



CITY COUNCIL REGULAR MEETING AGENDA

Monday, September 23, 2024 at 7:00 PM

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
 - A. Approval of the August 26, 2024 and September 9, 2024 Regular City Council Meeting minutes.
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
 - A. Ordinance No. 2024-O-13 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 "WATER" OF TITLE FOUR "UTILITIES" OF PART TEN "STREETS, UTILITIES AND PUBLIC SERVICES CODE" OF THE BELLBROOK MUNICIPAL CODE (Ashley)
9. **INTRODUCTIONS OF ORDINANCES**
 - A. Ordinance 2024-O-11 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE (Greenwood)

Motion to approve an amendment to introduced Ordinance 2024-O-11.
Motion to introduce amended Ordinance 2024-O-11
10. **ADOPTION OF RESOLUTIONS**
11. **OLD BUSINESS**
12. **NEW BUSINESS**
13. **CITY MANAGER'S REPORT**
14. **COMMITTEE REPORTS**
 - A. Safety Committee
 - B. Service Committee
 - C. Finance/Audit Committee
 - D. Community Affairs Committee
15. **CITY OFFICIAL COMMENTS**
16. **EXECUTIVE SESSION**
17. **ADJOURNMENT**

File Attachments for Item:

A. Approval of the August 26, 2024 and September 9, 2024 Regular City Council Meeting minutes.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 9, 2024

Item A. Section 4, Item

1. CALL TO ORDER

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 7:00pm

2. PLEDGE OF ALLEGIANCE

Mayor Schweller led the Council in the Pledge of Allegiance.

3. ROLL CALL

PRESENT

Mr. Logan Ashley

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mr. Ernie Havens

Mr. T.J. Hoke

Mayor Mike Schweller

4. APPROVAL OF THE MINUTES

A. Approval of the August 26, 2024 Regular City Council Meeting minutes

5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST

None

6. CITIZEN COMMENTS

Glenn Janis @ 1293 Kables Mill Dr. with the Bellbrook Presbyterian Church informed the council and residents of the church's activities during the week as well as the Sunday services. He talked about the replacement of the frame work of the church bell and refurbishing of the bell . He mentioned the church having a "bell-abration" at the church along with the participation of several Bellbrook businesses

Mr. Greenwood mentioned hearing the church bell again and the asset the church is to the community.

Jen Leclair @ 3408 Pavilion Ln spoke of "Bellbrook's Funny Fest" which is a free, family friendly comedy event that takes place at Bellbrook Park on Saturday, September 14th @ 4:00pm to approximately 6:00pm. She stated that a generous grant was given by the Lions Club to support community activities such as this and partnering with Bricky's Comedy Club. She stated there will be approximately 18 comedians in the line up.

7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS

None

8. PUBLIC HEARING OF PROPOSED ORDINANCES

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

September 9, 2024

Item A. Section 4, Item

9. INTRODUCTIONS OF ORDINANCES

- A. Ordinance No. 2024-O-13 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 “WATER” OF TITLE FOUR “UTILITIES” OF PART TEN “STREETS, UTILITIES AND PUBLIC SERVICES CODE” OF THE BELLBROOK MUNICIPAL CODE (Ashley)

Mr. Ashley read the Ordinance.

Mr. Schommer briefly explained the request for the change increases the dollar amount requiring payment of a refund for overpayment on closed accounts. The current rate is \$1 and the cost to issue outweighs the cost of the refund. The Ordinance will be scheduled for a public hearing at the next Regular meeting.

Motion to Introduce Ordinance 2024-O-13

Motion made by Mr. Ashley, Seconded by Mrs. Cyphers.

Voting Yea: Mr. Ashley, Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke, Mayor Schweller

10. ADOPTION OF RESOLUTIONS

11. OLD BUSINESS

None

12. NEW BUSINESS

None

13. CITY MANAGER'S REPORT

Mr. Schommer gave a brief update that the crosswalks are complete, the rapid flashing beacons are up and functioning properly. The City is looking into the additional price quotes for the Main and Franklin intersection using the patterned crosswalks as well as rapid flashing beacons for the crosswalk in front of Dot's that ODOT did not spec in their project.

Mr. Schommer introduced Michaela Grant as the new Community Development Administrator and the asset she is to the city.

