

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr.
Mayor

Phone (216) 830-1700
FAX (216) 830-1776

Director of Public Safety & Service
Bill H. Hamit — 830-1702

Public Service
830-1701

**Personnel/Labor Relations/
Purchasing Director**

Ronald E. Mang — 830-1777

City Engineer/Planning Director

Robert F. Wagoner — 830-1722

Community Development Director

Aane Aaby — 830-1721

Economic Development Director

830-1785

Chief Building Official

Starr Surbey — 830-1724

**Fair Housing/
Rehabilitation Director**

Marilyn Frazier — 830-1717

**Wastewater Treatment Department
Manager/Supintendent**

Ronald L. Halter — 833-3304

Collections Department Chief

Linda S. McGill — 830-1705

Chief of Police

Mark D. Weldon — 830-1762

Fire Chief

Tommy R. Matthews — 833-1053

**Equal Employment Opportunity/
Minority Business/Drug Coordinator**

Edward W. Grier — 830-1716

Health Commissioner

Thomas K. Ellis, M.D. — 830-1710

Park Superintendent

Robert T. Straughn — 830-1791

Youth Director

Constance Ledwell — 837-3137

Senior Citizens Director

Nancy A. Johnson — 837-2784

Income Tax Administrator

Richard E. Bordner — 830-1709

Data Center Chief

Keith Wires — 830-3647

December 4, 1992

TO: Massillon Planning Commission Members

Dear Member:

Due to a lack of business, the Planning Commission Meeting scheduled for Thursday, December 9, has been cancelled.

Merry Christmas, and have a Happy New Year!

Sincerely,



Marilyn Frazier
Clerk

MEF/ky

Massillon Municipal Government Center
One James Duncan Plaza
Massillon, Ohio 44646

DATE: * December 7, 1992

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 216 - 1992

BY: THE COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS", of the Codified Ordinances of the City of Massillon, by enacting a new Section 1187.13 of said CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS", and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO, IN REGULAR SESSION SITTING: TWO-THIRDS OF THE MEMBERS CONCURRING:

Section 1:

That there be and hereby is enacted a new Section 1187.13 of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS", of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

1187.13 SOLID WASTE DISPOSAL AND TREATMENT FACILITIES

(a) For purposes of this Section, the language "solid waste disposal facility" includes, but is not necessarily limited to: a solid waste, medical waste or toxic waste disposal facility, a solid waste, medical waste or toxic waste treatment facility; or similar facilities, and including but not limited to contaminated soils disposal sites and incinerators. Notwithstanding any language "solid waste disposal facility" does not include: any solid waste transfer station, or similar facility, to be constructed by, and operated by, a political subdivision of the State of Ohio; any medical waste disposal facility which will dispose of only medical waste generated on the same premises as the disposal facility; or any medical waste treatment facility which will treat only medical waste generated on the same premises as the treatment facility.

(b) Notwithstanding any provisions within these Codified Ordinances to the contrary no solid waste disposal facility shall be constructed within the corporate limits of the City, and any such construction is hereby expressly prohibited.

(c) The lawful use of any building, structure, land or premises as a solid waste disposal facility at the time of the effective date of this section constitutes a non-conforming use and may be continued as a nonconforming use. No solid waste disposal facility lawfully existing at the time of the effective date of this section shall be expanded, and any such expansion is hereby expressly prohibited.

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1992

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

JOHN H. FRIEG, PRESIDENT

APPROVED: _____

FRANCIS H. CICHINELLI, JR.,
MAYOR

JOHN D. FERRERO, JR



DIRECTOR OF LAW
TWO JAMES DUNCAN PLAZA
Massillon, Ohio 44646
(216) 830-1718

Prosecutors:
JOHN H. SIMPSON, Chief
ANTHONY LAPENNA
ROBERT A. ZEDELL
TIMOTHY G. ANDREWS
STEPHEN A. GINELLA

2

November 18, 1992

Councilman Tim Bryan
Chairman for Community Development
and Annexation Committee

RE: Soil Plant Issue

Dear Councilman Bryan:

As I stated to you at the City Council meeting of November 16, 1992, I have received ordinances from other municipalities that deal with the prohibition of certain facilities. I have enclosed copies for your review.

You will notice that only one ordinance deals with the Planning and Zoning Code. The other examples are similar to the Ordinance Council passed on November 16, 1992 prohibiting this type of business within the City of Massillon.

Please have your Committee review the sample ordinances. It is very important that your Committee study this amendment to the Zoning Code. If your Committee proposes and is in favor of the amendment, it is imperative that the record reflect that the public interest outweighs the rights of the property owner. You will need more than testimony or comments from a public interest group. You should solicit expert and scientific data that shows certain types of facilities are harmful to the public. Physicians, Scientists and Engineers are professionals that I would recommend your committee discussing this matter with. By having their expert comments on the issue, will not only help all of City Council to understand the ordinance, but it will help the City in case it is necessary to defend the ordinance in court.

If you would have any questions regarding this matter, please contact my office. Also, I have discussed this matter with Mr. Aaby and he is willing to work with your committee on the procedural aspects.

Very truly yours,

JOHN D. FERRERO, JR.
Director of Law