</p> <p>335.11 Use of illegal license plates; transfer of registration.</p> <p>335.111 Registration within thirty days of residency.</p> <p>335.12 Stopping after accident upon streets; collision with unattended vehicle.</p> <p>335.13 Stopping after accident upon property other than street.</p> <p>335.14 Vehicle accident resulting in damage to realty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Deposit of driver's license as bond - see Ohio R.C. 2937.221

Motor vehicle licensing law - see Ohio R.C. Ch. 4503

Driver's license law - see Ohio R.C. Ch. 4507

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510

State point system suspension - see Ohio R.C. 4510.03.6

State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11

Motorized bicycle operator's license - see Ohio R.C. 4511.521

Glass removal from street after accident - see TRAF. 311.01

**335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE
REQUIRED.**

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
- (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of subsection (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of subsection (a)(2) of this section. The person charged with a violation of subsection (a)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

- (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours.

- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both. (ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

- (a)
 - (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191.
 - (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
 - (3) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
(ORC 4503.21(A))

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (a) of this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(ORC 4503.21(B), (C))

**335.091 OPERATING WITHOUT DEALER OR MANUFACTURER
LICENSE PLATES.**

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.
(ORC 4549.10)

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

(a) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b) No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles.
(ORC 4549.12)

(d) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

- (h) (1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
 - (2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
 - (i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.
 - (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
 - A. At any time when lighted lights are required by Section 337.02(a)(1);
 - B. While carrying a passenger;
 - C. On any limited access highway or heavily congested roadway.
 - (3) Subsections (i)(1) and (i)(2)A. of this section do not apply to a person who operates or is a passenger in an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle.
- (k) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

- (a) No person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled, skateboard or toy vehicle shall attach the same or self to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled, skateboard or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles, electric bicycles, or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles, or motorcycles.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.55)

373.05 SIGNAL DEVICE ON BICYCLE.

(a) A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

(a) Every bicycle or electric bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

- (1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement.
- (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

CHAPTER 505 Animals and Fowl

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| <p>505.01 Harboring certain animals.</p> <p>505.02 Impounding and disposition; records.</p> <p>505.03 Annual registration of dogs; tags required.</p> <p>505.04 Abandoning animals.</p> <p>505.05 Killing or injuring animals.</p> <p>505.06 Poisoning animals.</p> <p>505.07 Cruelty to animals generally.</p> <p>505.071 Cruelty to companion animals.</p> <p>505.08 Nuisance conditions prohibited.</p> <p>505.09 Barking or howling dogs.</p> <p>505.10 Animal bites; reports, quarantine and mandatory rabies vaccination.</p> | <p>505.11 Hunting prohibited.</p> <p>505.12 Coloring rabbits or baby poultry; sale or display of poultry.</p> <p>505.13 Hindering capture of unlicensed dog.</p> <p>505.14 Keeping of certain animals prohibited.</p> <p>505.15 Report or escape of exotic or dangerous animals.</p> <p>505.16 Nuisance, dangerous and vicious dogs; confinement or restraint of dog; restrictions.</p> <p>505.17 Cats running at large.</p> <p>505.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Owner or keeper liable for damages - see Ohio R.C 951.10
 Dog registration - see Ohio R.C. 955.01
 Discharging firearms prohibited - see GEN. OFF. 549.10

505.01 HARBORING CERTAIN ANIMALS.

(a) No person shall harbor cattle, sheep, geese, ducks, turkeys, chickens or other fowl within city corporation limits, with the exception of Agricultural Zoned areas or properties 5 acres or more.

(b) Whoever violates this section is guilty of a minor misdemeanor.
 (Ord. 81-2018. Passed 9-4-18.)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.04 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (ORC 959.99 (E)(3))

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. (ORC 959.02)

vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;

- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from subsection (a) hereof when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this subsection.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below one hundred degrees fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82. (ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3701.99(C))

521.03 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

(d) Whoever violates this section is guilty of a minor misdemeanor.

521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(f) Owners/agents must be aware of and comply with Section 1307.03(b) of the Codified Ordinances.