Mr. Greenwood congratulated Ms. Grant and her good work. He mentioned that resident Steve Kersher pointed out that coming East on Franklin St the difficulty of seeing the traffic light due to the “Magnetic Springs” sign being too high. Mr. Schommer stated it will be looked into.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 9, 2024

Item A. Section 4, Item

14. COMMITTEE REPORTS

A. Safety Committee

Mr. Hoke gave an update on the Police's cordially firearms training is coming up. He mentioned the starting date of the newest patrol officer Cameron Roak. He stated the "Stop Stick" practical training is scheduled for later this month. He stated that during the extreme dry conditions the Fire Chief urges that residents have plenty of water sources nearby during recreational fires. He mentioned that the fire department is still in search of a full-time fire fighter / paramedic. Also, the production of the new ambulance and expected delivery at the end of December. Lastly, he mentioned there was an Ohio EMS grant awarded that will cover training and equipment supplies that the Fire Dept. is eligible for reimbursement.

B. Service Committee

Mr. Greenwood commented about stop sticks and a good thing to have. He thanked the Sugar Maple Committee for their donation towards the purchase of the stop sticks. He mentioned the new employee that will be starting in the Public Works Department.

C. Finance/Audit Committee

None

D. Community Affairs Committee

None

15. CITY OFFICIAL COMMENTS

Mr. Greenwood stated the Presbyterian Church is hosting the Historical Society 2024-2025 lecture series with Rena Fryman speaking about the Holocaust on Monday, September 16th @ 7:00pm

Mr. Harding spoke of the Rapid Flashing Beacons and it being a learning curve and using common sense before stepping out into the roadway.

Mr. Hoke wanted to remind residents that "Spellbrook" is in the works for October 26th from 6:00pm – 11:00pm, which is the 2nd Annual Halloween Adult party hosted at Bellbrook Park.

Mr. Havens also congratulated Ms Grant and the positivity she brings to her jobs. He mentioned watching series on high-speed chases and the use of stop sticks. Also, reminded people of all the activities such as "Bell-abration" at the Presbyterian Church, Funny Fest and Spellbrook.

Mayor Schweller mentioned how nice downtown looks and the making of the downtown a more walkable area. He also thanked everyone in attendance for the meeting and thanked all in the viewing audience and thanked Louie the cameraman.

16. EXECUTIVE SESSION

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

September 9, 2024

Item A. Section 4, Item

17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 7:28pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

August 26, 2024

Item A. Section 4, Item

1. CALL TO ORDER

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 7:00pm

2. PLEDGE OF ALLEGIANCE

Mayor Schweller led the Council in the Pledge of Allegiance.

3. ROLL CALL

PRESENT

Mr. Logan Ashley

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mr. Ernie Havens

Mayor Mike Schweller

ABSENT

Mr. T.J. Hoke

Motion to excuse the absence of Mr. Hoke.

Motion made by Mr. Ashley, Seconded by Mr. Greenwood.

Voting Yea: Mr. Ashley, Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mayor Schweller

4. APPROVAL OF THE MINUTES

A. Approval of the August 12, 2024 Regular City Council Meeting minutes

Mayor Schweller asked if anyone had comments or corrections to the minutes of the August 12, 2024 meeting. Hearing none, the minutes were declared to be approved.

5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST

A. Posthumous Mayoral Proclamation for Nick Edwards.

B. 2024 Beautification Committee Award Presentation

6. CITIZEN COMMENTS

Denny Bennett 2211 Shadowood Cir thanked staff and council for making downtown Bellbrook look good. He also made comments about the truck route and large trucks going through downtown. He noted it is common to have mulch and dirt dropped on the road. He is in favor of removing the truck route. He then commented about backyard chickens noting there is currently an ordinance prohibiting them and does not know why there is a survey.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

August 26, 2024

Item A. Section 4, Item

Lindsey lives downtown. She is a naturalist and teacher and spoke about the backyard chicken survey. She stated she is passionate about being connected to nature and chickens are one way to be connected. She encouraged council to do research and speak to specialists.

Meredith Brinegar 2221 Ivy Crest. She noted she is neutral about chickens and is happy the discussion is going. She came to speak about the truck route ordinance and noted she has listened to all points so far. She noted she has witnessed large trucks manage tight turns downtown nervously. She is concerned about safety of pedestrians as well as damage to curbs and roadway. She noted the truck businesses have grown and there are more trucks. She has heard from friends that cannot have their street facing windows open due to noise and dust. She is in favor of re-routing trucks from downtown.

Ian Farlier spoke about the truck route issue and is concerned it would increase traffic even more on Wilmington where there is a concern about upcoming development.

Jenn LeClaire 3408 Pavillion spoke about the truck route ordinance. She commented being in Bellbrook is like playing a movie in her head seeing kids walking to school, people having lunch, people crossing crosswalks, etc. She noted the citizens want a safe and vibrant downtown and the City has gathered a lot of information from the residents. She is in favor of rerouting trucks from Downtown.

