

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 18, 2016

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 11, 2016
Date Prepared

Agenda Title:	Agreement Between the City of Oxford and Talawanda School District for a Temporary Parking Lot at Kramer Elementary School
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Recommendation:	Approval
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Discussion:

The Treasurer of TSD advised the City Manager during a tour of the new Kramer Elementary school building on September 20, 2016, the need for a temporary parking lot during the demolition of the existing school and its parking lot.

The temporary parking lot is designed to accommodate 28 vehicles and will be removed on or before July 31, 2017 after the completion of the new parking lot on site. The location is shown on Exhibit B. The temporary parking lot will then be seeded.

The temporary parking lot will be accessed via a drive off Sycamore Road.

Approved By:

Department Head:
City Manager

Initial	Date
<i>JHC</i>	10/12/16
<i>DRE</i>	10/14/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TALAWANDA SCHOOL DISTRICT TO CONSTRUCT A TEMPORARY PARKING LOT AT KRAMER ELEMENTARY SCHOOL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager and the Community Development Director recommend Council authorize the City Manager to sign on behalf of the City, the proposed Agreement attached hereto as Exhibit "A" with the Talawanda City School District for a temporary parking lot to be constructed at Kramer Elementary School.

SECTION 2: Council hereby accepts the recommendation of the City Manager and the Community Development Director and finds that the Agreement to construct a temporary parking lot at Kramer Elementary School will benefit the community and authorizes the City Manager to sign the agreement on behalf of the City.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

Agreement for Temporary Parking Lot

THIS AGREEMENT ("Agreement") is made and entered into on this ____ day of October ____, 2016, by and between Talawanda School District, an Ohio City school district ("Talawanda"), and The City of Oxford, Ohio, an Ohio municipal corporation ("City").

WITNESSETH:

WHEREAS, Talawanda recently completed construction of the new Kramer School located in the City of Oxford; and

WHEREAS, Talawanda must now demolish the old school structure to provide permanent parking for the new Kramer School; and

WHEREAS, during the demolition of the old school, access for parking on a portion of the land at Kramer School will not be available; and

WHEREAS, Talawanda has requested and Oxford agrees to provide approval for a temporary parking lot on the school site.

NOW THEREFORE, be it agreed by and between the City of Oxford, Ohio and Talawanda School District as follows:

1. The City will approve a temporary parking lot for twenty-eight (28) vehicles located on the school site abutting Sycamore Street (hereinafter "Temporary Parking Lot"). The Temporary Parking Lot is shown on the site plan attached hereto and incorporated herein as Exhibit "B".
2. Talawanda acknowledges that permanent parking in the Temporary Parking Lot is not allowed.
3. Talawanda accepts the City's approval to park twenty-eight (28) vehicles in the Temporary Parking Lot.
4. Talawanda shall gravel the Temporary Parking Lot to maintain a reasonably rut free lot.
5. Talawanda shall, on or before July 31, 2017, remove the gravel from the Temporary Parking Lot and seed the area with grass seed.
6. Talawanda agrees that all parking in the Temporary Parking Lot shall cease as of July 18, 2017, so grass seed can be installed.
7. Talawanda agrees Oxford has the right to seek a court order, ordering Talawanda to cease parking in the Temporary Parking Lot if parking continues beyond July 18, 2017.

8. The parties agree that there are no other agreements between them regarding the Temporary Parking Lot.
9. This Agreement may be amended or supplemented only by a written instrument signed by both parties hereto.
10. If any provision of this Agreement is determined to be invalid, illegal or unenforceable, the remaining provisions of this Agreement shall remain in full force, if the essential provisions of this Agreement for each party remains, valid, binding and enforceable

This Agreement has been executed as of the date and year aforesaid.

CITY:

TALAWANDA SCHOOLS:

By: _____
Douglas R. Elliott, Jr.
City Manager

By: _____
Kelly Spivey
Superintendent

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 4, 2016

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

August 29, 2016
Date Prepared

Agenda Title: An Ordinance to Levy Assessments for Curb, Gutter, and Sidewalk Repairs

Recommendation: Approve

Discussion:

Through a series of Resolutions, the City has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

<i>April 2016</i>	<i>Resolution No. 4976 – Declaring the necessity to make improvements</i>
<i>June 2016</i>	<i>Resolution No. 4987 – Authorizing a contract to perform the improvements</i>
<i>August 2016</i>	<i>Resolution No. 5003 – Determination of the total cost of assessment by lot</i>

The proposed assessment costs were advertised as required by Ohio Revised Code; no objections were received from parcel owners as detailed in Exhibit "A". Upon passage of this Ordinance, an owner may pay cash for the assessment within 30 days. Otherwise, the amount will be levied to the owner's property tax bill and must be paid in five (5) annual installments with City assessed interest on deferred payments at a rate of 5%.

Staff recommends City Council approve this assessment Ordinance, and authorize the City Manager or his designee to take all steps necessary to cause the amounts listed in Exhibit "A" to be levied upon the lots and lands enumerated in the listing.

Approved By:

Department Head: Initial MBD Date 9/29/16

City Manager: DRE 9/30/16

ORDINANCE NO.

ORDINANCE LEVYING UPON THE LOTS AND LANDS ENUMERATED IN THE LIST OF ESTIMATED ASSESSMENTS (EXHIBIT A) THE AMOUNTS SET FORTH ON SUCH LIST AND SETTING FORTH TERMS FOR PAYMENT OF ASSESSMENTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Pursuant to Ohio Rev. Code 729.07, Council filed a list of estimated assessments (Exhibit A) with the Clerk of City Council and ordered it open for public inspection.

SECTION 2: Pursuant to Ohio Rev. Code 729.08, Council published a notice in *The Journal News*, on Sundays beginning August 21, 2016 and ending September 4, 2016 stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspection.

SECTION 3: The Clerk of Council has received no written objections to the assessments.

SECTION 4: Property owners shall be assessed the actual cost over five years as set forth on Exhibit "A" attached hereto.

SECTION 5: Property owners may pay the assessment in five (5) annual installments with interest on deferred payments at 5%. Conversely, property owners may pay the assessment in cash within 30 days after passage of this Ordinance.

SECTION 6: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Exhibit "A"

Curb, Gutter, Sidewalk, for 2016 Resurfacing									
Address	Direct ion	Street Name	Property Owner	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Square Ft Drive Apron	Estimated Cost	Actual Final Cost
5195		Brown	WELLS DANIEL C & JENNIFER J	H4100012000022	110	0	0	\$ 3,190.00	\$ 3,509.00
5245		Brown	JDRS INVESTMENTS LLC	H4100012000021	52	0	0	\$ 1,508.00	\$ 1,658.80
5249		Brown	KIRKPATRICK REBECCA J	H4000012000019	10	0	0	\$ 290.00	\$ 319.00
5214		Brown	HURSTON NORMA J ETAL	H4100011000076	50	20	0	\$ 1,590.00	\$ 1,749.00
5204		Brown	GURR DALE A TR ETAL	H4100011000073	43	0	0	\$ 1,247.00	\$ 1,371.70
5170		Brown	BOEVERS COLIN T	H4100011000080	20	0	0	\$ 580.00	\$ 638.00
5140		Brown	LIU HOU CHANG & ZHENKUN	H4000011000069	10	0	0	\$ 290.00	\$ 319.00
5130		Brown	KNOCK KEVIN & GRETCHEN	H4100011000068	26	0	0	\$ 754.00	\$ 829.40
			BOEVERS COLIN T	H4100011000067	116	0	0	\$ 3,364.00	\$ 3,700.40
Total:					437	20	0	\$ 12,813.00	\$ 14,094.30

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 18, 2016

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

October 6, 2016
Date Prepared

Agenda Title: Resolution Authorizing the Sale of Real Property

Recommendation: Approve

Discussion:

As a result of right of way acquisition for US27 South improvements, the City took possession of Butler County parcel H4100145000001, also known as 4134 Millville-Oxford Road. The last private sale of this parcel was in 1999 for \$74,500. Since that time, a significant portion of the front yard was utilized for the road improvements on US27 (Millville-Oxford Rd).