(g) Businesses may use a portion of the sidewalk adjoining their business properties providing the following standards are complied with:

- (1) In all cases there shall be a minimum of four (4) foot clearance from the closet obstruction IE: light poles near the curb to approved use areas in all cases.
- (2) Businesses placing merchandise outside for sale shall have these items on the sidewalk only during normal business hours. (see subsection (c) above).
- (3) Functional/decorative items can be placed within thirty-six (36) inches of the outside wall of the business and should be limited to the following:
 - A. Trash container, except in areas where they are provided by the City.
 - B. Smoke waste containers.
 - C. Seating benches, except in areas where they are provided by the City.
 - D. Lighting fixtures that are permanently attached to buildings.
 - E. Walk off mats.
 - F. Planters.
 - G. Sidewalk signs.
 - H. Sidewalk sandwich boards.
 - I. Seasonal decorations.
- (4) All decorative and functional items should meet the following standards:
 - A. No items should protrude more than thirty-six (36) inches from the front wall of the business and must maintain a clearance of five (5) feet from the nearest obstruction or curb.
 - B. No items should be taller than five (5) feet in height.
 - C. No encroachments onto adjoining properties.
 - D. All items must be maintained in good safe operating condition or be removed immediately.
 - E. All items must be maintained in good appearance with no visible signs of rust or deterioration and shall be secured so as not encroach into the four (4) foot clearance.
 - F. All items must be maintained to public safety standards.
 - G. Planters must be weeded and watered regularly.
 - H. No tools IE: Shovels, buckets, brooms, watering cans, salt containers or other tools are to be left on sidewalks at any time, except when in use.

(h) In addition to Section 521.04(g), only Restaurants with Liquor Permits/Liquor Establishments may use a portion of the sidewalks adjoining their business properties providing the following standards are complied with:

- (1) These establishments must have applied and be approved for expansion from the Ohio Department of Liquor Control. The approved expansion permit must be available to City Officials upon request.
- (2) The barrier/enclosure for outdoors on sidewalks required in the expansion permit must meet the minimum standards listed in subsections (h)(3) through (10); below and a fencing permit must be applied for and approved by the Massillon Building Department.
- (3) The area shall be fenced at a height of thirty-six (36) inches. The fence shall be pre-manufactured decorative metal, black in color.
- (4) All fencing shall be properly maintained with no visible signs of rust or deterioration and shall be secured so as not encroach into the four (4) foot clearance.
- (5) If gates are provided, the gate must be marked as an EXIT and not be locked from the inside unless equipped with an emergency release. These areas are not permitted to be used as entrance or exit through the business establishment.
- (6) Any lighting attached to the fence or within the fenced area shall be Low Voltage, White in Color, and must be plugged directly into a GFI electrical outlet. (No Extension Cords are permitted.)
- (7) Tables and chairs must be kept secured behind the fencing, so that they cannot encroach into the four (4) foot clearance.
- (8) Only heating appliance that are normally used to heat large outdoor patio areas for patrons may be used. IE: Top hat propane heaters etc. Heaters must provide a tip over shut off feature. All heating appliances must be maintained in good safe operating condition and installed, used and maintained according to manufacturer instructions. No portable electric or kerosene heating appliances, such as those designed for home use, shall be used in outside fenced areas.
- (9) Fenced areas and any furnishings or equipment contained within must be maintained in clean, safe condition all year round.
- (10) Fenced areas may not be used for storage of any type.

(i) In addition to Section 521.04(g), only Restaurants without Liquor Permits may use a portion of the sidewalks adjoining their business properties providing the following standards are complied with:

- (1) The barrier/enclosure for outdoors on sidewalks must meet the minimum standards listed in subsections (i)(2) through (9) below and a fencing permit must be applied for and approved by the Massillon Building Department.
- (2) The area shall be fenced at a height of thirty-six (36) inches. The fence shall be pre-manufactured decorative metal, black in color.
- (3) All fencing shall be properly maintained with no visible signs of rust or deterioration and shall be secured so as not encroach into the four (4) foot clearance.
- (4) If gates are provided, the gate must be marked as an EXIT and not be locked from the inside unless equipped with an emergency release. These areas are not permitted to be used as entrance or exit through the business establishment.
- (5) Any lighting attached to the fence or within the fenced area shall be Low Voltage, White in Color, and must be plugged directly into a GFI electrical outlet. (No Extension Cords are permitted.)

