

RECORD OF ORDINANCES

ORDINANCE CM-24-17

Ordinance No. _____

Passed _____

May 14th, 20 *24*

AN ORDINANCE AMENDING SECTIONS 93.30 THROUGH 93.35 REGULATION OF WEEDS AND GRASSES OF THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF WEST MILTON, OHIO

WHEREAS, the current regulations of weeds and grasses requires multiple, redundant steps taken by the Municipality in order to enforce violations; and

WHEREAS, Council believes it to be in the best interest of the Municipality to adopt procedures that will sufficiently and expeditiously allow the Municipality to enforce violations of the regulations of weeds and grasses and reduce the number of notices that are served on habitual offenders; and

WHEREAS, it is necessary to amend Sections 93.30 through 93.35 of the West Milton Code of Ordinances to achieve this result.

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

SECTION I: Chapter 93, Sections 93.30 through 93.35 for the Regulation of Weeds and Grasses of the West Milton Code of Ordinances is hereby amended to read as follows:

§ 93.30 WEEDS AND GRASS MAINTENANCE.

(A) To foster and preserve reasonable community and neighborhood standards, the owner, person having control, or entity having charge of any land, including any areas of easement within the municipality shall be responsible for maintaining and keeping his property free of tall grasses and/or weeds.

(B) Definitions. *WEEDS* shall be defined as any weeds such as jimson, burdock ragweed, thistle, cocklebur, further known as berberis vulgaris, or its horticulture varieties; bushes of the specific tall, common or European barberry, further known as berberis vulgaris, or its horticulture varieties; any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding more than six inches in height. This section shall not apply to real property that meets any one of the following requirements:

(1) Real property lawfully and substantially used for agricultural purposes for profit;

(2) Real property of more than two acres, where a 150 foot wide strip directly adjacent to the boundaries of such real property complies with this section. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which are more than ten feet from the closest point of contact with a developed lot. Real property will be deemed developed if a permanent structure, including but not limited to paving, has been erected on the parcel; or

(3) Any real property owned by any governmental entity and used as a park or as an educational facility.

RECORD OF ORDINANCES

ORDINANCE CM-24-17

Ordinance No. _____

Passed _____

May 14th, 20*24*

(C) Cutting required.

(1) The owner, person having control, or entity having charge of any land, including any areas or easement within the municipality shall cut down all grasses and/or weeds more than six inches in height, and shall remove those cuttings from that land; and/or

(2) The owner, person having control, or entity having charge of land abutting a public right-of-way shall cut down all grasses and/or weeds more than six inches from any unpaved portions of the land abutting the right-of-way and shall remove those cuttings from the right-of-way and that abutting land. For the purposes of this section, the owner, person having control, or entity having charge of land abutting a public right-of-way shall be deemed to have charge of that half of the right-of-way on the side of his or her land.

(3) It is a prima-facie violation of this Chapter if weeds six inches or more in height exist on any lot between May 1st and October 1st.

(4) The Municipal Manager, or his/her designee, shall cause an annual notice to be published in a newspaper of general circulation within the Municipality and posted on the Village Website notifying residents of the requirement of this Chapter.

93.31 NOTICE TO CUT.

~~(A) Upon notice to, or by, the Manager or his or her designee, that grasses and/or weeds are growing on land in the municipality, the Manager or designee, in the name of Council, shall cause written notice to be served upon the owner, person having control, or entity having charge of such land, identifying such offending grasses and/or weeds, which are growing on such land and directing that they must be cut and removed within seven days from the date contained in the written notice. No owner, person having control or entity having charge of land shall fail to comply with such notice within those seven days. Further, the notice shall disclose the remedy for noncompliance.~~

~~(B) If the owner, person having control, or entity having charge of such land fails to comply with such initial notice as stipulated in § 93.31(A), the Manager or his or her designee, shall cause a second written notice to be served. The second written notice shall direct the owner, person having control, or entity having charge of such land, identifying such offending grasses and/or weeds which are growing on such land and directing that they must be cut and removed within seven days from the date contained in the second written notice. Further, the notice shall disclose the remedy for noncompliance.~~

(A) When the Municipal Manager, or his/her designee, determines that such weeds as described in Section 93.30(C)(1) exist on one of the days set forth in Section 93.31(C)(3), he/she shall forthwith serve a written notice upon the owner of such lot or land, ordering the cutting and removal of such weeds and noxious grasses.