H4100145000001 04/19/2012



2016

This is a two bedroom, one bathroom single family dwelling with a one car detached garage with a gross living area of 888 square feet. The structure also has a full basement and sits on a ¼ acre lot.

The City does not have a use for this property and Staff recommends the sale of such by sealed bid. The City has made exterior improvements to the property including removal of overgrown shrubs, cleaning of the buildings' exteriors, and installation of a new concrete front walk and new foundation landscaping. Staff recommends the City Council authorize a minimum bid of \$70,000 for the property.

This Resolution will authorize the City Manager to offer this property for sale by sealed bid. Should the City receive an acceptable bid, the sale would then be finalized by a separate Ordinance.

Approved By:

Department Head:

Initial Date
MBD \ 10/6/16

City Manager:

DRE \ 10/14/16

RESOLUTION NO.

A RESOLUTION BY OXFORD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ADVERTISE AND RECEIVE BIDS FOR THE SALE OF PROPERTY LOCATED AT 4194 MILLVILLE OXFORD ROAD ; OXFORD, OHIO PURSUANT TO THE OHIO REVISED CODE SECTION 721.03.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council finds that the Real Estate located at 4194 Millville Oxford Road; Oxford, Ohio, currently owned by the City of Oxford, is not needed for any municipal purpose and that it is in the best interest of the City that said property be sold.

SECTION 2: The City Manager is authorized to provide legal notice to potential bidders.

SECTION 3: The City Manager is authorized to receive bids of no less than seventy thousand dollars (\$70,000.00) and shall execute a contract for sale conveying the Real Estate to the highest bidder responding fully to the advertisement for bids. The City Manager may reject any bids found to be non-responsive or otherwise deficient, or may reject all bids.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Home Property Records Feedback General Information Help

Profile

Sales

Residential

Manufactured Homes

Commercial

Out Buildings

Permits

Land

Photos

Tax Detail 2015

Tax Detail 2014

Tax Detail 2013

Tax Detail 2012

Tax Detail 2011

Tax Detail 2010

Tax Detail 2009

Tax Detail 2008

Tax Detail 2007

Tax Detail 2006

Tax Detail 2005

Sketch

Value History

Maps

Special Assessments

PARID: H410014500001
CITY OF OXFORD OHIO

4134 MILLVILLE OXFORD RD

Parcel

Parcel Id H410014500001
Address 4134 MILLVILLE OXFORD RD
Class RESIDENTIAL
Land Use Code 510, R - SINGLE FAMILY DWELLING, PLATTED LOT
Neighborhood 00003013
Total Acres .2755
Taxing District H41
District Name OXFORD CORP TAL DL
Gross Tax Rate 72.09
Effective Tax Rate 44.041472
Non Business Credit .1
Owner Occupied Credit N/A

Current Year Real Estate Taxes

TAX TYPE	Prior Year	First Half Tax	Second Half Tax	Total
Real Estate	0.00	0.00	0.00	0.00
Total:	0.00	0.00	0.00	0.00

Owner and Legal

Owner 1 CITY OF OXFORD OHIO
Owner 2
Legal 1 1 ENT MIAMI WESTERN
Legal 2
Legal 3

Taxbill Mailing Address [Can I change my mailing address?](#)

Mailing Name 1 CITY OF OXFORD
Mailing Name 2
Address 1 101 E HIGH ST
Address 2
Address 3 OXFORD OH 45056 1819

Sales

Sale Date	Sale Amount
23-JUL-15	
15-MAY-14	
02-SEP-99	\$74,500

Dwelling

Stories 1
Gross Living Area 888
Construction FRAME
Total Rooms 5
Bedrooms 2
Year Built 1954
Finished Basement 0

Current Value

Land (100%)
Building (100%)
Total Value (100%)
CAUV
Assessed Tax Year
Land (35%)
Building (35%)
Assessed Total (35%)

Incentive District Parcels [What is this?](#)

Parcel Identifier	Value Type	value
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1 of 1

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Actions

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Reports

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Formula and Rollback Rates](#)[Special Assessment Project
Codes](#)[Pending Specials](#)[Land Use/sketch Codes](#)[Commercial Structure Codes](#)

A regular meeting of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, October 4, 2016 at 7:30 p.m. Those members present were Bob Blackburn, Steve Dana, Glenn Ellerbe, Kevin McKeehan, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Joe Newlin, Finance Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Ms. Southard seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

NOTICE TO LEGISLATIVE AUTHORITY

Notice to Legislative Authority – New permit for Hui Juan Inc. DBA Phan Shin 104 W. High Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)

Mr. Kyger explained the rationale for Phan Shin applying for the D-3 spirituous liquor permit and answered several questions from Council. Mr. Kyger also introduced Phan Shin's owner Yvonne.

Mr. Blackburn moved to accept the notice without comment. Mr. Dana seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

A spokesman for a group of students in attendance advised they were in a Government Relations class which required them to attend a government meeting. Mayor Rousmaniere welcomed them.

CONSENT AGENDA

MINUTES

Minutes of the September 20, 2016 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the September 13, 2016 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 27, 2016 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Report regarding the September 28, 2016 Civil Service Commission Meeting. (Candi Turpin, Human Resources Director)

RESOLUTION
CONTRABAND DISPOSAL

A Resolution No. 5015 authorizing the Police Chief (or his designee) and the Finance Director (or his designee) to dispose of contraband no longer needed as evidence. (John Jones, Police Chief)

Mr. Dana moved to approve the consent agenda. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT – BUTLER COUNTY

A resolution No. 5016 authorizing the City Manager to enter into a service agreement with the Butler County Public Defender Commission to provide legal counsel to indigent persons charged with violations of municipal ordinances for the year 2017, and thereafter under certain terms and conditions. (Doug Elliott, City Manager)

Mr. Elliott advised Public Defenders are by law allowed to contract with municipalities for the representation of indigent persons in the court system. Mr. Elliott noted the Butler County Public Defender Commission has contracts with the cities of Hamilton and Fairfield and contracted with the City of Oxford last year. Mr. Elliott advised the proposed Resolution would authorize a renewal agreement with the Public Defender Commission for one year at a cost of \$3,306.40.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana advised he felt this was a wise proposal as indigent violators should be given an opportunity to see how the justice system works. Mr. Dana noted even though they are charged with violations they deserved their day in court.

Ms. Southard inquired how the sum of \$3,306.30 was arrived. Mr. McHugh advised it was a calculation provided by the Public Defender Commission. Mr. Dana inquired how many individuals that sum of money was likely to serve. Mr. McHugh advised it was a maximum of 30 cases for indigent individuals who were in danger of losing their liberty.

Mr. Ellerbe inquired if this was something the townships could benefit from at the City's expense. Mr. McHugh and Mr. Elliott advised no as someone had to be charged with an Oxford municipal violation.

Mr. Dana moved to adopt Resolution No. 5016. Mr. McKeehan seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
ASSESSMENTS

An Ordinance Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessments. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was the 4th and final piece of legislation necessary for the City's curb, gutter and sidewalk program. Mr. Dreisbach noted Council previously passed a Resolution of necessity, awarded a contract for the work to be performed and published the estimated amount of each assessment so parcel owners would know the amount owed and could object if they chose to. Mr. Dreisbach advised the Clerk advertised the notice to owners of the intent to assess for 3 consecutive weeks and received no objections. Mr. Dreisbach noted with the passage of the proposed Ordinance a parcel owner subject to an assessment would have 30 days to pay the amount owed or they could make payments over 5 years at 5% interest.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mayor Rousmaniere referred to page 53 of Council's packet and noted 9 properties on Brown Road were subject to the assessment.

Mr. Dana inquired what ratio of parcel owners made the investment themselves to have the repairs made compared to those who waited for the City to perform the work. Mr. Dreisbach advised more than half of the parcel owners performed the work themselves. Mr. Dreisbach advised in this instance the parcel owners on Panda Lane brokered their buying power together and one contractor performed the work at a substantial savings to them.