- (6) Tables and chairs must be kept secured behind the fencing, so that they cannot encroach into the four (4) foot clearance.
- (7) Only heating appliances that are normally used to heat large outdoor patio areas for patrons may be used. IE: Top hat propane heaters etc. Heaters must provide a tip over shut off feature. All heating appliances must be maintained in good safe operating condition and installed, used and maintained according to manufacturer instructions. No portable electric or kerosene heating appliances, such as those designed for home use, shall be used in outside fenced areas.
- (8) Fenced areas and any furnishings or equipment contained within must be maintained in clean, safe condition all year round.
- (9) Fenced areas may not be used for storage of any type.

(j) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-2020. Passed 8-17-20.)

521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:
To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(b) Whoever violates this section is guilty of a minor misdemeanor.

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance.
(ORC 723.011)

(b) Whoever violates this section is guilty of a minor misdemeanor.

521.07 FENCES.

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.

(c) Whoever violates this section is guilty of a minor misdemeanor.

521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the State, or Municipality, unless one of the following applies:

- (1) The person is directed to do so by a public official as part of a litter collection drive;

- (2) Except as provided in subsection (b) hereof, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;
- (3) The person is issued a permit or license covering the litter pursuant to Ohio R. C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

- (1) The litter was generated or located on the property on which the litter receptacle is located.
- (2) The person is directed to do so by a public official as part of a litter collection drive.
- (3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.
- (4) The litter consists of any of the following:
 - A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;
 - B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;
 - C. Beverage containers and food sacks, wrappings and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;
 - D. Beverage containers, food sacks, wrappings, containers and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

- (c)
 - (1) As used in subsection (b)(1) hereof, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
 - (2) As used in subsection (b)(4) hereof, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.

(d) As used in this section:

- (1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.
- (2) "Deposit" means to throw, drop, discard or place.
- (3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.
(ORC 3767.32)

(e) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(f) Whoever violates any provision of subsections (a) to (d) hereof, is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection require a person who violates subsections (a) to (d) hereof to remove litter from any public or private property, or in or on any waters.
(ORC 3767.99(C))

(g) Whoever violates subsection (e) hereof is guilty of a minor misdemeanor.

521.09 NOXIOUS OR OFFENSIVE ODORS.

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public.
(ORC 3767.13)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

521.10 NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY.

(a) As used in this section, "place of public assembly" means:

- (1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a rest home serving as the residence of a person living in such rest home;
- (2) All buildings and other enclosed structures owned by the State, its agencies or political subdivisions, including but not limited to hospitals and State institutions for the mentally ill and persons with intellectual disabilities; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency or a political subdivision and that is used primarily as a food service establishment is not a place of public assembly.
- (3) Each portion of a building or enclosed structure that is not included in subsection (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area. Provided that, no more than one-half of the rooms in any health care facility in which

persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in subsection (a)(1) hereof the local fire authority having jurisdiction shall designate no smoking area. In places included in subsection (a)(2) hereof that are owned by the Municipality, Council shall designate an officer who shall designate the area. In places included in subsection (a)(3) hereof, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in subsection (a)(2) hereof which are also included in subsection (a)(1) hereof, the officer who has authority to designate the area in places in subsection (a)(2) hereof shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "NO SMOKING". No person shall remove signs from areas designated as no smoking areas.

(c) No person shall smoke in any area designated as a no smoking area in accordance with subsection (b) hereof or Ohio R.C. 3791.031.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 3791.031)

(e) No person shall smoke in or upon Duncan Plaza or Veterans Park. Appropriate signage shall be posted by the Director of Public Service and Safety indicating such designation as a Tobacco Free Area. If in violation of subsection (e) you may be asked to leave the premises. (Ord. 97-2016. Passed 9-19-16.)

