

ORDINANCE NO. 7104

AN ORDINANCE TO AMEND PART TEN, TITLE SIX, CHAPTER 1060 OF THE CODIFIED ORDINANCES TO MODIFY THE REQUIREMENTS FOR TRASH RECEPTACLES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Miamisburg recognizes the importance of maintaining properties free of trash and debris; and

WHEREAS, the City permits residents to dispose of their trash in toter-style rolling trash receptacles; and

WHEREAS, on occasion, these receptacles remain along the street curb long after they are emptied, creating an unsightly appearance along the street face; and

WHEREAS, the City lacks the ability to address trash receptacles left in the public right-of-way for extended periods after they are emptied; and

WHEREAS, the City wants the ability to require owners of multi-unit residential buildings to utilize centralized trash collection facilities to eliminate the need for individual tenants to manage their own receptacle in situations where individual receptacles have a negative impact on surrounding properties; and

WHEREAS, clarifying the rules for removing a trash receptacle from the right-of-way and the ability to require multi-unit residential buildings to be served by a centralized trash collection system helps to protect the public peace, health, safety, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING THAT:

Section 1.

The Codified Ordinances of the City of Miamisburg are hereby amended as follows. Text to be removed is identified by ~~double strikethrough~~. Text to be added is identified in ***bold italics***.

Section 2.

Chapter 1060.05 of the Codified Ordinances, Placement of Containers, is hereby amended as follows:

(a) ~~The owner, occupant or person in charge of a premises shall place or cause to be placed, before 7:00 a.m. on the day scheduled by the City Manager or his or her designee for the collection of refuse from such premises, the~~

~~containers of refuse in the yard and in a visible and accessible location near the street curb or alleyway.~~

**(a) The owner, occupant or person in charge of a premises shall place or cause to be placed their refuse receptacle(s), before 7:00 a.m., but not more than 24 hours prior to the scheduled collection. Refuse receptacles shall be placed in a visible and accessible location near the street curb or alleyway for trash pickup.**

**(b) Refuse receptacles shall be removed from the street curb or alleyway within 24 hours after trash collection.**

**(c) Between scheduled collection days, refuse receptacles shall not be located nor stored in the front yard of any premise or in the public right-of-way.**

~~(b)~~ **(d)** Wherever the premises are not accessible to a street or alley, or where the placing of containers for the collection of refuse is attended by special difficulties, the City Manager or his or her designee may determine the place where such containers shall be placed for collection. Thereafter, the owner, occupant or person in charge of the premises shall place or cause to be placed, on the day scheduled for the collection of refuse, the containers of refuse at the location designated by the City Manager or his or her designee. In no event shall the refuse containers, on the date scheduled for collection, be left behind a fence or inside a garage or other building.

**(d) Violations of this section shall be subject to Chapter 1490.99, Penalty.**

### Section 3.

Chapter 1060.06 of the Codified Ordinances, Collection Facilities in Residential Districts and/or Uses, is hereby amended as follows:

**(e) Required Facilities. The City may - at any time - require any residential building containing four (4) or more units to be serviced by one or more centralized, large trash collection facilities such as a commercial-style dumpster or other similar facility. The City may require a centralized, large trash collection facility where use of other permitted refuse receptacles per Chapter 1060.03 are insufficient for the premise or present an unsightly appearance or negative impact on surrounding properties or the public right-of-way. All such facilities shall be in conformity with this chapter.**

~~(e)~~ **(f)** Appeals. Owners of affected properties applying to the Board of Building, Zoning and Housing Appeals within six months after the date of legal

effect of this section, concerning the application of provisions of this chapter, shall not be required to pay an application fee for such appeal.

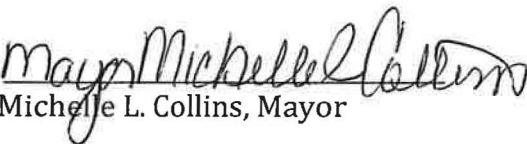
***(g) Violations of this section shall be subject to Chapter 1490.99, Penalty.***

Section 4.