ORDINANCE
NEW CHAPTER 1157

An Ordinance Repealing Oxford Codified Ordinance Chapter 1157 Entitled "Wireless and Cellular Telecommunication Facilities", And Adopting New Oxford Codified Ordinance Chapter 1157 Entitled "Wireless, Cellular And Small Cell Telecommunication Facilities. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to pages 59, 62 and 63 of Council's packet and asked Council to make 3 slight modifications to the language. Mr. Chen advised Chapter 1157 was adopted in 2003 and at that time small cell towers did not exist. Mr. Chen note due to the increased usage of data, micro booster sites (35 foot towers) were needed in areas with a high concentration of data users. Mr. Chen advised the consensus of the Planning Commission was to place the small cell towers in the right-of-way and allow the Service Director to approve the installations. Mr. Chen noted applications for small cell towers to be located anywhere other than in the right-of-way needed to go through the Conditional Use process. Mr. Chen advised the other proposed changes to the existing text were updates to the 2003 language.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. McKeehan moved to amend Section 1157.06 (i) to read \$300.00, to strike the words 'and small cell' from Section 1157.10 (a) (3) and to strike the words 'and small cell' from Section 1157.10 (d). Mr. Ellerbe seconded. The motion passed 7-0-0.

Mr. Dana referred to page 77 of Council's packet and noted Mr. Kyger would prefer small cell towers to be a permitted use rather than a conditional use and inquired how that fit into the conclusions brought forward. Mr. Chen advised the Planning Commission recommended small cell towers outside of the right-of-way should be a conditional use. Mr. Dana noted the legislation encouraged co-location which resulted in efficiencies and it benefitted the environment.

Mr. Ellerbe inquired if a situation prompted the proposed legislation or if staff was being pro-active. Mr. Chen advised a lot of communities in the area have dealt with this type of legislation and vendors were contacting staff about the installation of small cell towers. Mr. Chen noted Miami University had several applications for small cell towers and antennas.

Mr. McHugh noted the proposed legislation reflected a change in technology and it recognizes data flow and data demands.

Ms. Southard noted a typo on page 65 of Council's packet.

Mr. McKeehan inquired if other communities preferred co-location. Mr. Dreisbach advised staff looked at stealth pole manufacturers noting the poles were designed to blend into the landscape, were built to accommodate 2 power supplies and 2 different hosts on one tower.

ORDINANCE

NEW SECTION 1305.01

An Ordinance Repealing Oxford Property Maintenance Code Section 1305.01 Entitled "Adoption" And Adopting New Oxford Property Maintenance Code Section 1305.01 Entitled "Adoption Of International Property Maintenance Code." (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed legislation adopts the International Property Maintenance Code in its entirety as the City of Oxford Property Maintenance Code. Mr. Chen noted the next proposed Ordinance makes changes to the Oxford Property Maintenance Code specifically for the City of Oxford's circumstances.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

ORDINANCE
NEW SECTION 1305.02

An Ordinance Repealing Oxford Property Maintenance Code Section 1305.02 Entitled “Additions, Insertions And Changes,” And Adopting New Oxford Property Maintenance Code Section 1305.02 Entitled “Additions, Deletions, And Revisions To The International Property Maintenance Code” To Modify Oxford’s Property Maintenance Code And To Create A Process By Which A Search Warrant May Be Obtained To Inspect Rental Properties. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Ordinance deals with various sections of the Oxford Property Maintenance Code. Mr. Chen noted the additions, insertions and changes previously adopted and currently proposed are changes that customize the code for the City of Oxford. Mr. Chen advised some of the changes are related to industrial standards, state mandates, court case summaries and practical experiences from the staff level. Mr. Chen noted some of the changes are necessary for the rental permit process and the proposed changes will specifically spell out that an administrative search warrant will be sought if an owner refuses to grant the inspector entry to the property for a rental inspection to ensure the property meets the minimum requirements of the code. Mr. Chen advised if a warrant was not obtained only the exterior of the property would be inspected and documented as such.

Mayor Rousmaniere inquired if there were any comments from the public.

Mr. Charles Kennick, 803 S. Campus Avenue, inquired who was going to obtain the search warrant, who was going to search the property and what the penalties were for violating the code.

Mr. Chen advised if the City is refused doing a rental inspection the City will seek to obtain an administrative search warrant. Mr. Chen noted the City contracted with National Inspection Corporation and they performed the rental inspections.

Mr. McHugh advised the penalty was a rental permit would be issued with the notation that only an exterior inspection was done of the property. Mr. McHugh noted under the Portsmouth decision a rental inspection was determined to be an unreasonable search and seizure and the City had no choice but to seek an administrative search warrant if access to a dwelling was denied by the owner or landlord. Mr. McHugh referred to page 86 of Council’s packet ‘Dangerous or unsafe structure or premises’ and advised any of the conditions listed could be grounds to grant an administrative search warrant.

Mayor Rousmaniere noted an administrative search warrant was not as serious as a criminal search warrant. Mr. McKeehan advised the administrative search warrant was to allow the City to do rental property inspections to maintain the safety and security of the renters.

Mr. Elliott advised one property owner brought the Portsmouth court case to the City’s attention and is not allowing rental inspections of his properties. Mr. Elliott noted staff felt the issue should be addressed and if the City was unsuccessful in obtaining an administrative search warrant the City would do a windshield observation of the property.

Mr. Dana noted this could require tenants to take action to make sure they were safe which seemed to be an area of unpleasant consequences. Mr. Elliott advised given the court case staff felt the issue should be addressed. Mr. Elliott noted the City would have a list of properties that had been inspected on the inside and another list of properties the City was denied access to and only an exterior inspection was done. Mr. Elliott advised the tenant would know the City was denied access.

Mayor Rousmaniere inquired if there were any more comments from the public and there were none.

Mr. Blackburn advised the City would still give proper notice prior to the inspection through an administrative search warrant.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 9 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin addressed the three issues in the proposed supplemental budget related to income tax receipts, additional building permit revenue and inspection expenses and additional funding needed for the Human Resources Department.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Newlin answered questions from Council members.

ORDINANCE
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3372 Amending Ordinance No. 3335. Supplemental Budget Ordinance Number 8 To Make Supplemental Appropriations For Fiscal Year 2016. (Joe Newlin, Finance Director)

Mr. Newlin advised he had nothing further to report since the first reading of the proposed supplemental budget noting it had to do with commercial fees collected and revenue for the OVI Task Force.

Mayor Rousmaniere inquired if there were any comments from the public and there were none.

Mr. Dana moved to adopt Ordinance No. 3372. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Dana, Mr. Ellerbe, Mr. McKeehan, Mr. Smith, Ms. Southard, Mr. Blackburn
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the Charter Advisory Commission met on September 29th noting it was their 4th meeting. Mr. Elliott advised the commission continued to review recommendations for amendments to the City Charter. Mr. Elliott noted the next meeting was November 10th and he expected the commission to make their recommendations to Council at their first meeting in December.

Mr. Elliott reminded Council and the public the Budget Work Session was scheduled for Thursday at 6:30 p.m. at the Courthouse.

Mr. Elliott advised he was meeting with the Oxford Township Trustees to continue discussions regarding a new Fire and EMS contract.

Mr. Chen advised staff received word that the OKI staff was recommending full funding of Oxford's recreational trail Phase II to the OKI Board next Thursday. Mr. Chen noted the funding if awarded would be \$750,000.00.

Mr. McKeehan expressed condolences to the family of Dr. Roger Princell who recently passed away after serving the Oxford community for many years.

Mr. McKeehan referred to the list of contraband to be disposed of as listed on pages 26-40 of Council's packet and noted it was sad that 6 of the suspects were listed as deceased.

Mr. Dana advised a Candidates Forum would take place tomorrow evening at 7 p.m. at the Knolls of Oxford. Mr. Dana noted citizens would have the opportunity to ask questions of the candidates as to why they felt they were qualified for the position for which they were running. Mr. Dana encouraged everyone to pick up and read the League of Women Voters of Oxford's Voter Information Guide 2016.

Mr. Blackburn noted it was important to vote, it was part of our system, and encouraged everyone to vote.

Mr. Dana added October 11th was the deadline for voter registration.

Mayor Rousmaniere advised on Thursday, October 6th Oxford VillAGE Network was sponsoring a forum at the Oxford Community Arts Center on creating livability in Oxford from 1-5 p.m.