521.11 STORAGE OF JUNK AND JUNK VEHICLES.

(a) Definitions. As used in this section:

- (1) "Junk" means any worn-out, castoff or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.
- (2) "Junk car" means any used vehicle propelled or intended to be propelled by power other than human power and which is in an inoperative or a partially dismantled condition. Portions of junk cars, such as hoods, fenders, radiators, rims, motors and the like, not being utilized for the repair of a motor vehicle, shall be considered as junk.
- (3) "Inoperative condition" means that a vehicle is incapable of being propelled under its own power.
- (4) "Partially dismantled condition" means that a vehicle has some part missing which is ordinarily an essential component thereof.
- (5) For the purposes of this section "junk motor vehicle" means any motor vehicle meeting the requirements of Ohio R.C. 4513.63(B) to (E) that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C.

4737.05 to 4737.12, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona-fide commercial operation; or if the motor vehicle is a collector's vehicle.

(b) Storage a Public Nuisance. Except as otherwise provided herein, the deposit, storage, maintenance or collection of junk or junk cars outside of a building or buildings is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of this Municipality.

(c) Removal Notice; Exceptions. No person in charge or control of any premises within the City, whether as owner, tenant, lessee, occupant or otherwise, shall allow any junk or junk cars to remain upon such premises longer than ten days after receipt of a written notice to remove such junk or junk car from such premises, such notice to be issued and delivered by the Chief of the Police Department or by any member thereof duly designated by him. Such written notice shall be served upon the person either personally or at his usual place of residence or by registered or certified mail addressed to such person's last known place of residence.

The provisions of this section, however, shall not apply to the deposit, storage, maintenance or collection of junk or junk cars in an enclosed building, in a regularly established junk yard, in any area of the City in which the same are permitted under the regulations of the Zoning Code of the City, or if the motor vehicle is a collector's vehicle.

(d) Impounding and Disposition. The Chief of Police or any member of the Police Department designated by him is hereby authorized to remove or cause to be removed any junk car remaining at any place within the City in violation of the provisions of this section. Such junk car shall be impounded until lawfully claimed or disposed of in accordance with the provisions of Ohio R.C. 737.32 and 737.33.

(e) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense. For each subsequent offense such person is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day that a junk motor vehicle remains on such premises.

521.12 SMOKE EMISSION.

(a) The emission of smoke from any chimney or stack within the limits of the City in such a manner as to annoy any person in the City, or to injure the health or property of any person within the City, shall be deemed and held to be a public nuisance. (1957 Code Sec. 969.01.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Each day on which a violation occurs or continues shall be deemed a separate offense.

521.13 STORAGE OF UNLICENSED MOTOR VEHICLES PROHIBITED.

(a) No person shall store or permit to be stored upon any lot or land, for a period of more than twenty days, any motor vehicle that does not have displayed thereon license plates for the current year, unless the vehicle is stored in a completely enclosed building or garage. The twenty days time period shall mean any twenty days and shall not mean twenty consecutive days. This section shall not apply to persons doing business in properly zoned areas for the sale, salvage, repair or impounding of motor vehicles.

(b) In addition, the owner must produce on request, verification of insurance papers as required by State law as to the minimum insurance requirements for each vehicle in violation of subsection (a) hereof.

(c) Any motor vehicle stored for more than twenty days in violation of subsection (a) hereof may be towed and impounded.

(d) Whoever violates any of this section is guilty of a minor misdemeanor. Any person convicted of a subsequent violation of either of this section within one year shall be guilty of a misdemeanor of the first degree.
(Ord. 107-1987. Passed 10-5-87.)

521.14 STORAGE OF JUNK TIRES.

(a) Council finds it to be in the best public health, safety and welfare that no person shall store tires outside of a building unless the owner of the building operates a business therein dealing with tires.

(b) Any person who operates a business dealing with tires and stores tires on the exterior of his or her building shall do the following:

- (1) Remove the tires on a regular basis not less than once every ten days.
- (2) Store the tires no closer than twenty-five feet from the building.
- (3) Cover the tires with a tarp or other similar means in order to prevent the accumulation of stagnant water.