David Buccalo 126 Lower Hillside spoke about having chickens and noted he raised chickens previously and it was not difficult. He added if people want a dog they have one, if they don't, they don't. He added he has noticed many in the community are interested in chickens and it is an emotional issue. He added the former Xenia Mayor is a good resource and encouraged Council to speak to her.

7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS

None

8. PUBLIC HEARING OF PROPOSED ORDINANCES

None

9. INTRODUCTIONS OF ORDINANCES

None

10. ADOPTION OF RESOLUTIONS

- A. Resolution No. 2024-R-21 AUTHORIZING THE CITY MANAGER TO AMEND CREDIT CARD PROCESSING AND CONVENIENCE FEES FOR UTILITY BILLING (Cyphers)

Mrs. Cyphers read the Resolution.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

August 26, 2024

Item A. Section 4, Item

Mr. Schommer explained the purpose of this resolution is to authorize a policy change for the fees associated with utility bill credit card payments. He noted there are significant funds paid each year to cover the cost of the convenience, many of which are not Bellbrook residents. He recommends this change to provide more equal benefit to the taxpayer.

Motion to adopt Resolution 2024-R-21

Motion made by Mrs. Cyphers, Seconded by Mr. Greenwood.

Voting Yea: Mr. Ashley, Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mayor Schweller

B. Resolution No. 2024-R-22 AUTHORIZING TRANSFERS WITHIN VARIOUS FUNDS OF THE CITY OF BELLBROOK (Greenwood)

Mr. Greenwood read the resolution.

Mr Schommer explained this resolution will allow the transfer of funds held from performance bonds primarily for water utility inspections into the appropriate fund as opposed to remaining carried over in the performance bond fund. He noted this is the appropriate accounting and use of these funds and recommends the Resolution be considered for adoption.

Motion to adopt Resolution 2024-R-22

Motion made by Mr. Greenwood, Seconded by Mr. Havens.

Voting Yea: Mr. Ashley, Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mayor Schweller

11. OLD BUSINESS

- A. Ordinance 2024-O-11 will be scheduled for additional discussion at the next Regular Council Meeting.

12. NEW BUSINESS

None

13. CITY MANAGER'S REPORT

Mr. Schommer mentioned the progress on the Main and Franklin project just waiting on some landscaping and crosswalk markings and the installation of push to cross rapid flashing beacons with signage of the crosswalks.

Also, mentioned touching on the 2 surveys that are closed and following up on the information and evaluating results and moving forward.

Mr. Greenwood mentioned on social media how there are a lot of questions on the different types of crosswalks and advised residents to contact Mr. Schommer of their questions or concerns.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

August 26, 2024

Item A. Section 4, Item

Mr. Harding asked what the cost of putting flashing lights at the crosswalk at Dot's. Mr. Schommer said the city is looking into the possibilities of a Safety Funding that is available through ODOT and if the style can be used in the close proximity of the traffic light at Little Sugarcreek Rd.

14. COMMITTEE REPORTS

A. Safety Committee

Mr. Ashley gave an update that the Stop Sticks are in. Stated this doesn't change the city's pursuit policy but allows the city to medicate situations that do come into the city from other cities.

B. Service Committee

Mr. Greenwood mentioned that salt prices are coming in and appear to be lower this year.

C. Finance/Audit Committee

Notes

D. Community Affairs Committee

Mr. Havens mentioned over the next 6 months there will be volunteer and board commissions positions opening.

15. CITY OFFICIAL COMMENTS

Mr. Greenwood stated he attended a school board meeting, the school board requested a meeting with council, Sugarcreek Township, Sugarcreek PD, Bellbrook PD to touch base on some safety issues.

Also, the Chamber of Commerce is looking for a new Executive Director. Mentioned for everyone to have a safe and happy Labor Day Weekend.

Mr. Harding mentioned the studies by The Springs of Centerville project.

Mr. Havens mentioned negative feedback on the curbs at N. Main / Walnut St. and East St. / Walnut St. and concerns of trailers / trucks making the turns. Also, pedestrian safety. He also mentioned the Beautification winners and how impressed he was with the winner's homes.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

August 26, 2024

Item A. Section 4, Item

Mayor Schweller congratulated the Beautification winner's. Also, thanked the audience for recognizing the emphasizes the council has placed on the improvements of the downtown and making it a more walkable town.