(B) Only one notice per calendar year under subsection (A) hereof is required for a lot or parcel. If, after a notice has been served in accordance with §93.32, the Municipal Manager, or his/her

RECORD OF ORDINANCES

ORDINANCE CM-24-17

Ordinance No. _____

Passed _____

May 14th, 20 *24*

designee, determine that a subsequent violation has occurred, the Village may proceed with the remedy set forth in Section 93.33.

93.32 FAILURE TO COMPLY.

(A) The written notice in Section 93.31 shall be served upon the owner, person having control, or entity having charge of the land either in person, or by being mailed to, or left at, the usual place of residence of any such owner, person having control, or the principal office of any such entity having charge of land;

(B) No owner shall fail to comply with the notice provided for in Section 93.31 within 5 days from the receipt thereof.

93.33 NONCOMPLIANCE; ADMINISTRATIVE REMEDY OF MUNICIPALITY

~~(A) If the owner, person having control, or entity having charge of land fails to comply with the second notice as set forth above, the municipality shall cause such grasses and/or weeds to be cut. At the discretion of the Manager, employees of the municipality or the services of an independent contractor shall be used to carry out these provisions. If assigned to municipal employees, the owner, person having control or entity having charge of land shall be charged at the rate of \$75 per hour to ensure compliance. If assigned to an independent contractor, the owner, person having control or entity having charge of land, shall incur expense at the reasonable going rate of the contractor. All expenses incurred, together with an administrative fee of \$250, shall be thereby assessed against the land.~~

~~(B) Repeat violations. For continued violations of the same general character, the written notice(s) shall again direct such grasses and/or weeds to be cut and removed. The procedures, expenses, administrative fees, and assessments shall be the same as prescribed in § 93.33(A) above.~~

In addition to any other criminal or civil remedies available to the Municipality, if the owner, occupant or other person or entity having charge of the land fails to comply with such notice, the Municipality may cause such weeds and grass to be cut and removed at the expense of the owner of that land, and may employ the necessary labor to carry out the provisions of this subsection. All expenses incurred, together with an administrative fee of \$250.00 shall be assessed against the land.

93.34 COLLECTION OF COSTS

(A) Written notice of such an assessment shall be given to the owner, person having control, or entity having charge of **the** land in the same manner as is provided above in §93.32, for service of the written notice to cut weeds. The amount of the assessment shall be paid and delivered to the municipality within ten days after notice of the assessment is so served.

RECORD OF ORDINANCES

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

Ordinance No. ORDINANCE CM-24-17

Passed May 14th, 2024

(B) If the Municipality does not receive payment of the assessment within that ten-day period, the municipality shall make a written return or certification to the County Auditor of the amount of the unpaid assessment, plus an additional administrative charge of 10%, including with that certification a proper description of the property. The assessed amount shall be entered upon the tax duplicate and shall be a lien upon such land from and after the date of the entry and shall be collected as other taxes and returned to the municipality's General fund.

93.35 NONCOMPLIANCE; MISDEMEANOR

In addition to, and separate from the administrative remedy set forth above, whoever violates **§93.30** shall be guilty of a minor misdemeanor. Any person convicted of a second offense of this section within two years of the first offense shall be guilty of a misdemeanor of the fourth degree.

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

Passed this 14th day of May, 2024.



