

# RECORD OF ORDINANCES

**ORDINANCE CM-24-15**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

*April 9<sup>th</sup>*, 20 *24*

## **AN ORDINANCE AMENDING SECTION 50.09 REGARDING SIDEWALK CONSTRUCTION AND ALTERATIONS IN THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF WEST MILTON, OHIO**

**WHEREAS**, Council believes that curbs within the Municipality shall be safe for travelers while assisting in the proper flows of stormwater; and

**WHEREAS**, the property owner has always been responsible for keeping their curb section repaired and nuisance free; and

**WHEREAS**, it is necessary to improve the language in Section 50.09 of the West Milton Code of Ordinances to reflect this responsibility.

**NOW, THEREFORE**, Be it ordained by the Council for the Village of West Milton, Ohio as follows:

**SECTION I:** Section 50.09 of the West Milton Code of Ordinances is hereby amended to read as follows for future clarification; all changes being struck, underlined, italicized and bold:

### **§ 50.09 SIDEWALK CONSTRUCTION AND ALTERATIONS.**

(A) Where land abuts on a street where there is ~~paved~~ sidewalk, *curb, and gutter*, or abuts on a crosswalk or driveway approach, the owner of the property / land shall be jointly and severally responsible for causing the sidewalk, *curb, gutters*, driveway approach, *and* / or crosswalk abutting the land to be kept in good repair and free from nuisance.

(B) A state of disrepair and /or nuisance exists when it can be reasonably determined that the condition of the public sidewalk, *curb, gutter*, driveway approach or crosswalk is such as would prevent its safe use by the public. The conditions shall include:

(1) A raise or depression between sections in the sidewalk, *curb, gutter*, driveway approach or crosswalk in excess of one inch.

(2) Loose, chipped, cracked, broken or deteriorated portions of the concrete surface of the sidewalk, *curb, gutter*, driveway approach or crosswalk that provides an unstable walking area conducive to tripping.

(3) Areas of sidewalk, *curb, gutter*, driveway approach or crosswalk that have been caused to sink or tilt from its normal position due to undermining or sinking of subsurface that would provide unsafe walking conditions.

(4) Areas of sidewalk, *curb, gutter*, driveway approach or crosswalk that have become broken, raised or tilted by roots of trees to such extent that the public safety would be compromised.

(C) When the Municipal Manager finds that such sidewalk, *curb, gutter*, driveway approach or crosswalk is in a state of disrepair or is not free from nuisance, he or she shall notify the owner of the abutting property, in writing, to have the necessary construction, reconstruction or repairs made. This notice shall be served on the owner or his agent, personally or by registered mail sent to the last known address of the owner and by leaving a copy of the notice with the occupant of the premises if occupied or left in a conspicuous place on the premises if there is an unoccupied structure. For purposes of such service, any person charged with the collection of rents or payment of taxes on the property or having general control of it in any way shall be considered the agent of the owner.

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Ordinance No. \_\_\_\_\_

Passed April 9, 2024

(D) The notice provided for above shall identify the property and give the location of the sidewalk, curb, gutter, driveway approach or crosswalk, which shall be marked for identification purposes, and the period of time allowed the property owner to have the work done. The time shall be reasonable, but shall not be less than 30 days for construction and not less than five days for repairs.

(E) In case of emergency, the Municipal Manager is authorized to have temporary repairs made, or to barricade and caution mark the area as necessary to provide for the public safety. The reasonable cost of emergency repair and protection shall be charged against the abutting property and shall be collected as provided for in division (G) below.

(F) Upon completion by the Municipality of any sidewalk, curb, gutter, driveway approach or crosswalk repair, construction or reconstruction as provided for within this section, the owner of the abutting property, or his or her agent shall be billed for the reasonable cost and expense of the work whether provided by private contractor or municipal personnel. The bill shall include:

- (1) All labor and materials required for the construction and repair costs; and
- (2) A charge for administrative costs of \$10 or 10% of the construction costs, whichever is greater, not to exceed \$25 for all bills to be applied to the outstanding balance of any bill not paid by the due date.

(G) Bills issued under the provisions of division (F) above shall be payable within 30 days from the date of the bill. Bills not paid within 30 days shall be certified to the Miami County Auditor to be an assessment against the abutting property.

