

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

ORDINANCE CM-22-19
Ordinance No. _____

Passed June 28, 2022

AN ORDINANCE AMENDING SECTION 91.11 POSSESSION, SALE AND USE OF FIREWORKS OF THE WEST MILTON CODE OF ORDINANCES FOR THE PURPOSE OF ADDRESSING THE PROVISIONS OF AMENDED SUBSTITUTE HB 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN THE REGULATIONS AND PROHIBITIONS OF THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF AMENDED SUBSTITUTE HB 172

WHEREAS, on October 27, 2021, the Ohio General Assembly passed Amended Substitute House Bill 172 ("HB 172") concerning, among other things, the regulation, possession, discharge, ignition and exploding of fireworks in the State of Ohio which was signed by Governor DeWine on November 8, 2021 and will go into effect on July 1, 2022; and

WHEREAS, various aspects of HB 172 will, without legislative action by Ohio municipalities and other governmental entities, permit the discharge, ignition and/or exploding of what are commonly referred to as "fireworks" on certain conditions and on certain days of the year; and

WHEREAS, provisions of HB 172 (including what is now RC 3743.45(D) and (E) and RC 3743.451(B) expressly grant municipalities the home rule authority to retain all or any municipal ordinances that regulate and/or prohibit the discharge, ignition or exploding of fireworks and to retain all Ordinances that regulate noise, disturbance of the peace and disorderly conduct; and

WHEREAS, both the Fire Chief and Police Chief recommend that the Council for the Municipality of West Milton opt-out of HB 172, and reaffirm the existing ban on discharging, igniting or exploding fireworks as set forth in Chapter 91 et seq. of the West Milton Codified Ordinances.

NOW, THEREFORE, Be it Ordained by the Council for the Municipality of West Milton, Ohio, as follows that:

SECTION I: Section 91.11 Possession, sale and use of Fireworks shall be amended to add a subsection (F) that reads as follows:

§ 91.11 POSSESSION, SALE AND USE OF FIREWORKS.

(F) All provisions of the West Milton Codified Ordinances, including but not limited to West Milton's Codified Ordinance Chapter 91 et seq., concerning the possession, sale or discharge, ignition or exploding of fireworks, and all Ordinances that regulate noise, disturbance of the peace and disorderly conduct, will remain in full force and effect regardless of the permission granted in HB 172.

SECTION II: That except as herein amended and supplemented, all the provisions of Chapter 91 Fireworks, Explosives and Fire Prevention as contained in the West Milton Codified Ordinances shall remain in full force and effect.

SECTION III: This Ordinance shall be effective on and after the earliest date permitted by law.

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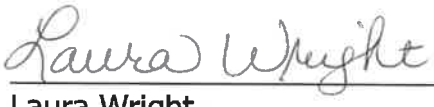
Passed June 28, 20 22

Passed this 28 day of June 2022.



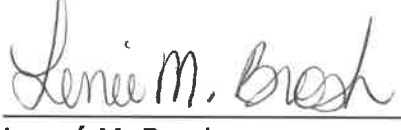
Anthony Miller, Mayor

ATTEST:



Laura Wright
Clerk of Council

APPROVED AS TO FORM:



Leneé M. Brosh
Law Director

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

RESOLUTION CM-22-25

Ordinance No. _____

Passed _____

Jane 14th

, 20 22

A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF AN ALTERNATIVE TAX DOCUMENT FOR THE FISCAL YEAR 2023

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 5705.28 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 of the Municipality of West Milton, Ohio as the taxing authority of West Milton, to elect to refrain from adopting a tax budget for the fiscal year 2023, 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

WHEREAS, previously by its enactment of Resolution Number CM-22-18 the Council of West Milton, Ohio declared its said desire and intention, and authorized and directed the Chief Fiscal Officer of the Municipality to prepare and to submit to the Miami County Budget Commission such information and documents as are necessary incident to said process and submission, and to take such other actions as may be reasonably necessary incident thereto; and,

WHEREAS, the members of the Council have examined such information and documents and approve of the same;

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

SECTION I:

Council does hereby declare that the members of said body have examined the contents of the information and documents which have been prepared by the Chief Fiscal Officer of the Municipality of West Milton for submission to the Miami County Budget Commission under the alternative tax document format provided by Section 5705.281 of the Ohio Revised Code for the fiscal year 2023, and that the Council of the Municipality of West Milton hereby approved the same.

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Ordinance No. **RESOLUTION CM-22-25**

Passed _____, 20____

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SECTION II: The Council does hereby authorize and direct the Chief Fiscal Officer of the Municipality of West Milton to submit such information and documents to the Miami County Budget Commission, and to take such other actions as may be reasonably necessary incident to said submission.

SECTION III: The Council does hereby find and determine that all deliberations and actions related to the foregoing were effected 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; and

SECTION IV: This Resolution shall take full force and effect upon its passage.