(c) Any person who violates any provision of this section shall be guilty of a minor misdemeanor on a first offense; on a second offense such person shall be guilty of a misdemeanor of the fourth degree; on any subsequent offense such person shall be guilty of a misdemeanor of the third degree.
(Ord. 59-1987. Passed 5-4-87.)

521.15 CLEAN INDOOR AIR

(a) Definitions. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

- (1) "Sign" means legible, English lettering on a contrasting background to clearly indicate where smoking is not permitted and to provide related information. A sign shall be of sufficient size to be clearly legible to one of normal vision.
- (2) "Smoking material" means any cigar, cigarette, pipe, weed, plant or other smoking equipment in any form.

(b) Restriction on Smoking in City of Massillon Buildings.

- (1) Smoking prohibited. Smoking or the possession of lighted smoking material in any enclosed structure or building owned by, leased by, or controlled by the City of Massillon is hereby prohibited, subject to the provisions of subsection (c) hereof. The prohibition is applicable to the public at large and employees of the City of Massillon.
- (2) Signs. Signs indicating that smoking is prohibited shall be clearly, sufficiently and conspicuously posted in every room, building, or other places where smoking is prohibited.

(c) Designation of Smoking Areas. The Director of Public Service and Safety is hereby authorized to designate areas where smoking shall be permitted in any enclosed buildings owned by, leased by, or otherwise controlled by the City of Massillon.

(d) Enforcement. Enforcement shall be implemented by the Director of Public Service and Safety and the Human Relations/EEO Department.

(e) Violations and Penalties.

- (1) It shall be unlawful for any person to smoke or possess lighted smoking material in any area restricted by the provisions of this section.
- (2) Any person who violates any provision of this section is guilty of a minor misdemeanor.
- (3) Each day on which a violation of any provision of this section occurs in a separate and distinct offense and shall be punishable as such.
(Ord. 5-1993. Passed 1-19-93.)

521.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 537
Offenses Against Persons

537.01	Negligent homicide.	537.12	Misuse of 9-1-1 system.
537.02	Vehicular homicide and manslaughter.	537.13	Adulterating of or furnishing adulterated food or confection.
537.021	Vehicular assault in a construction zone.	537.14	Domestic violence.
537.03	Assault.	537.15	Temporary protection order.
537.04	Negligent assault.	537.16	Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.
537.05	Aggravated menacing.	537.17	Reserved.
537.051	Menacing by stalking.	537.18	Contributing to unruliness or delinquency of a child.
537.06	Menacing.	537.99	Penalty
537.07	Endangering children.		
537.08	Unlawful restraint.		
537.09	Coercion.		
537.10	Telecommunication harassment.		
537.11	Threatening or harassing telephone calls.		

CROSS REFERENCES

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF. 501.01 (c), (e)

Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

- C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
 - (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:
 - A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;
 - B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
 - (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(ORC 2927.022)
- (d) Shipment of Tobacco Products.
- (1) As used in this subsection (d):
 - A. "Authorized recipient of tobacco products" means a person who is:
 - 1. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
 - 2. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
 - 3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
 - 4. An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;
 - 5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - 6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
 - 7. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.
 - B. "Motor carrier." Has the same meaning as in Ohio R.C. 4923.01.

- (2) The purpose of this division (d) is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.
 - (3) A. No person shall cause to be shipped any cigarettes to any person in this municipality other than an authorized recipient of tobacco products.
B. No motor carrier or other person shall knowingly transport cigarettes to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the motor carrier or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.
 - (4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."
 - (5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section. (ORC 2927.023)
- (e) Furnishing False Information to Obtain Tobacco Products.
- (1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.
 - (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

537.17 RESERVED.

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See *State v. Romage*, 138 Ohio St. 3d. 390 (2014).)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

- (a) As used in this section:
- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
 - (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.
- (b) No person, including a parent, guardian or other custodian of a child, shall do any of the following:
- (1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;
 - (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;
 - (3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;
 - (4) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.
- (c) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

(b) In the event of any exclusion, liability will continue for the current quarter. Upon resumption of service liability will be for the full quarter during which service was resumed.