16. EXECUTIVE SESSION

None

17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 8:01pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Ordinance No. 2024-O-13 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 "WATER" OF TITLE FOUR "UTILITIES" OF PART TEN "STREETS, UTILITIES AND PUBLIC SERVICES CODE" OF THE BELLBROOK MUNICIPAL CODE (Ashley)

**NOTICE
OF
PUBLIC HEARING**


Bellbrook

**City Council
Public Hearing**

Monday September 23, 2024 7:00 pm
City Council Chambers 15 E. Franklin Street

**There will be an open Public Hearing by the Bellbrook
City Council regarding Ordinance No.2024-O-13**

A Public Hearing will be held by Bellbrook City Council, regarding Ordinance No2024-O-13

**Ordinance No. 2024-O-13 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER
1042 "WATER" OF TITLE FOUR "UTILITIES" OF PART TEN "STREETS, UTILITIES AND PUBLIC
SERVICES CODE" OF THE BELLBROOK MUNICIPAL CODE**

Monday September 23, 2024 7:00 pm in the Council Chambers 15 E. Franklin Street.
The public is welcome to attend or send comments to the Clerk of Council at
clerk@cityofbellbrook.org. A copy of the Ordinance is attached.

Agenda and additional meeting information available at www.cityofbellbrook.org

Posted 9/10/2024

RECORD OF ORDINANCES

Item A, Section 8, Item

Ordinance No. 2024-O-13

September 23, 2024

City of Bellbrook State of Ohio

Ordinance No. 2024-O-13

REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1042 “WATER” OF TITLE FOUR “UTILITIES” OF PART TEN “STREETS, UTILITIES AND PUBLIC SERVICES CODE” OF THE BELLBROOK MUNICIPAL CODE

WHEREAS, Article XVIII, Section 3 of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws; and

WHEREAS, the City of Bellbrook previously adopted Chapter 1042 “Water” and incorporated it into the Bellbrook Municipal Code; and

WHEREAS, City Council wishes to repeal in its entirety and enact a new Chapter 1042 “Water” of Title Four “Utilities” of Part Ten “Streets, Utilities and Public Services Code” of the Bellbrook Municipal Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The old Chapter 1042 “Water” of Title Four “Utilities” of Part Ten “Streets, Utilities and Public Services Code” of the Bellbrook Municipal Code is hereby repealed in its entirety.

Section 2. A new Chapter 1042 “Water” of Title Four “Utilities” of Part Ten “Streets, Utilities and Public Services Code” of the Bellbrook Municipal Code is hereby enacted, as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~striketrough~~ and additions shown by **bold** and underscoring.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this ____ day of ____ 2024.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:
Stephen McHugh, Municipal Attorney

Ordinance 2024-O-13 Exhibit A

**PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE
TITLE FOUR - UTILITIES
CHAPTER 1042. WATER**

CHAPTER 1042. WATER

Sec. 1042.01. Water supply generally.

- (a) Because variable conditions may arise in the operation and maintenance of the water system, the supply of water to customers is without guarantee of a fixed quantity, quality, purity or temperature.
- (b) When, for any reason, the supply of water to the water system is inadequate to meet the demand for water, the City Manager shall declare that the use of water for lawns or gardens, commercial laundries, swimming pools, manufacturing, cooling, vehicle washing or other purposes not essential to the health, safety and welfare of the residents of the City, is prohibited during specified hours, during a specified time period or until notice is given, as provided herein, that such use is permitted, and notice of such prohibitions on the use of water for such purposes shall be given in the same manner as provided for the posting of ordinances.

No person shall use water from the water system for lawns or gardens, manufacturing, agriculture, cooling, vehicle washing or other purposes not essential to the health, safety and welfare of the residents of the City when the City Manager has prohibited such use as provided herein.

- (c) Water supply through the City's water mains may be shut off without notice to consumers if breaks in mains, pumping equipment breakdowns, reservoir failures or the construction, reconstruction, repair, replacement, cleaning, extending or tapping of mains requires, and no claims for damages of any nature whatsoever arising from such action will be paid.
- (d) The City shall hold any consumer or other person responsible for damage to the water system. No person shall obstruct the water system or make any cross connection between the water system and any other source of water. No person shall make any connection tap or draw water from the water system without first having received the permits to do so as required in this chapter.
- (e) No person shall operate any corporation cock or stop except in the performance of a test by a licensed plumber with the permission and supervision of the Service Superintendent.

(Ord. 86-14, passed 11-24-86)

Sec. 1042.02. Connections; fees.

- (a) Water connection fees shall be as follows:

Meter Size (in) Connection Charge

¾ or less \$400.00

1500.00

1½ 700.00

21,200.00

Above 2 meter size × 1,000.00

- (b) Connections shall be made in a manner and of a size approved by the Director of Service. The cost, size and manner of connection for manufacturing plants, commercial structures and other large buildings shall be determined by negotiation and contract with the Manager.