Mayor Rousmaniere noted various speakers would be there from the City, the university and other members of the community talking about issues of and plans for making Oxford a livable community.

Mayor Rousmaniere updated everyone on a meeting held last Friday in Cincinnati with Amtrak and noted the initiative to bring an Amtrak station to Oxford had moved forward significantly.

Mayor Rousmaniere reminded Council members on October 12th Congressman Warren Davidson would meet with them at 5:30 p.m. in the City Manager's office.

ADJOURN

Mr. Dana moved to adjourn at 8:25 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 18, 2016

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 11, 2016

Date Prepared

Agenda Title: Resolution Authorizing Certain Property held by the Division of Police to be sold at public auction.

Recommendation: Approve

Discussion: The items on the attached spreadsheet are in the possession of the Police Division. These items were either found property or they were seized during a criminal investigation. Reasonable efforts have been made to identify owners and notify owners to claim their property. These items have gone unclaimed and are not of use to the Police Division. It is the recommendation of the Police Chief that these items be sold at public auction, to include internet auction, to the highest bidder for cash. The proceeds from the auction will be placed in the general fund of the City. In accordance with OCC Section 127.11, an ad will be placed in the local newspaper describing the nature of the property and inviting persons to claim the property.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ 10-11-16

DRE \ 10-14-16

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION OR INTERNET AUCTION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The items set forth in Exhibit 'A' attached hereto and incorporated herein, are hereby declared surplus for City purposes and no longer needed for municipal purposes, and that said property is hereby declared to be surplus.

SECTION 2: Council hereby authorizes the sale of said items at public auction or internet auction to the highest bidder with proceeds thereof deposited in the General Fund.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Memo

To: John A. Jones, Chief of Police
From: Perry M. Gordon, Properties Custodian
Subject: Auction of Unclaimed Property by City of Oxford
Date: 04 October 2016

The items on the attached spreadsheet are in the possession of the Oxford Police Division. There are no known owners and no one has come forward to claim them. I recommend through a resolution of Oxford City Council that they be sold at public auction and the proceeds be collected by the City.

Keep

Tag	Description	Report #	Officer	Storage Location	Name	Court	Case #	Court Disposition	Recommended Disposition of Property
15067	Garm'n Nv's GPS/charger	10-1393	Lindner	Impound	Tyler Goodrich, James Cahill	Common Pleas	CR2010101631 (ITG), CR2010101630 (JC)	Closed-no appeal filed	Auction
15067	Coltra radar detector/food	10-1393	Lindner	Impound	Tyler Goodrich, James Cahill	Common Pleas	CR2010101631 (ITG), CR2010101630 (JC)	Closed-no appeal filed	Auction
15067	Garm'n Nv's GPS	10-1393	Lindner	Impound	James Byrd/Adam Morris	Common Pleas	CR2010101631 (ITG), CR2010101630 (JC)	Closed-no appeal filed	Auction
16131	Husky 27" tool box/contents	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Nintendo 64 game system	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Nintendo 64 game system	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Nintendo 64 game system	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Nintendo 64 game system	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Nintendo Game Shark	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Red Nintendo controller	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	13021 calculator	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16131	Box controller	11-0894	S. Sikora	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Merriell), CR201100740 (Byrd, Area 1)	Closed	Auction
16279	Smith & Wesson folding knife	11-0661	Terrell	H-3	Unknown owner, three defendants	n/a	n/a	Closed-PCMIH (Middleton) denied	Auction
16475	2 Minolta 35 mm camera	11-0661	Terrell	H-3	Unknown owner, three defendants	CR2011091546, 1547, 1548	CR2011091546, 1547, 1548	Closed-PCMIH (Middleton) denied	Hold for auction, all other unclaimed items destroyed
16475	35 mm camera	11-0661	Terrell	H-3	Unknown owner, three defendants	CR2011091546, 1547, 1548	CR2011091546, 1547, 1548	Closed-PCMIH (Middleton) denied	Hold for auction, all other unclaimed items destroyed
17011	Winchester folding knife	12-1377	Hohl	H-3	Angela Cole	Common Pleas	CR2011001110	Closed	Auction
17011	Winchester folding knife	12-1377	Hohl	H-3	Angela Cole	Common Pleas	CR2011001110	Closed	Auction
17888	Narcissa man's watch	12-1554	Feeling	Impound	Charles Dobbin, Darius Rivers	Common Pleas	CR2011001110	Closed	Auction
18880	Gerber folding knife	13-0472	Robinson	Impound	Unknown owner, unclaimed	Area 1	CR2011001110	Closed	Auction
18880	Woman's dress watch (silver)	13-0472	Robinson	Impound	Unknown owner, unclaimed	Area 1	CR2011001110	Closed	Auction
18880	Black Kenbar watch (silver)	13-0472	Robinson	Impound	Unknown owner, unclaimed	Area 1	CR2011001110	Closed	Auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ), CR2013122064 (IS)	Closed-no bill returned on King, PCMIH-denied on Starnore	Hold for auction
19918	Cali Ripken baseball cards (sealed cases)	13-1688	Hartfield	Impound	Nathan King, Joshua Starnore	Common Pleas	CR2013122065 (INQ		

Keep

15999	Photo: blue diamond-back bile	15-0453	Leclercq	E-3	Unknown owner, no claims	Juvenile	n/a	Sealed	No claimant--hold bile for auction
15984	Assorted car audio/electronics/speakers	n/a	Blauvelt	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
15974	Football socks	n/a	Bire	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16214	Seven women's watch/link bracelet	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16202	Gold ring	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16339	Gold bracelet	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16505	Gold ring w/ 3 emerald stones	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16589	Black bile w/ wood brass handle	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
17357	Red/black Adidas backpack (good cond.)	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
17351	Silver ring	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16495	Acne bile watch	n/a	Dispatch	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16706	2 digital cameras (Kodak, Casio)	n/a	Gordon	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
17286	Blue/grey cooler w/ reusable ice packs	n/a	Jones	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
17573	Gold Seko men's watch	n/a	Jones	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
16207	Blue cutter bile	n/a	Leclercq	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
19186	Blue audio unit, backpack (unk. owners)	n/a	Moore	Impound	Unknown owner, no claims	n/a	n/a	n/a	Auction
13679	Sony X800 controller	n/a	Robison	E-1	Unknown owner, no claims	Juvenile	n/a	Sealed	Auction
17276	Green stroller (found)	n/a	Dispatch	B-3	Owner unknown/unclaimed	n/a	n/a	n/a	Send to Auction
23311	Silver bracelet	n/a	Dispatch	B-3	Unknown owner, no claims	n/a	n/a	n/a	Send to Auction
23377	women's costume jewelry	n/a	Dispatch	B-3	Unknown owner, no claims	n/a	n/a	n/a	Send to Auction
17428	Dark blue luggage bag, contents (found)	n/a	Dunkin	Impound	Owner unknown/unclaimed	n/a	n/a	n/a	Send to Auction
16282	Once baby stroller (found)	n/a	Fentling	Impound	Owner unknown/unclaimed	n/a	n/a	n/a	Send to Auction

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 18, 2016

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 11, 2016

Date Prepared

Agenda Title: Resolution authorizing the Police Division of the City of Oxford to retain for its use certain unclaimed property in its possession.

Recommendation: Approve

Discussion: Certain items currently in the possession of the Division of Police are of use to the City of Oxford. These items have no evidentiary use and have been unclaimed. Therefore, it is the request of the Chief of Police that these items be released to the City of Oxford for use in general business.

A list of the items recommended for city use is attached.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAJ \ 10-11-16

DRE \ 10-14-16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE OXFORD DIVISION OF POLICE TO RETAIN FOR USE BY THE MUNICIPALITY CERTAIN UNCLAIMED PROPERTY IN ITS POSSESSION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Pursuant to Oxford Codified Ordinances Section 127.11, the Division of Police having possession of certain unclaimed property set forth in Exhibit 'A', attached hereto and incorporated herein, requests the retention and use of said items for municipal purposes.