Passed this 14th day of June 2022



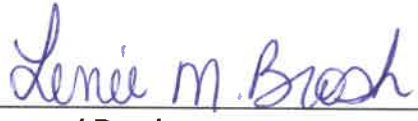
Anthony Miller, Mayor

ATTEST:



Laura Wright
Clerk of Council

APPROVED AS TO FORM ONLY:



Lenee' Brosh
Director of Law

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. **RESOLUTION CM-22-26**

Passed June 14th, 20 22

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR A WATER TOWER IMPROVEMENTS PROJECT BETWEEN THE MUNICIPALITY OF WEST MILTON, OHIO AND THE OHIO WATER DEVELOPMENT AUTHORITY

WHEREAS, the Municipality of West Milton, Ohio (hereinafter referred to as the "LGA") believes it is necessary to repair the existing north water tower located within the Municipality that was built in 1994 by replacing the interior standpipe and performing smaller, miscellaneous repairs; and

WHEREAS, the LGA desires to obtain a loan from the Ohio Water Development Authority (hereinafter referred to as the "OWDA") to finance costs of the planning of such facilities on the terms set forth in the Cooperative Agreement (defined below); and

WHEREAS, the OWDA has indicated its willingness to make a loan for that purpose and on those terms;

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

SECTION I: That the LGA hereby approves the planning of the aforesaid Water Tower Improvements Project in cooperation with the OWDA under the provisions, terms and conditions set forth in the "Cooperative Agreement for State Planning Project" as set forth in Exhibit A (the "Cooperative Agreement") and hereby authorizes the Municipal Manager and the Director of Finance of the LGA to execute the Cooperative Agreement with the OWDA substantially in the form set forth in Exhibit A.

SECTION II: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution/ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This ^{resolution} ordinance shall take effect and be in full force from and after its passage.

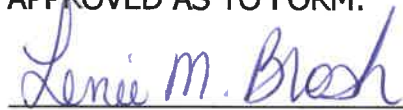
Passed this 14th day of June, 2022.


Anthony Miller, Mayor

ATTEST:


Laura Wright
Clerk of Council

APPROVED AS TO FORM:


Lenee' Brosh
Law Director

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

ORDINANCE CM-22-27

Ordinance No. _____

Passed June 28, 2022

**AN ORDINANCE TO AMEND THE
"OFFICIAL ZONING MAP OF WEST MILTON"
AS ADOPTED BY CHAPTER 150.006 OF THE WEST MILTON CODE OF
ORDINANCES**

WHEREAS, the West Milton Planning Board received a petition to modify the zoning district boundary of parcels of real estate on the North side of State Route 571 in the Municipality of West Milton, Ohio, (the former golf course) known as Parcel Numbers L39-031436, L39-013438 and L39-013434 (approximately 94.168 total acres) from A-1 Agricultural District to PUD Planned Unit Development, and

WHEREAS, Council has received an affirmative recommendation from the West Milton Planning Board to amend the "Official Zoning Map of West Milton" by changing the zoning district boundaries of the parcels of real estate being described as Parcel Numbers L39-031436, L39-013438 and L39-013434, from A-1 Agricultural District to PUD Planned Unit Development, and

WHEREAS, Section 150.319 (C) requires Council to modify zoning boundaries by ordinance as prescribed by West Milton Charter Section 4.14.

NOW, THEREFORE, BE it Ordained by the Council of West Milton, Ohio that:

SECTION I: Council accepts the recommendation of the West Milton Planning Board to modify the zoning district boundary of parcels of real estate described as Parcel Numbers L39-031436, L39-013438 and L39-013434 (approx. 94.168 acres) from A-1 Agricultural District to PUD Planned Unit Development. (See Exhibit 1, attached).

SECTION II: This Ordinance shall take effect ten days after the second reading and approval by Council.

Passed this 28 day of June 2022




Anthony Miller, Mayor

ATTEST:



Laura Wright
Clerk of Council



Lenee' Brosh
Director of Law

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

RESOLUTION CM-22-30

Ordinance No. _____

Passed

June 28, 2022

A RESOLUTION AUTHORIZING THE MUNICIPALITY TO REPAIR SECTIONS OF CURB AND ASSESS TAXES

WHEREAS, Debron Road is on the 2022 paving list, the surface of which is 26 years old; and

WHEREAS, the Director of Service sent out letters to five property owners asking that damaged and/or sunken curb be replaced prior to paving; and

WHEREAS, three of the owners have already replaced the marked curbs; and

WHEREAS, two of the property owners have received a second letter with no Response, while a third letter was sent as notification of the special council meeting; and

WHEREAS, it is essential that these curb sections are replaced prior to resurfacing.

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

SECTION I: Per West Milton code section 33.26 the Director of Service is hereby authorized and directed to approve replacement of curb sections located at 195 Emerick Road and 606 Debron Road, wherein all costs will be forward to the Director of Finance for assessment.

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

Passed this 28 day of June 2022




Anthony Miller, Mayor

ATTEST:



Laura J. Wright
Clerk of Council

APPROVED AS TO FORM:



Lenee' Brosh
Law Director

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

DECLARATION RESCINDING EXECUTIVE ORDER CM-01-2020 AND ENDING THE DECLARED STATE OF EMERGENCY FOR THE VILLAGE OF WEST MILTON, OHIO

EXECUTIVE ORDER CM-01-2022

WHEREAS, the state of emergency declared by Mike DeWine, Governor of the State of Ohio, under 2020-01D as it relates to COVID 19 was rescinded by Executive Order 2021-08D; and


WHEREAS, the Village of West Milton also believes that based upon the current circumstances surrounding the response to COVID 19, the state of emergency declared by the Village under CM-01-20 is no longer required.

NOW THEREFORE, I, Anthony Miller, Mayor of the Village of West Milton, Ohio, by virtue of the authority vested in me by the Ohio Constitution, and the Charter and Codified Ordinances of the Village of West Milton, do hereby order and direct that Executive Order CM-01-2020, signed on March 25, 2020, is rescinded and the state of emergency as declared for the Village of West Milton is ended.

I signed this Executive Order on June 28, 2022, in West Milton, Ohio, and it shall take effect immediately.



Anthony Miller
Mayor, Village of West Milton, Ohio



D. Jeffrey Sheridan
Municipal Manager, Village of West Milton, Ohio