(Ord. 86-14, passed 11-24-86; Ord. 2011-2, passed 1-10-11)

Sec. 1042.03. Service charges.

- (a) Each customer connected to the City water system for domestic or commercial uses shall pay a monthly service charge for the first 1,000 gallons or part thereof, and three dollars and ninety cents (\$3.90) for each 1,000 gallons thereafter. The monthly service charge shall be based on the meter size as follows:

Meter Size (in.) Monthly Minimum Charge for 1,000 Gallons

5/8" \$ 8.90

3/4" 40.00

(domestic accounts)

3/4" 80.00

(commercial accounts)

1" 110.00

1 1/2" 140.00

2" 170.00

3" 380.00

4" 640.00

6" 1,070.00

8" 1,810.00

10 or more 3,600.00

- (b) Each customer connected to the City water system for irrigation uses shall not be charged a monthly service charge. Each irrigation account will be charged for water usage in the amount of four dollars and seventy-five cents (\$4.75) for each 1,000 gallons or part thereof.
- (c) Publicly and privately owned water systems may be supplied water. The water service charge for such facilities shall be negotiated by the Manager on a contract basis and approved by Council. Charges for the sale of bulk water shall be set by the Manager based upon competition from other areas and requirements of the coin-operated mechanisms currently in use.

(Ord. 86-14, passed 11-24-86; Ord. 95-8, passed 5-22-95; motion of Council, passed 2-12-01; Ord. 2002-4, passed 4-22-02; motion of Council, passed 2-23-04; motion of Council, passed 2-26-07; motion of Council, passed 2-8-10; Ord. 2011-2, passed 1-10-11; motion of Council, passed 2-14-11; Ord. No. 2015-11 , § 1, 8-17-2015)

Sec. 1042.04. Billing.

- (a) The water service billing procedure shall be established by the Director of Finance and may be changed from time to time to conform with good business practices. The billing procedures shall be approved by the Manager.
- (b) Statements of the charges for water service shall be rendered once each quarter on or about the first day of the billing month for the customers due to receive bills that month. The amount of all such charges shall be paid to the City on or before the due date listed on the bill. If the unpaid charges are not paid on or before the due date listed on the bill, an additional charge of ten percent of the unpaid charges shall be added thereto and become part of such unpaid charges. A shut-off notice will be mailed if the charges remain unpaid 20 days after the original due date. The shut-off notice will include a final due date for payment that will be no longer than 35 days from the original due date. If full payment is not received by such date, service will be terminated without further notice. Restoring water service or maintaining service once a Water Department employee has

already arrived at the customer's property to disconnect service shall require an additional nonpayment shut-off fee to restore or maintain service.

- (c) A customer whose payment by check is returned to the City by the bank due to insufficient funds in the customer's account or because the check was written on a closed account shall be charged a returned check fee, as set forth in Section 1042.07. The utility billing office shall also require that the repayment be made in cash and may also require that future payments by that customer be made in cash or by money order.
- (d) Overpaid amounts of less than **five dollars (\$5.00)** ~~one dollar (\$1.00)~~ on closed accounts shall not be refunded.
- (e) For service to and inspection of both connected and shut-off domestic and commercial water meters, the monthly minimum charge for the meter shall continue year-round. The monthly minimum charge for all shut-off meters shall be at the rate set for a standard $\frac{5}{8}$ inch meter. Once a meter has been shut-off for a minimum of six months, the meter shall be disconnected and removed from the system. There shall be no monthly minimum charge for disconnected and removed meters. A reconnection fee of forty dollars (\$40.00) will be charged to the customer to return the meter to service.
- (f) Customers who do not intend to use their irrigation system at any time during the year may notify the Water Department. Upon this notification, the Water Department will remove the irrigation meter from the system. A reconnection fee of forty dollars (\$40.00) will be charged to the customer to return the irrigation meter to service.

(Ord. 2000-16, passed 1-18-01; Ord. 2002-4, passed 4-22-02; Ord. 2011-2, passed 1-10-11; Ord. No. 2015-11, § 1, 8-17-2015)

Sec. 1042.05. Responsibility for unpaid water bills.

The responsibility for the payment of water bills lies with the individual or business that used the water service. However, where that individual or business is a tenant, the ultimate responsibility lies with the property owner. All fees and charges imposed by this chapter shall be collectible, together with any penalties thereon, by action at law, in the name of the City, as other debts of like amount are recoverable.

Unpaid water bills are hereby made a lien upon the real property served by the water system of the City. If such bills are not paid in accordance with the billing procedure adopted by the City, they shall be certified to the County Auditor's office by a certification signed by the Director of Finance. The Auditor shall then place the same on the tax duplicate, with interest and penalties allowed by law, and the same shall be collected.