SECTION 2: Council, having reviewed the items listed, finds it to be beneficial to the City to retain this unclaimed property and authorizes the City's retention and use of said items.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

Memo

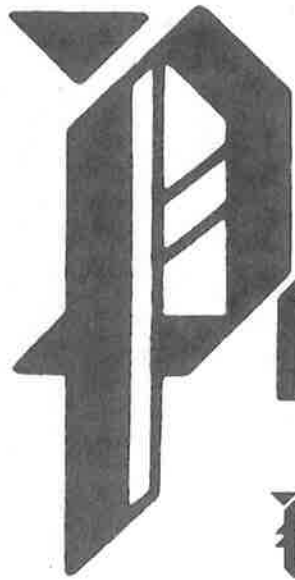
To: John A. Jones, Chief of Police
From: Perry M. Gordon, Properties Custodian 
Subject: Conversion of Unclaimed Property for Use by City of Oxford
Date: 21 September 2016

The items on the attached spreadsheet are in the possession of the Oxford Police Division. There are no known owners and no one has come forward to claim them. These particular items can be used by various units of the City, and I recommend that they be accepted for conversion to City use through a resolution of Oxford City Council.

EXHIBIT "A"

Keep

Tag	Description	Report #	Officer	Storage Location	Name	Court	Case #	Court Disposition	Recommended Disposition of Property
11310	Apple power adaptor	37-2354	Jones	A-2	Andrew Stenore	Common Pleas	CR2008010097	Closed-no appeal filed	LEA-unknown owner
12018	Tools, car jacks	38-1092	Barber	A-3	Unknown suspects-case closed	n/a	n/a	n/a	LEA-transfer to Street Dept.
12018	Assorted tools	38-1092	Unidentified	A-2	Unknown suspects-case closed	n/a	n/a	n/a	LEA-transfer to Street Dept.
12605	\$100 bill	39-0066	Chafwell	Safe	Alister Syrik	Area 1	CR45000788	Closed	LEA-submitted to finance office
12605	\$520 cash	39-0066	Chafwell	Safe	Alister Syrik	Area 1	CR45000788	Closed	LEA-submitted to finance office
12666	\$66.00 cash	39-0066	Chafwell	Safe	Alister Syrik	Area 1	CR45000788	Closed	LEA-submitted to finance office
1351	Plastic container, 16x22x5	39-0780	S. Sierra	G-3	Ronald Asellon III	Area 1	n/a	Sealed	LEA custody-conversion
15487	Set of screwdrivers	10-2010	Price	Impound	Joe Jones	Common Pleas	CR201012011	Closed	LEA-transfer to Street Dept.
16191	Red/black screwdriver	11-0894	S. Sierra	Impound	James Byrd/Adam Morris	Common Pleas	CR2011071200 (Married); CR81100740 (Byrd, Area 1)	Closed	LEA-transfer to Street Dept.
20025	Package of batteries	14-0098	Blauvelt	Impound	Cody Webb	Common Pleas	CR2014020281	Closed	LEA-convert for OPD use
20025	Half-gallon bottle of coolant	14-0098	Blauvelt	Impound	Cody Webb	Common Pleas	CR2014020281	Closed	LEA-convert for OPD use
20170	Wristwatch-b/w face	14-0208	Wagers	B-4	Ryan Leichter, Linnie Jones	Area 1	CR811001944 (LI); CR811001944 (LI)	Closed	Unclaimed-send to auction
20666	2 \$20 bills (\$40.00 total)	14-0525	Durkin	Safe	Owner unknown/unclaimed	n/a	n/a	Closed	LEA-submitted to finance office
12078	\$40.00 cash	14-0525	Wagers	Safe	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-submitted to finance office
245	Street sign (Road Closed Ahead)	14-1152	Robinson	Impound	Christian Liefeld (suspect)	Common Pleas	CR2015030405	Closed	Release to Oxford Street Dept.
896	\$20 bill, US	15-0036	Lindner	Cab 1-3	Tyler Reas	Common Pleas	CR2015030405	Closed	LEA-transfer to Street Dept.
904	Rusted toothbar	15-0036	Noel	D-3	Unknown suspects-case closed	n/a	n/a	n/a	LEA-transfer to Street Dept.
1602	3 \$20.00 bills (\$60 total)	15-0077	Blauvelt	Safe	James W. Smith	Area 1	CR8115001878	Closed-no appeal filed	LEA-transfer to finance office-LEA not valid
1603	Aluminum shaver, yellow handles	15-0090	Terrell	Impound	Forest Hagadorn, Sierra Briscoe	Common Pleas	CR2015020187; CR2015020188	Closed-no appeal filed	LEA-transfer to Street Dept.
1546	Digital scale w/ glass plate top	15-0475	Price	Impound	Kyle Felderman	Common Pleas	CR2015040631-ILC appeal granted 8/6/15	Closed	LEA-CUJ
1547	Bag of rubber bands	15-0475	Price	Impound	Kyle Felderman	Common Pleas	CR2015040631-ILC appeal granted 8/6/15	Closed	LEA-department use
1628	Misellaneous items, incl. \$0.76 in coins	15-0544	Wagers	Impound	Gage Edmonson, Michael King (juveniles)	Juvenile	Sealed	Closed	Deputy-coins submitted to finance office
1638	24-tooth bolt cutters	15-0557	S. Sierra	Impound	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-transfer to Street Dept.
1831	Pipe cutter	15-0754	Price	E-2	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-transfer to Street Dept.
2176	Misellaneous items incl. 5 watches	15-1034	Wagers	Impound	James Spadlin	Common Pleas	CR2015071163	Closed-no appeal filed	Deputy's vehicle (unknown owner) to auction
2155	Pen bar	15-1034	Wagers	D-4	James Spadlin	Common Pleas	CR2015071163	Closed-no appeal filed	LEA-transfer to Street Dept.
2207	Five assorted screwdrivers	15-1075	Blauvelt	Impound	Marissa Moore (juv)	Juvenile	Sealed	Closed	LEA-transfer to Street Dept.
2209	\$11 US currency	15-1079	Durkin	Impound	Marissa Moore (juv)	Juvenile	Sealed	Closed	LEA-transfer to Street Dept.
2281	\$240 cash (unclaimed at Kruger's)	15-1156	P. Sierra	C-3	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-submitted to finance office
2391	USB charger	15-1328	Gordon	C-3	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-submitted to finance office
2464	Two digital scales	15-1400	S. Sierra	Cab 1-1	Jonathan Colwell	Area 1	CR81101009C	Closed	LEA conversion
2704	Roller \$20 bill tested for cocaine	15-1764	Unider	Cab 1-1	Katie Swartz	Area 1	CR81101009C	Closed	LEA conversion
3112	Samung 32" TV (inc. prop.)	15-1807	Terrell	A-2	Owner unknown/unclaimed	n/a	n/a	n/a	Cleaned/outbody to OPD
2745	Cash \$100.00	15-1838	Ledermeyer	F-1	Kevin Taylor	Area 1	CR811501372A	Closed	LEA conversion
2745	Cash \$50.00	15-1838	Ledermeyer	F-1	Kevin Taylor	Area 1	CR811501372A	Closed	Forfeit to LEA, deposited at finance off.
2747	Cash \$380.00	15-1838	Ledermeyer	F-1	Kevin Taylor	Area 1	CR811501372A	Closed	Forfeit to LEA, deposited at finance off.
2748	Cash \$80.00	15-1838	Ledermeyer	F-1	Kevin Taylor	Area 1	CR811501372A	Closed	Forfeit to LEA, deposited at finance off.
2749	Cash \$20.00	15-1925	Carson	F-3	Kevin Taylor	Area 1	CR811501372A	Closed	Forfeit to LEA, deposited at finance off.
2832	Blue/black Phillips screwdriver	15-1925	Carson	F-3	Kevin Taylor	Area 1	CR811501372A	Closed	Forfeit to LEA, deposited at finance off.
3120	Whiskey bottle with unknown amt. of coins	15-2107	Robinson	A-2	Unclaimed, unknown owner	n/a	n/a	n/a	LEA-transfer to Street Dept.
3132	Microfosh box 360 (damaged)	15-2108	Durkin	E-2	Unclaimed, unknown owner	n/a	n/a	n/a	Cash to finance office
3185	Mini-tool set	15-2113	S. Sierra	A-2	Unknown owner, unclaimed	n/a	n/a	n/a	Hold for auction
3169	Hammer/ratchet	16-0023	Campbell	C-3	Unknown owner, unclaimed	Area 1	TR01600056	Closed	LEA-transfer to Street Dept.
3507	Sanjve mini-speaker	16-0163	Terrell	A-2	Unknown owner, unclaimed	n/a	n/a	n/a	Hold for auction
3511	Microfosh box controller unit	16-0163	Terrell	A-2	Unknown owner, unclaimed	Area 1	TR01600056	Closed	LEA-transfer to Street Dept.
3562	\$61.42 cash/coins	16-0453	Ledermeyer	E-3	Dallas Hall (juvenile)	Juvenile	n/a	Sealed	Hold for auction
3576	3 Ohio instant winner lottery tickets (\$5)	16-0668	S. Sierra	E-3	Dallas Hall (juvenile)	Juvenile	n/a	Sealed	No claimants-submit to Finance Office
3752	Two street signs (25 MPH, Road Closed)	16-0668	S. Sierra	E-3	Dallas Hall (juvenile)	Juvenile	n/a	Sealed	Unknown owner, no claimants; redeem/proceeds to finance off.
17854	Camo tackle bag/fishing gear (found)	n/a	Dupatch	Impound	Joshua McGowan	Area 1	CR81600461A/R/C	Closed	Transfer to Street Dept.
20324	\$420.00 cash	n/a	Carson	Safe	Owner unknown/unclaimed	n/a	n/a	n/a	LEA custody-looked on Fishing program
21047	\$330.00 cash	n/a	Colyer	Safe	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-submitted to finance office
21352	\$20.00 cash	n/a	Hardin	Safe	Owner unknown/unclaimed	n/a	n/a	n/a	LEA-submitted to finance office
12693	Wire cutters	n/a	Campbell	D-4	Unknown owner, no claims	n/a	n/a	n/a	LEA-transfer to Street Dept.
21372	\$5.86 cash, assorted keys, cigarettes	n/a	Hardin	C-3	Joseph Wagers	n/a	n/a	n/a	UT-destroy keys; cash to Fin. Off.