(H) A property owner may protest any notice for non-emergency repairs or construction or reconstruction to the Board of Adjustment by filing written notice of an appeal within three working days of its receipt and prior to the time set for compliance. The Board shall hear the protest as soon as practicable without charge and without requiring public notice to be given. The Board may then affirm, modify or overturn the order by the Municipal Manager and waive any or all charges billed the property owner.

(I) All construction and repair of sidewalks, curbs, gutters, driveway approaches and crosswalks shall require a permit and shall be done in accordance with the general requirements of the municipality or the prepared plans and specifications applicable if the construction work is part of a larger public project.

(J) It shall be unlawful for the owner of any lot or land abutting upon any street to refuse, fail, or neglect to repair or keep in repair, the sidewalk, curb, gutter, driveway approach and crosswalk in front of the lot or land after due notice ordering the repair of such sidewalk pursuant to the notice requirements of division (D) above.

(K) All sidewalks, curbs or gutters constructed and/or maintained within the municipality's right-of-way shall not be altered or changed by painting, covering or applying any liquids or solids, excluding colorless concrete sealers, not in compliance with the construction standards as contained in § 152.16. Painting of a sidewalk is strictly prohibited unless done by municipal employees as authorized by appropriate authority.

(Ord. CM-04-36, passed 10-12-2004)

- (L) Under certain circumstances, the Municipal Manager or Director of Service have the authority to waive some or all of the fees for repairs or replacements regarding sidewalks, curbs, gutters, driveway approaches and crosswalks.

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043


Ordinance No. \_\_\_\_\_

Passed April 9, 2024

**SECTION II:**

This Ordinance shall become effective from and after the earliest date permitted by law.

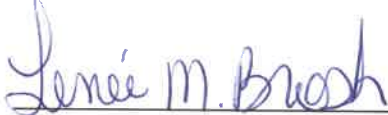
Passed this 9th day of April 2024.

  
\_\_\_\_\_  
Scott Hurst, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura Wright – Clerk of Council

APPROVED TO AS FORM:

  
\_\_\_\_\_  
Leneé M. Brosh, Director of Law

# RECORD OF RESOLUTIONS

Government Forms and Supplies (644) 224-3338 FORM NO. 30045

## RESOLUTION CM-24-16

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_

April 9, 2024

### A RESOLUTION AUTHORIZING THE DONATION OF \$10,000.00 TO WM COMMUNITY CELEBRATIONS, INC. FOR THE WEST MILTON FIREWORKS DISPLAY FOR THE 2024 FOURTH OF JULY CELEBRATION

**WHEREAS**, the Village of West Milton donates a sum of money each year to help with the cost of the fireworks displayed for the Fourth of July celebration; and

**WHEREAS**, West Milton Community Celebrations, Inc., an Ohio 501(C)(3) corporation, will be responsible for the fireworks display for the 2024 Fourth of July celebration; and


**WHEREAS**, in order to continue this celebration that has been a tradition for the residents of West Milton for many years, Council believes it to be in the best interest of the Village to donate \$10,000 toward the fireworks display.

**NOW THEREFORE BE IT RESOLVED BY** the Council of the Village of West Milton, Ohio that:

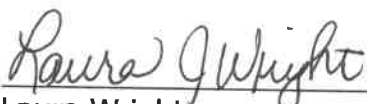
**SECTION I:** Council authorizes the donation of \$10,000.00 to West Milton Community Celebrations, Inc. for the cost of the fireworks display for the 2024 Fourth of July celebration.


**SECTION II:** This Resolution shall take effect and be in full force upon passage.

Passed this 9<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Scott Hurst, Mayor

Attest:

  
\_\_\_\_\_  
Laura Wright,  
Clerk of Council

  
\_\_\_\_\_  
Lenee' M. Brosh,  
Law Director

# RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-24-18**

Passed

*April 9*, 20*24*

## **A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO RENEW INSURANCE WITH THE PUBLIC ENTITIES POOL OF OHIO**

**WHEREAS**, the Municipality of West Milton, Ohio has been a member of the Public Entities Pool of Ohio since 2022; and

**WHEREAS**, the insurance is due for renewal effective April 1, 2024.

**NOW THEREFORE**, Be It Resolved by the Council of the Village of West Milton, West Milton, Ohio that:

### **SECTION I:**

The Council hereby authorizes the Municipal Manager to execute the proper contractual documents to renew said insurance with the Public Entities Pool of Ohio for a policy term of one (1) year, from April 1, 2024 through March 31, 2025, for all coverages at a rate of \$65,230.00.