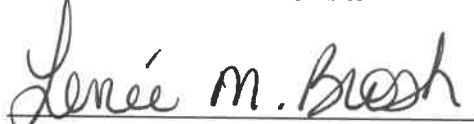
Scott Hurst, Mayor

ATTEST:



Laura Wright, Clerk of Council

APPROVED TO AS FORM:



Leneé M. Brosh, Director of Law

RECORD OF RESOLUTIONS

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

RESOLUTION CM-24-22

Resolution No. _____

Passed May 14th, 2024

A RESOLUTION DECLARING THE INTENTION TO PROCEED UNDER THE ALTERNATIVE TAX DOCUMENT FORMAT PROVIDED UNDER SECTION 5705.281 OF THE OHIO REVISED CODE

WHEREAS, Section 5705.281 of the Ohio Revised Code authorizes and empowers a county budget commission, by an affirmative vote of a majority of its members, including an affirmative vote by the auditor of the county, to waive the requirement that a taxing authority of a subdivision or other taxing unit adopt a tax budget, as is provided under Section 5705.281 of the Ohio Revised Code, and require such taxing authority to provide such information as may be required by the commission to perform its duties under Chapter 5705 of the Ohio Revised Code, including dividing the rates of each of the subdivision's or taxing unit's tax levies as provided under Section 5705.04 of the Ohio Revised Code; and

WHEREAS, pursuant to the terms and provisions of Section 5705.281 of the Ohio Revised Code, the Miami County Budget Commission, by an affirmative vote of a majority of its members, including an affirmative vote by the Auditor of Miami County, Ohio, has authorized and permits the taxing authority of a subdivision or other taxing unit within Miami County, Ohio, to refrain from adopting a tax budget, and has designated the information which the said Budget Commission requires of each taxing authority of a subdivision or other taxing unit to permit the Budget Commission to perform its duties under Chapter 5705 of the Ohio Revised Code; and

WHEREAS, it is the desire and intention of the Council, as the taxing authority of the Municipality of West Milton, to elect to refrain from adopting a tax budget for the fiscal year 2025 and, in the alternative, to submit to the Budget Commission the information and documents which it has indicated will be necessary in the absence of such adoption; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of West Milton, Miami County, Ohio, that:

SECTION I: The Council of the Municipality of West Milton hereby declares its intention to proceed under the alternative tax document format provided under Section 5705.281 of the Ohio Revised Code, and refrain from the preparation of a tax budget for the fiscal year 2025 and

SECTION II: The Council of the Municipality of West Milton hereby authorizes and directs its Chief Fiscal Officer to prepare and submit to the Miami County Budget Commission such information and documents as are necessary to said process and submission, and to take such other actions as may be reasonably necessary incident thereto; and

RECORD OF RESOLUTIONS

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

RESOLUTION CM-24-22

Page 2

Resolution No. _____

Passed _____, 20____

SECTION III:

The Council of the Municipality of West Milton hereby finds and determines that all deliberations and actions related to the foregoing were affected in open and public session and in full compliance with Section 121.22 of the Ohio Revised Code, and otherwise as is provided by law.

Passed this 14th day of May 2024




Scott Hurst, Mayor

ATTEST:



Laura J. Wright
Clerk of Council

APPROVED AS TO FORM:



Lenee' Brosh
Law Director

RECORD OF RESOLUTIONS

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

Resolution No. **RESOLUTION CM-24-23**

Passed May 14th, 2024

A RESOLUTION TO UPFIT A NEW 1 TON DUMP TRUCK FOR USE IN WATER DISTRIBUTION, SEWER DISTRIBUTION, AND SERVICE DEPARTMENT.

WHEREAS, it is necessary to upfit the new 2024 Ford F550; and

WHEREAS, sealed bids have been received and the 2024 operating budget, capital improvements allow for this expenditure; and

WHEREAS, this upfitting service and parts will include a dump bed, warning lighting, snow plow and miscellaneous; and

WHEREAS, formal bidding took place in accordance with West Milton Municipal Ordinance 33.18 Section 3; and

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

SECTION I: The Council approves the upfitting of a 2024 Ford F-550 Super Duty truck from Knapheide Truck Equipment Company, New Carlisle, Ohio at a price of \$35,141.00.

SECTION II: Council authorizes the Director of Service to execute all the proper documents required to complete said purchase.