Office of the Mayor

Proclamation

Whereas:

October 11, 2016, marked the 126th anniversary of the founding of the National Society Daughters of the American Revolution to honor the memory and the spirit of the men and women who achieved American independence; and

WHEREAS, nearly 1 million members have fulfilled this vibrant service organization's mission to promote historic preservation, education and patriotism; and

WHEREAS, the Oxford Caroline Scott Chapter DAR was founded in Oxford, Ohio in the year 1916 to complete this important service work on the local level; and

WHEREAS, the objectives of the DAR are historical, educational and patriotic, to cherish, maintain and extend the institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind the blessings of liberty.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby proclaim October 22, 2016 as:

"OXFORD CAROLINE SCOTT CHAPTER, NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION DAY"

in the City of Oxford, and ask our citizens to reaffirm the ideals of our nation's founders, and to honor and respect the freedoms guaranteed to us through the Declaration of Independence and the United States Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 18th day of October, 2016.



KATE ROUSMANIERE, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 4, 2016

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 17, 2016
Date Prepared

Agenda Title: Repeal Oxford Property Maintenance Code Section 1305.01 and Adopting New Section 1305.01 the International Property Maintenance Code
--

Recommendation: Approval
--

Discussion:

The proposed legislation deals with the adoption of the International Property Maintenance Code as the Oxford Property Maintenance Code (PMC) with changes to the IPMC as prescribed in Section 1305.02 as Oxford's PMC and to provide information that a copy of the Property Maintenance Code is accessible on the City's website.

Approved By:	Department Head:	Initial Date
	City Manager:	JHC 9-26-16 DRE 9/30/16

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD PROPERTY MAINTENANCE CODE SECTION 1305.01 ENTITLED "ADOPTION" AND ADOPTING NEW OXFORD PROPERTY MAINTENANCE CODE SECTION 1305.01 ENTITLED "ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO:

SECTION I: Council hereby finds that in order to protect and promote the public health, safety and welfare of its citizens, it is in the best interest of the citizens of Oxford that its Property Maintenance Code be modified.

SECTION II: Council hereby repeals Oxford Property Maintenance Code Section 1305.01 and adopts new Property Maintenance Code Section 1305.01 as follows: (additions are marked in **bold** and text to be deleted is marked with a ~~strike through~~).

1305.01 ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The Council for the City of Oxford hereby adopts the International Property Maintenance Code, 2012 edition, as published by the International Code Council, as the Property Maintenance Code ("**PMC**") of the City of Oxford, **Ohio**, ~~in the State of Ohio~~ for regulating and governing the conditions and maintenance of all property, buildings, and structures, with the additions, ~~insertions~~, deletions and ~~changes~~ **modifications to the International Property Maintenance Code as prescribed in Section 1305.02 of Oxford's PMC. A complete copy of Oxford's PMC is accessible on the City's website.**

SECTION III: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

10/4/6

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FROM DOUGLAS R. ELLIOTT, JR. FOR 0.458 ACRES OF LAND IN THE TOWNSHIP OF OXFORD, BUTLER COUNTY OHIO, AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: On July 19, 2016 Douglas R. Elliott, Jr., Agent for the petitioners, filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 0.458 acres of land contiguous to the City of Oxford and the existing corporation line of the Township of Oxford, Ohio. Said petition was filed with the consent of all parties utilizing the annexation procedure set forth in Sections 709.021 and 709.023 of the Ohio Revised Code.

SECTION 2: The Board of County Commissioners did, by Resolution No.16-08-03126 adopted on August 15, 2016, approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Statement of Services Resolution No. 4999 a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of Oxford City Council who received the same on or about August 16, 2016.

SECTION 4: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford and have been for sixty days.

SECTION 5: The proposed annexation, as applied for in the petition of the owners of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, be and the same is hereby accepted and deemed annexed to the City of Oxford, subject to all the terms and conditions provided herein and contained within the Statement of Services Resolution No. 4999 attached hereto and incorporated herein as Exhibit "A". The territory to be annexed is more particularly described in Exhibits "B" and "C," attached hereto and incorporated herein.

SECTION 6: The Clerk of the City of Oxford be and is hereby authorized and directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, one copy to the County Engineer, and one copy to the Ohio Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 7: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

RESOLUTION NO. 4999

A RESOLUTION REGARDING ZONING BUFFERS AND ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF OXFORD, OHIO WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF OXFORD, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO FILED BY THE PETITIONERS, SHAWN BAKER, HOLLY BAKER, AND THE CITY OF OXFORD, OHIO, FOR THE ANNEXATION OF 0.458 ACRES OF LAND MORE OR LESS IN OXFORD TOWNSHIP, BUTLER COUNTY, OHIO TO THE CITY OF OXFORD, OHIO AS PROVIDED BY SECTION 709.023(C) OF THE OHIO REVISED CODE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

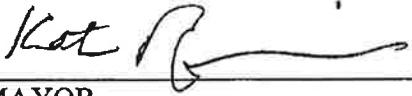
SECTION 1: Council, having received the notification of a petition for annexation from Shawn Baker, Holly Baker, and the City of Oxford, Ohio for 0.458 acres of land in Oxford Township, Butler County, Ohio ("the Territory"), hereby accepts said petition.

SECTION 2: The City hereby states that it will provide immediately, upon final approval and acceptance of the annexation, the following services to the Territory: law enforcement, recreation programming, maintenance of any and all public streets and alleyways, keeping same open, in repair and free from nuisance, and professional planning staff all shall be available immediately upon annexation; in addition, a sanitary sewer connection shall be made available to the Territory within five (5) years. Extension of all public utility services shall be subject to such regulations and conditions as the City deems appropriate.

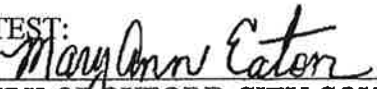
SECTION 3: If the Territory becomes subject to zoning by the City and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the Territory was annexed, City Council will require, in the zoning ordinance permitting the incompatible uses, the Petitioners to provide a buffer separating the use of the Territory and the adjacent land remaining within the township.