(c) Commercial establishments that are occupied at a rate of decreased activity equal to fifty percent (50%) or more of the highest occupancy rate over the preceding twelve months shall be given relief based on the percentage of the difference between the highest monthly water usage during the past twelve months and the lowest anticipated water usage during the period in which relief is requested.

- (1) The customer seeking relief will be required to present the records of water usage for the twelve month period prior to the date when relief is requested. A form for this purpose will be available at the billing office. In all cases a minimum of ten percent (10%) of the normal usage charges will be required.
- (2) Requests for relief shall be for a minimum of three months and shall be pro-rated back to the beginning of the last billing period prior to the date relief is granted. At the end of the relief period water usage records for the months in which relief was granted shall be provided to the billing office by the customer. At this time the billing office will determine if adjustments are required for the charges during the relief period. Adjustments shall be added to the next full quarter billing. At no time shall billing charges be less than ten percent (10%) of the aforementioned twelve month period.

(d) Continuing quarterly inspections will be necessary to assure compliance.

(e) Relief may be granted for the period during which this section is enacted with the approval of the Service Director.

(f) Any person or firm purposely providing false information or using sewer facilities during a period of discontinuance shall be subject to penalties specified in Section 937.99. (Ord. 150-1992. Passed 8-17-92.)

937.99 PENALTY.

Any person who purposely and with intent to obtain a lesser sewer use charge provides false information, tampers or adjusts any meter or equipment provided for in Section 929.10(c)(1) and (2) shall be guilty of a minor misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 104-1976. Passed 8-16-76.)

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 122 – 2020

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1204 Municipal Court Special Court Fund, for the year ending December 31, 2020, 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 1204 Municipal Court Special Court Fund, for the year ending December 31, 2020, the following:

\$ 24,000.00 to an account entitled "Services/Contracts" - 1204.125.5.2392

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 necessary for the efficient operation of the various departments of the City of Massillon and for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon; the emergency being to pay the Massillon Municipal Court's share of the County-wide Criminal Justice Information System (CJIS) without undue delay. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 123 – 2020

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2020, 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 1229 HOME Fund, for the year ending December 31, 2020, the following:

\$ 50,000.00 to an account entitled "HOME Housing Rehabilitation" - 1229.845.5.2814

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 necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon; the emergency being to provide uninterrupted assistance to qualified low-to-moderate income households in need. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 124 – 2020

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one (1) year contract with Medical Mutual of Ohio for health insurance coverage for City employees, effective January 1, 2021 through December 31, 2021, 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 to enter into a one (1) year contract with Medical Mutual of Ohio for health insurance coverage for City employees, effective January 1, 2021 through December 1, 2021.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a one (1) year contract with Medical Mutual of Ohio for health insurance coverage for City employees, effective January 1, 2021 through December 31, 2021. The Healthcare Committee unanimously agreed to renew the current Medical Health Plan for 2021 with a rate increase of 2.0%. The Renewal Form is attached hereto as Exhibit "A".

Section 3:

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

DATE: NOVEMBER 16, 2020

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 125 - 2020

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 168 – 2019, salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, UNCLASSIFIED EMPLOYEES, and MISCELLANEOUS SCHEDULE for part-time employees, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to amend Ordinance No. 168 – 2019, salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, UNCLASSIFIED EMPLOYEES, and MISCELLANEOUS SCHEDULE for part-time employees.

Section 2:

Ordinance No. 168 – 2019, salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, UNCLASSIFIED EMPLOYEES, and MISCELLANEOUS SCHEDULE for part-time employees, is hereby amended, as reflected in the attachments to this Ordinance. The Director of Public Service and Safety of Massillon, Ohio, is hereby authorized to revise all copies of said salary and wage schedules accordingly.

(SEE WAGE SCALE ATTACHMENTS "A thru E"; ATTACHED 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.