(Ord. 86-14, passed 11-24-86; Ord. 2013-6, passed 5-13-13)

Sec. 1042.06. Construction and inspection fees.

Construction and inspection fees are hereby established as follows:

- (a) Main line water inspection fee...Cost
- (b) Water service installation inspection fee...Cost
- (c) Water line tap for one-inch service...Cost

(Ord. 86-14, passed 11-24-86)

Sec. 1042.07. Operation fees.

Operation fees are hereby established as follows:

- (a) Nonpayment shut-off/turn-on\$30.00

- (b) Nonpayment turn on after hours 90.00
- (c) Shut-off and turn-on at meter pit during working hours (upon request for maintenance purposes) 30.00
- (d) Shut-off and turn-on at meter pit during non-working hours (upon request for maintenance purposes) 90.00
- (e) Visit to install or inspect a new water service following two visits made at no charge to the builder 30.00
- (f) Vacation shut-off and/or storage of meter (upon customer request) Monthly minimum
- (g) Damaged meter repair...Cost
..... (including labor)
- (h) Damaged fire hydrant...Cost
..... (including labor)
- (i) Shut-off at main (upon request for maintenance or violation) Cost
..... (including labor)
- (j) Returned check fee 30.00

(Ord. 2000-16, passed 1-8-01; Ord. 2002-4, passed 4-22-02; Ord. No. 2019-12 , § 1, 6-24-2019)

Sec. 1042.08. Tap-in fees.

- (a) Tap-in fees are hereby established as follows:

Meter Size (in.)	Tap-in Charge
¾ or less	\$3,000.00
1	16,700.00
1½	28,200.00
2	29,500.00
2½	10,900.00
3	312,500.00
4	415,300.00
6	629,900.00
8	844,300.00
10	1,059,100.00
12	1,273,200.00

- (b) A tap-in/connection fee of three thousand dollars (\$3,000.00) per unit shall be charged for multifamily dwellings and for multi-unit businesses served by a common entrance regardless of the number and sizes of meters required to provide adequate service to the building. However, in the case of a multi-unit business building in which small offices share common restroom facilities and for which only one meter of one inch or more is required, the tap-in and connection fee shall be based upon the size of the one meter instead of the fee per unit shown above, upon request by the building owner and the approval of the City Manager. The number and sizes of the water meters required shall be commensurate with the usage and load of such establishment, as determined by the City Service Director.

(Motion of Council, passed 2-23-04; motion of Council, passed 2-26-07; motion of Council, passed 2-8-10; Ord. No. 2015-2 , § 1, 3-9-2015)

Sec. 1042.09. Mandatory hook-up.

Any new residence which is constructed within the City shall be connected to the City water system, unless it is more than 500 feet from the nearest water main and can be served by a well approved by the County Health Department and the owners of the residence provide to the City a notarized guarantee (with a deposit equal to the current applicable tap-in fee) that they will connect to the City water system if and when it is built within 500 feet of their property. Upon connection to the water system, the deposit shall satisfy the tap-in fee requirement in effect at that time.

(Ord. 95-8, passed 5-22-95)

Sec. 1042.10. Reserved.

Editor's note(s)—Ord. No. 2015-11 , § 1, adopted August 17, 2015, repealed § 1042.10, which pertained to the establishment of water districts and derived from Ord. 86-14, passed 11-24-86.

Sec. 1042.11. Rules and regulations for sanitary engineering.

Pursuant to Section 5.07 of the City Charter, the Rules and Regulations and Construction Specifications of the Greene County Sanitary Engineering Department, the most recent edition, are hereby adopted for the City, except the Schedule of Charges appearing therein and except where such Rules and Regulations conflict with City ordinances.

(Ord. 86-14, passed 11-24-86)

Sec. 1042.12. Billing adjustments.

Adjustments to bills for billing errors such as incorrect readings, incorrect service starting and/or ending dates may be granted by the Utility Billing Department. Adjustments for billing errors are limited to three years from the current billing date except in the case of fraud or criminal act. All other adjustments must be approved by the City Manager or his/her designee.

The City may adjust the bill for customers who have a repairable plumbing problem (leak) resulting in excess water usage. Adjustments are subject to the following:

- (a) The customer must make written application to the City within 30 days of receiving the billing with the excess water usage.
- (b) The customer must demonstrate that the leak was discovered as a result of the billing process and was otherwise undetectable.
- (c) The problem must be repaired and proof of repair must be provided. No adjustments can be made until the problem is fixed and proof of repair is provided.
- (d) Adjustments are limited to the last two meter readings.