### **SECTION II:**

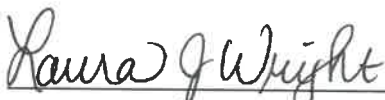
This Resolution shall take effect and be in full force upon final passage.

Passed this *9th* day of April, 2024.



Scott Hurst, Mayor

Attest:



Laura Wright, Municipal Clerk

Approved as to form:



Leneé M. Brosh, Law Director



# RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

## RESOLUTION CM-24-19

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_

April 9<sup>th</sup>, 2024

### A RESOLUTION APPROVING THE PRELIMINARY LIGHTING PLAN FOR STILLWATER CROSSINGS SOUTH DEVELOPMENT IN THE MUNICIPALITY OF WEST MILTON, OHIO

**WHEREAS**, the lack of street lighting in the Stillwater Crossings South development has been an ongoing topic of discussion for the Council of the Municipality of West Milton due to safety concerns; and

**WHEREAS**, after many discussions, the developer has presented a preliminary lighting plan for the placement of street lights based on the input received from Council and Municipal employees; and

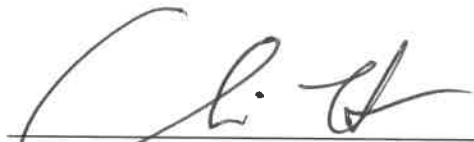
**WHEREAS**, Council believes that the preliminary lighting plan is in the Municipality's best interest.

**NOW THEREFORE BE IT RESOLVED BY** the Council of the Village of West Milton, West Milton, Ohio that:

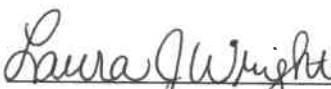
**SECTION I:** Council hereby approves the Preliminary Lighting Plan for Stillwater Crossings South development attached hereto as Exhibit 'A'.

**SECTION II:** This Resolution shall take effect and be in full force upon passage.

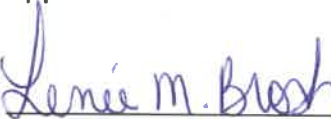
Passed this 9<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Scott Hurst, Mayor

Attest:

  
\_\_\_\_\_  
Laura Wright, Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Lenee' M. Brosh,  
Law Director

# RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

## RESOLUTION CM-24-20

Resolution No. \_\_\_\_\_

Passed

*April 9<sup>th</sup> 2024*

### **A RESOLUTION FOR THE MUNICIPALITY TO HIRE A CONTRACTOR TO REPLACE CURBS PRIOR TO THE BEGINNING OF THE 2024 PAVING PROGRAM.**

**WHEREAS**, well maintained streets and curbs are a priority of council; and

**WHEREAS**, in 2024, portions of Hamilton Street and Spring Street will be milled and resurfaced; and

**WHEREAS**, in the project areas, there are curbs that need to be replaced prior to milling and paving; and

**WHEREAS**, if the repairs have not been made by the owner prior to the *deadline* for the beginning of the project the municipality will utilize its own contractor to make the curb repairs, while invoicing each property owner for the total costs of their curb replacement; and

**WHEREAS**, formal bidding took place in accordance with West Milton Municipal Ordinance 33.18 Section 3, and the bidding process produced an acceptable contractor to perform said project.

**NOW, THEREFORE**, be it Resolved by the Council of the Municipality of West Milton, Ohio that:

**SECTION I:**

The Council authorizes this work to be performed by DAC Concrete and Excavating of State Route 718 in Troy Ohio in an amount not to exceed \$40,000.

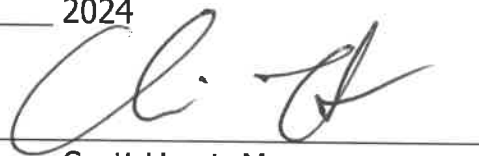
**SECTION II:**

Council hereby authorizes the Director of Service to execute all the proper documents.

**SECTION III:**

This Resolution shall take effect and be in force from and after its passage.

Passed this 9<sup>th</sup> day of April 2024



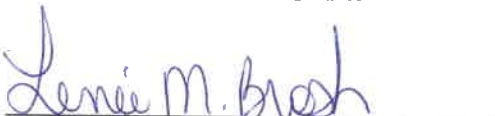
Scott Hurst, Mayor

ATTEST:



Laura Wright  
Clerk of Council

APPROVED AS TO FORM:



Lenee' Brosh - Law Director