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

Passed this 14th day of May 2024



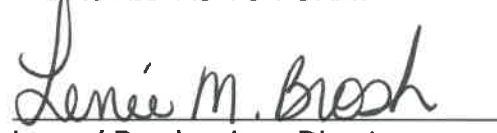
Scott Hurst, Mayor

ATTEST:



Laura Wright
Clerk of Council

APPROVED AS TO FORM:



Lenee' Brosh – Law Director

RECORD OF RESOLUTIONS

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

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

Passed May 14th, 20 24

A RESOLUTION ESTABLISHING JUNETEENTH AS A RECOGNIZED MUNICIPAL HOLIDAY

WHEREAS, news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than two and a half years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863; and

WHEREAS, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and the enslaved were free; and

WHEREAS, African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as inspiration and encouragement for future generations; and

WHEREAS, African Americans from the Southwest have continued the tradition of observing Juneteenth Independence Day for more than 150 years; and

WHEREAS, Juneteenth Independence Day began as an observed holiday in the State of Texas, became an observed federal holiday on June 17, 2021, and is now recognized as a holiday or observance by all 50 states and the District of Columbia; and

WHEREAS, all fifty states and the District of Columbia have designated Juneteenth as a permanent paid and/or observed holiday through adoption of legislation or executive action as a special day of observance in recognition of the emancipation of all slaves in the United States; and

WHEREAS, the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race.

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

SECTION I: The Council recognizes the historical significance of Juneteenth Independence Day.

SECTION II: The Council supports the continued celebration of Juneteenth Independence Day in observance of the end of slavery as part of the history and heritage of the United States.

SECTION III: The Council designates June 19, 2024, as "Juneteenth Independence Day" in which the Municipal offices will be closed.

SECTION IV: The Council Establishes "Juneteenth Independence Day" as an annually observed holiday.

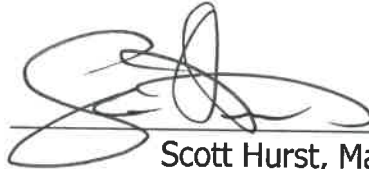
RECORD OF RESOLUTIONS

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

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

Passed May 14th, 20 24

Passed this 14th day of May 2024



Scott Hurst, Mayor

ATTEST:


Laura Wright, Clerk of Council

APPROVED AS TO FORM:



Leneé M. Brosh
Law Director

RECORD OF RESOLUTIONS

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

Resolution No. **RESOLUTION CM-24-25**

Passed

May 14th, 20 *24*

RESOLUTION APPROVING THE PAYOUT OF UNUSED VACATION TIME TO THE MUNICIPAL MANAGER, D. JEFFREY SHERIDAN

WHEREAS, the current Municipal Manager, D. Jeffrey Sheridan, was originally hired in April 26, 2021, and his contract was renewed by Resolution CM-23-25 on May 9, 2023, and

WHEREAS, from April 26, 2023 through April 26, 2024, D. Jeffrey Sheridan has accumulated 103 hours of unused vacation time due to work demands and medical leave; and

WHEREAS, Council has agreed to pay out D. Jeffrey Sheridan's accumulated unused vacation time of 103 hours at \$63.61 per hour, for a total amount of \$6,551.83, with the appropriate income tax withholdings.

NOW THEREFORE, Be it resolved by the Council of the Municipality of West Milton, Ohio that:


SECTION I:

Council hereby approves the payout of unused vacation time accumulated from April 26, 2023 through April 26, 2024 to D. Jeffrey Sheridan in the amount of \$6,551.83, with the appropriate income tax withholdings.

SECTION II:

That this Resolution shall be effective on and after the earliest date permitted by law

Passed this 14th day of May 2024



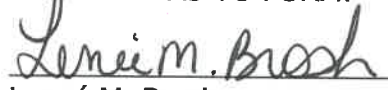
Scott Hurst, Mayor

ATTEST:



Laura Wright
Clerk of Council

APPROVED AS TO FORM:



Leneé M. Brosh
Law Director