Excess water usage is defined as a 200 percent increase in usage over the customer's average quarterly usage for the previous 12 months. If an adjustment is deemed appropriate, the adjustment will be 50 percent of the difference between the customer's previous 12 month quarterly average and the excess water usage. For new buildings with less than one year of usage history, the Utility Department shall substitute the average quarterly use for that type and size of building and family size on the City Water System.

(Ord. 2011-2, passed 1-10-11)

Sec. 1042.13. Payment of extraordinary water bills due to leaks.

The Manager shall have authority to accept payment of extraordinary water bills in regular payments spread out over a period not to exceed 24 months. Such authority shall not be exercised for customers who have been habitually late in paying their water bills and shall be revoked for customers who did not make payments as agreed. For the purposes of this section, an extraordinary water bill is one which includes a charge for a substantial amount of water lost through a leak.

(Ord. 97-13, passed 10-13-97)

Sec. 1042.99. Penalty.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 86-14, passed 11-24-86)

File Attachments for Item:

A. Ordinance 2024-O-11 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 “COMMERCIAL AND HEAVY VEHICLES” OF TITLE SIX “VEHICLES AND OPERATION” OF PART FOUR “TRAFFIC CODE” OF THE BELLBROOK MUNICIPAL CODE (Greenwood)

Motion to approve an amendment to introduced Ordinance 2024-O-11.

Motion to introduce amended Ordinance 2024-O-11

**City of Bellbrook
State of Ohio**

Ordinance No. 2024-O-11

REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 “COMMERCIAL AND HEAVY VEHICLES” OF TITLE SIX “VEHICLES AND OPERATION” OF PART FOUR “TRAFFIC CODE” OF THE BELLBROOK MUNICIPAL CODE

WHEREAS, Article XVIII, Section 3 of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws; and

WHEREAS, municipal corporations have broad powers and duties with respect to the streets and highways within their limits; and

WHEREAS, the City of Bellbrook previously adopted ordinances relating to commercial and heavy vehicles which have been codified under Chapter 440 of the Bellbrook Municipal Code; and

WHEREAS, The City is primarily a residential community with industrial uses and commercial uses limits of less than 5% of the City; and

WHEREAS, Council has found that commercial and heavy vehicle traffic creates dust, noise, soot, pollution, traffic congestion and road damage that disturb the peace, safety and tranquility of the residents and residential nature of the City; and

WHEREAS, North Main Street and South Main Street were designated as traffic routes in 1983; and

WHEREAS, since 1983 much of North Main Street and South Main Street have been developed with multiple new residential neighborhoods that front or have their primary ingress and egress through North and South Main Streets; and

WHEREAS, North Main Street and South Main Street have become primarily residential streets in the primarily residential community of Bellbrook;

WHEREAS, traffic counts reveal that more than three hundred (300) commercial and heavy vehicles traverse North Main Street and South Main Street per day; and

WHEREAS, the residential character of North Main Street and South Main Street and primarily residential uses adjacent to North Main Street and South Main Street are inconsistent with commercial and heavy vehicle traffic; and

WHEREAS, the commercial and heavy vehicle traffic has been increasing and present public safety concerns for the primarily residential traffic on North Main Street and South Main Street; and

RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-11

October 14, 2024

WHEREAS, there are multiple State Routes and interstate highways suitable for commercial and heavy vehicles outside of the City of Bellbrook within Greene County and permissible truck routes such as Franklin Street and Wilmington Pike within the City of Bellbrook that permit intrastate travel without the need for North Main Street and South Main Street to be truck routes;

WHEREAS, Council finds, the elimination of North and South Main Streets as designated truck routes will not discriminate between local and through traffic as all commercial and heavy vehicles are subject to the same regulations and must follow designated truck routes in order to reach their destinations, even when they intend to discharge cargo in the City; and

WHEREAS, Council finds further, the elimination of North and South Main Streets as designated truck routes will not discriminate between local and through traffic because if a destination for commercial and heavy vehicles is located on a street not designated as a designated truck route, commercial and heavy vehicles must still use designated routes to reach such streets; and

WHEREAS, City Council wishes to repeal in its entirety and enact a new Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code is hereby repealed in its entirety and newly enacted as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~strike through~~ and additions shown by **bold** and underlined.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this _____ day of _____ 2024.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:
Stephen McHugh, Municipal Attorney

CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES

Sec. 440.01 Load limits.