SECTION 3: The Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners of Butler County, Ohio.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: August 2, 2016

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "B"

Date: May 16, 2016
Description: 0.458 Acres to be Annexed
Lot #3, Edwards Subdivision
Location: Oxford Township
Butler County, Ohio



Situated in State of Ohio, Congress Lands West of the Miami River, Section 36, Town 5, Range 1, Oxford Township and being all of Lot #3, Edwards Subdivision as recorded in Plat Envelope 318, Page "B" and being all of the lands of City of Oxford, as recorded in Official Record 8801, Page 2203 and all of the lands of Shawn and Holly Baker, as recorded in Official Record 8458, Page 1464 of the Butler County, Ohio Recorder's Office and being more further described as follows:

Beginning at the southwest corner of said Lot #3 and being on the easterly right of way of Millville Oxford Road (U.S. S.R. #27) and being the northwest corner Lot #2 of said Edwards Subdivision and being the lands of the City of Oxford as recorded in Official Record 8719, Page 1387 of the Butler County, Ohio Recorder's Office and the True Point of Beginning;

thence, leaving the northerly line of said Lot #2 and with the easterly right of way of said Millville Oxford Road (U.S. S.R. #27), North 33° 20' 39" West, 109.77 feet to the southerly right of way of Southpointe Parkway;

thence, leaving the easterly right of way of said Millville Oxford Road (U.S. S.R. #27) and with the southerly right of way of said Southpointe Parkway, with a curve to the right, having a central angle of 90° 52' 30", a radius of 15.00 feet, an arc length of 23.79 feet and a chord bearing and distance of North 12° 05' 36" East, 21.37 feet;

thence, with the southerly right of way of said Southpointe Parkway, North 57° 31' 51" East, 144.77 feet to the southwest corner of Lot #4 of said Edwards Subdivision and being the lands of Michael M. Tholen as recorded in Official Record 8491, Page 1792 of the Butler County, Ohio Recorder's Office;

thence, leaving the southerly right of way of Southpointe Parkway and with the westerly line of said Lot #4, South 33° 20' 39" East, 125.00 feet to the northerly line of said Lot #2;

thence, leaving the westerly line of said Lot #4 and with the northerly line of said Lot #2, South 57° 31' 51" West, 160.00 feet to the True Point of Beginning containing 0.458 acres more or less and being subject to all legal highways, easements, restrictions and agreements of record.

The above description was prepared from an annexation plat by Bayer Becker, David Douglas Smith, Registered Surveyor #7121 in the State of Ohio, May 16, 2016.

6900 Tylersville Road, Suite A 110 South College Ave, Suite 101 1404 Race Street, Suite 204
Mason, OH 45040 Oxford, OH 45056 Cincinnati, OH 45202
513-338-6600 513-523-4270 513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-281-1113

<http://www.bayerbecker.com>

EXHIBIT "C"



SURVEY REFERENCES

EDWARDS SUBDIVISION P.E. 314, PG. B
SOUTHPOINTE SUBDIVISION P.E. 402, PG. A & B
DEEDS OF RECORD AS SHOWN
B.C.E.R. VOL. 55, PG. 1894

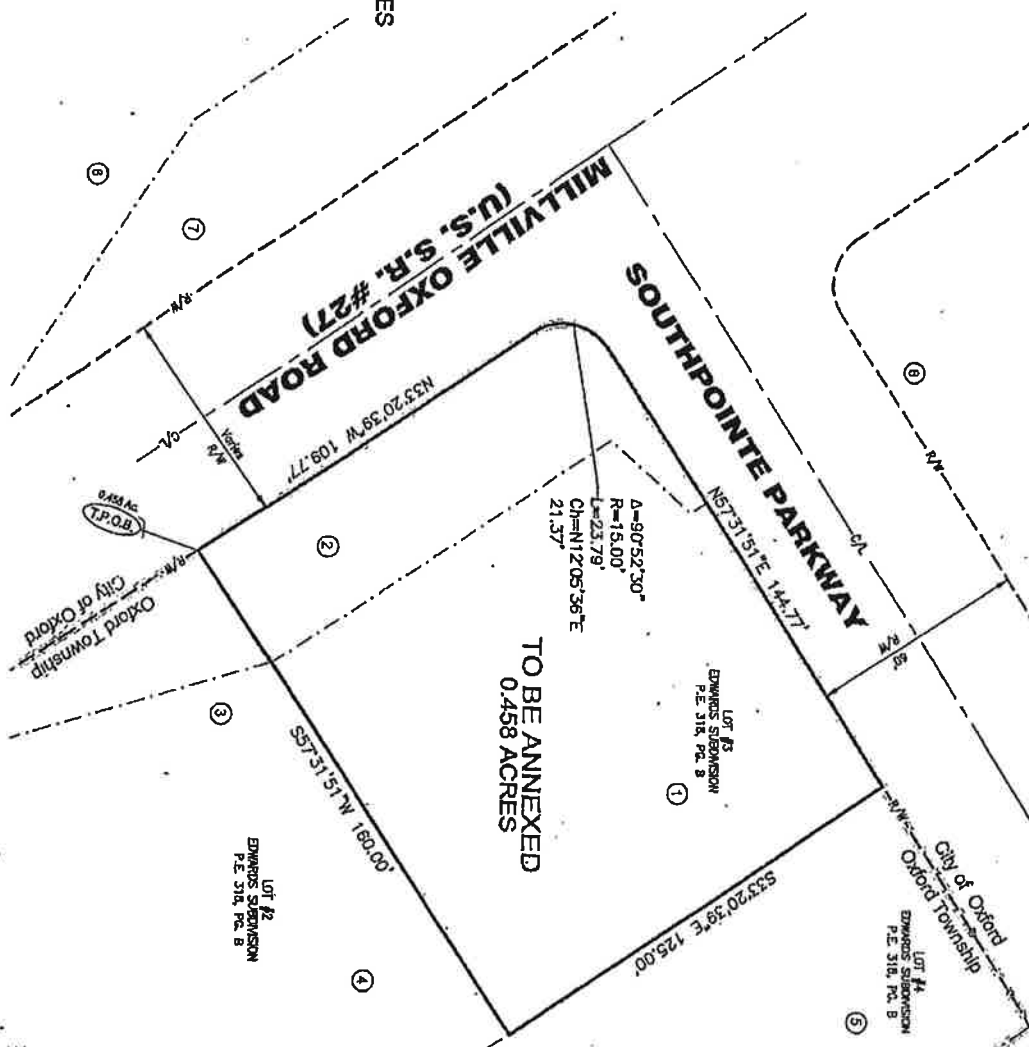
THIS PLAT IS BASED UPON DEED RECORDS
AND OTHER SOURCES AND IS NOT THE RESULT
OF A FIELD SURVEY.

AREA SUMMARY

PARCEL #H3620-002-000-003 0.347 ACRES

PARCEL #H3620-002-000-008 0.111 ACRES

**TOTAL TO BE ANNEXED = 0.458 ACRES
(ACREAGE PER PLAT)**



0.458 ACRES

LOT #3, EDWARDS SUBDIVISION
PLAT BOOK 316, PAGE 8
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 6, RANGE 1
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

ANNEXATION PLAT

**bayer
becker**

110 S. College Avenue, Suite 101
Oxford, OH 45058 - 513.523.4270

Drawn by: JH-2105 AX
Sheet: 1/2
Checked by: DDS
Title: BRJ
Date: 05-18-16

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Council Meeting Of : 10/4/2016

Account Code No. : see below

Budgeted Amount :

Finance
Originating Department

Joe Newlin
Prepared By

9/28/2016
Date Prepared

Agenda Title:	2016 Supplemental Budget #9
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Recommendation:	Approve
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Issue 1

To make adjustment to amended budget for projected increase in Income Tax Receipts and related expenses.