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare. This measure shall be in force from and after its passage.

Passed: August 20, 2024

Attested:   
Keysha Alexander, Clerk of Council

Approved:   
Michelle L. Collins, Mayor

ORDINANCE NO. 7105

AN ORDINANCE TO AUTHORIZE THE REPAYMENT OF AN OPEN ADVANCE BETWEEN THE PIPESTONE GOLF COURSE FUND AND THE GENERAL FUND WITH A TRANSFER AND DECLARING AN EMERGENCY.

WHEREAS, the funds of the City of Miamisburg are to be utilized to properly account for revenues and expenditures of the City and to comply with applicable budgetary requirements and best practices; and

WHEREAS, the PipeStone Golf Course Fund currently has an open advance to the General fund in the amount of \$1,037,932; and

WHEREAS, this Council has determined that the PipeStone Golf Course Fund does not have, and will not have, the resources available to repay this open advance to the General fund; and

WHEREAS, this Council desires to retire and close this open advance owed from the PipeStone Golf Course Fund to the General fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING THAT:

Section 1.

The Finance Director is hereby authorized to transfer \$1,037,932 from the General Fund to the PipeStone Golf Course Fund for the repayment of the open advance.

Section 2.

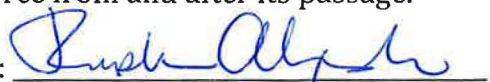
The Finance Director is hereby authorized to repay the open advance of \$1,037,932 by advancing the transferred funds in Section 1 from the PipeStone Golf Course Fund to the General Fund.

Section 3.

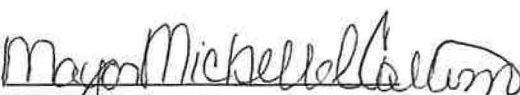
This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that this repayment and transfer are needed at the earliest possible date to comply with budgetary requirements, therefore, this measure shall take effect and be in force from and after its passage.

Passed: August 20, 2024

Attested:

  
Keysha Alexander, Clerk of Council

Approved:

  
Michelle L. Collins, Mayor

ORDINANCE NO. 7106

AN ORDINANCE AMENDING THE 2024 BUDGET AND ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING, THAT:

Section 1.

To provide for current expenses of the City of Miamisburg for the fiscal year 2024, the annual appropriation ordinance is amended to add or subtract the following sums, and they are hereby set aside and appropriated as follows:

<u>FUND</u>	<u>AMOUNT</u>
General Fund	
Police Patrol	\$85,000
Police Administration	(\$148,500)
Miscellaneous	\$1,864,045
Recreation Programs	(\$60,000)
Athletic Operations	<u>\$60,000</u>
<b>Total General Fund</b>	<b>\$1,800,545</b>
Austin TIF Fund	\$383,905
Sidewalk, Curb & Gutter Fund	\$29,755
Capital Improvement Fund	\$551,695
KMCN Debt Service Reserve Fund	\$7,100
Water Fund	\$35,000
Water Capital Improvement Fund	\$138,150
Water OWDA Projects Fund	\$661,000
Sewer OWDA Projects Fund	\$5,000
PipeStone Golf Course Fund	<u>\$1,215,700</u>
<b>Total All Funds</b>	<b>\$4,827,850</b>

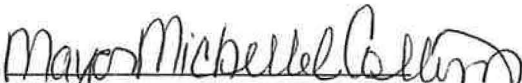
Section 2.

This ordinance is declared to be an emergency measure necessary for the public peace, health, safety, and welfare and for the further reason that these appropriations are needed at the earliest possible date to meet current

obligations of the City for fiscal year 2024; therefore, this measure shall take effect and be in force from and after its passage.

Passed: August 20, 2024

Attested:   
Keysha Alexander, Clerk of Council

Approved:   
Michelle L. Collins, Mayor