- (a) *Local thoroughfares.* No person shall drive or operate any vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds five tons, upon the street, highways, bridges and culverts of the Municipality, except on designated and marked truck routes or on state routes. Drivers of such vehicles whose gross weight, with load, exceeds weight limits prescribed by this subsection may deliver or pick up goods or property at places not located on state or truck routes provided such vehicles are only operated by the shortest way possible between the state or truck route and the place of delivery or pick up or as otherwise directed by a police officer.
- (b) *Special permits.* The Chief of Police may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination or vehicles of a size or weight of vehicle or load exceeding the maximum specified in ORC 5577.05, upon any street or other public place. Any such permit may be issued for a single or round trip or, in special instances, for a certain period of time. The Chief may issue or withhold a permit or, if a permit is issued, may limit or prescribe conditions of operation for a vehicle and require a bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other lawful authority. No person shall violate any of the terms of a permit.

(Ord. 71-4, passed 4-12-71; Ord. No. 2016-2 , § 13, 3-14-2016; Ord. No. 2017-2 , § 2, 3-27-2017)

Secs. 440.02—440.05. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.02—440.05 which pertained to: maximum width, height and length; wheel protectors; vehicles transporting explosives; towing requirements; exception to size and weight restrictions; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.06 Loads dropping or leaking; tracking mud; removal required.

- (a) No person shall operate any vehicle so as to track mud on any public way or place.
- (b) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

(Ord. No. 2016-2 , § 13, 3-14-2016)

Sec. 440.07, 440.08. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.07, 440.08 which pertained to: vehicles with spikes, lugs and chains; occupying travel trailer or manufactured home while in motion; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.09. Route and load information.

Drivers of vehicles described in this chapter are required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

Sec. 440.10. Shifting load; loose loads.

- (a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.
- (b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by ORC 4513.09, or any substantially equivalent municipal ordinance.

Sec. 440.11. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.11, which pertained to weighing vehicle, removal of excess load and derived from the 1985 Codified Ordinances.

Sec. 440.12. Truck routes.

- (a) *Use by commercial trucks required; exceptions.* Commercial trucks in the City shall be operated only over and along the truck routes established in this section and on other streets over which commercial truck travel is permitted, except as follows:
- (1) *Operation on street of destination.* The operation of commercial trucks upon any street of origin, or where necessary to conduct business at a destination point, provided truck routes are used to or from the nearest intersection to the point of origin or destination, is permitted.
 - (2) *Emergency and public safety vehicles.* The operation of emergency and public safety vehicles upon any street in the City is permitted.
 - (3) *Public utilities.* The operation of commercial trucks owned or operated by the City, any public utility or any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities in the City, is permitted.
 - (4) *Detoured trucks.* The operation of commercial trucks upon any officially established street established as a detour is permitted.
- (b) *Establishment of routes.* There are hereby established in the City the following truck routes:
- (1) East and West Franklin Street (State Route No. 725);
 - ~~(2) South Main Street;~~
 - ~~(3) North Main Street; and~~
 - (4) Wilmington Pike.
- (c) *Truck Traffic in the City.*
- (1) *Outside origin; outside destination.* All commercial trucks entering the City from points outside the City and proceeding directly to a destination point outside the City shall operate only over designated truck routes.
 - (2) *Outside origin; inside destination.*
 - A. *One inside destination point.* All commercial trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection nearest such destination point. Upon leaving such destination point, a deviating commercial truck shall return to the truck route by the shortest permissible route.
 - B. *Multiple inside destination points.* All commercial trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection nearest to the first destination point. Upon leaving such destination point, a deviating commercial truck shall proceed to other destination points by the shortest and most direct course. Upon leaving the last destination point, a deviating commercial truck shall return to a truck route by the shortest permissible route.

(3) *Inside origin.*

- (1) *Outside destination point.* All commercial trucks, on a trip originating in the City and traveling through the City to a destination point outside the City, shall proceed by the shortest and most direct course over streets to a truck route as established in this section.
 - (2) *Inside destination point.* All commercial trucks, on a trip originating in the City and traveling within the City to a destination point in the City, shall proceed only by the shortest and most direct course.
- (d) *Signs.* The Police Chief shall cause all truck routes to be clearly posted to give notice that this section is in effect.
 - (e) *Compliance required.* No person shall drive a commercial truck over any public street in the City, except upon those streets herein designated as truck routes and except upon streets providing the shortest and most direct course between truck routes and origin or designation points, as herein provided.
 - (f) *Penalty.* Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. The penalty shall be as provided in [Section 408.01].

(Ord. 83-5, passed 3-14-83)

Sec. 440.13. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.13, which pertained to chauffeured limousines and derived from the 1985 Codified Ordinances.

Sec. 440.99. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.99, which pertained to penalty, and derived from the 1985 Codified Ordinance