Action Needed:

Revenue Side

General Fund (110)	790,380.00	Income Tax Receipts
Fire & EMS Fund (418)	118,590.00	Income Tax Receipts

Expense Side

General Fund (110)	23,711.00	RITA Retainage (3% of Income Tax Receipts)
General Fund (110)	11,735.00	Refunds (1% of Income Tax Receipts + 3,715)
Fire & EMS Fund (418)	3,558.00	RITA Retainage (3% of Income Tax Receipts)
Fire & EMS Fund (418)	1,726.00	Refunds (1% of Income Tax Receipts + 523)

Net Effect on Fund Balance/(s)	868,240.00	
Increase/(Decrease)		

Issue 2

To make adjustment to amended budget for additional building permit revenue and related inspection expenses.

Action Needed:

Revenue Side

General Fund (110)	80,000.00	Building Permit receipts
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Expense Side

General Fund (110)	72,000.00	Additional Inspection Service provided by NIC
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Net Effect on Fund Balance/(s)	8,000.00	
Increase/(Decrease)		

Issue 3

To make adjustment to amended budget for additional for Human Resources professional services and advertising that have had a significant increase in expense due to all the open positions within the last year. With the new director in place, training and travel has increased significantly as well.

Action Needed:

Revenue Side

N/A

Expense Side

General Fund (110)	10,000.00	Additional expenditures for HR Department
Water Fund (321)	1,500.00	Additional expenditures for HR Department
Wastewater Fund (331)	1,500.00	Additional expenditures for HR Department

Net Effect on Fund Balance/(s) Increase/(Decrease)	(13,000.00)
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Total Net Effect on Fund Balance/(s) Increase/(Decrease)	863,240.00
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Breakdown by Fund

General Fund (110)	752,934.00
Water Fund (321)	(1,500.00)
Wastewater Fund (331)	(1,500.00)
Fire & EMS Fund (418)	113,306.00

Net Effect on Fund Balance/(s) Increase/(Decrease)	863,240.00
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Approved By:

Department Head:

City Manager:

Initials

Date

DR 9/28/16
DRE 9/30/16

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3335. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 9 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2016.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in revenues be made:

General Fund 110	790,380.00
Fire & EMS Fund 418	118,590.00
General Fund 110	80,000.00

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

General Fund 110	23,711.00
General Fund 110	11,735.00
General Fund 110	72,000.00
General Fund 110	10,000.00
Water Fund 321	1,500.00
Wastewater Fund 331	1,500.00
Fire & EMS Fund 418	3,558.00
Fire & EMS Fund 418	1,726.00

SECTION 4: In all other respects, Ordinance No. 3335 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 18, 2016

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

October 7, 2016
Date Prepared

Agenda Title:	Environmental Commission Meeting of October 5, 2016
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, October 5, 2016 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Mr. Vince Hand; City Council Representative, Mayor Kate Rousmaniere; Planning Commission Representative, Mr. Robert Bell, Mr. Kevin Armitage, and Ms. Madeline Maurer. A quorum was present. Oxford resident, Mr. Jonathon Ralinosky, was also in attendance. Commissioner Mr. Andor Kiss had previously notified the Commission of a schedule conflict, and that he would be unable to attend the October 5th Commission meeting.

The minutes from the August 31, 2016 Environmental Commission meeting were unanimously approved as presented.

Mr. Bell updated Commissioners on the Planning Commission's meeting where the regulation of non-leased, relatively short-term lodging rentals (such as what Airbnb offers), that are not already considered as bed and breakfast establishments in Oxford, was discussed. Among the concerns was lack of formal inspection and that the hotel bed tax is not being collected (the hotel bed tax funds a significant portion of the annual funding for the Oxford Visitor's Bureau). As the meeting was running long, and no clear consensus could be reached, the topic was tabled for future discussion.

The Environmental Commission continued to work on crafting Sensitive Development Areas language for Planned Development code (Oxford Codified Ordinance Chapter 1145). The Commission discussed the response from Community Development Director, Mr. Jung-Han Chen, to a draft of Planned Development Sensitive Areas prepared by the Commission at the August 31st meeting and to subsequent questions from Mayor Rousmaniere. Approval of property development plans is a two-step review process, consisting of a preliminary plan and a final plan, both of which require review and approval by the Planning Commission and City Council. The challenge faced in crafting the Sensitive Areas language is to be inclusive enough in the initial, preliminary plan's development to get an idea of what may (or may not) be present, but not place too onerous of requirements and/or level(s) of detail in the initial investigation of potential Sensitive Areas associated with the area's proposed development. After the approval of the preliminary plan, the developer and their consultants would then perform a more detailed assessment of the environmentally sensitive areas and features of the area. One of the concerns is at what point is it appropriate to require involvement of individuals and/or consulting firms with professional certification(s) in various disciplines that would be included in a sensitive areas investigation.

(Continued)

Approved By:

Department Head:
City Manager:

Initial Date

MBD 10/11/16
DRE 10/14/16

Vice-Chair Hand stated that the Ohio Department of Transportation (ODOT) follows a similar tiered approach in the environmental assessments of its projects. Vice-Chair Hand indicated that he would contact the OKI Regional Council of Governments (OKI) and inquire if requirements of ODOT pre-qualified/certified professionals are normal in other regional municipalities' sensitive area determinations, and which municipalities utilize them. The Commission noted that some of the items included in Oxford's Codified Ordinance for subdivision development's Sensitive Development Areas (Chapter 1101.402) need to be more specifically defined. Also, the potential need for some type of a tree preservation and/or replacement requirements was raised.

Mayor Rousmaniere informed the Commission that the OKI had recommended approval a \$750,000 partial matching grant (at least 20%) for the development of a construction plan and construction of an additional section (Phase II) of the Oxford Area Trails. This portion of the trails system is to run from State Route 73 (Trenton-Oxford Road) east of the City to Pfeiffer Park, along US 27 (Millville-Oxford Road) in the southern part of the City. The formal approval of the grant is tentatively scheduled for the week of October 10 – 14, 2016.

The Commissioners concluded discussion at 8:50 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, November 2, 2016 at 7:00 p.m., in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 18, 2016

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 11, 2016
Date Prepared

Agenda Title: Authorization to Submit Eligible Projects to Butler County Board of Commissioners for the 2017 CDBG Program Year Application

Recommendation: Approval

Discussion:

The City expects to receive approximately \$113,264 in FY2017 from Community Development Block Grant (CDBG) funds administered by the Butler County Board of Commissioners. Of this amount, \$96,275 will be available for eligible improvements in the City of Oxford. These funds have traditionally been used for the removal of architectural barriers from street corners in the City, the installation of new handicapped accessible ramps to improve access to the City's sidewalk network, and for street and alley resurfacing projects. The balance of the funds, \$16,989, will be used for administration of the CDBG program.

Application for these funds requires a Resolution of Council recommending the project. Staff is completing the City's application, due November 3, 2016, and has compiled a proposed listing of sidewalk and ADA ramp improvements attached to this report as Exhibit "A". It is Staff's recommendation that the City Council authorize the City Manager to submit an application to Butler County for 2017 CDBG funds for these purposes. As the streets listed in Exhibit "A" will be considered for resurfacing in the next few years, it is important that the ramp construction be completed prior to other street improvements.

Once funds have been approved by the federal government (HUD), Staff will advertise the project for bids (typically in fourth quarter of the year), and present a recommended contract for construction to the City Council for contract authorization.

Approved By:

Department Head:

Initial

Date

MBD

10/11/16

City Manager:

DRE

10/14/16

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT ELIGIBLE PROJECTS TO THE BUTLER COUNTY BOARD OF COMMISSIONERS FOR THE 2017 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) YEAR APPLICATION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City Manager authorizes the construction project to resurface alleys and reconstruct alley approach aprons and sidewalks by utilizing CDBG funds administered by the Butler County Board of Commissioners.

SECTION 2: The City will receive approximately \$113,264.00 from CDBG funds in 2017. Of these funds, \$96,275.00 will be used to resurface alleys and reconstruct alley approach aprons and sidewalks within the City of Oxford as set forth on Exhibit "A" attached hereto. The remaining \$16,989.00 or approximately fifteen percent (15%) of the funds will be used for the administration of the program.

SECTION 3: The City Manager is authorized to submit the recommended projects for year 2017 funds and to take all actions necessary to comply with all requirements and commitments for approval of the projects.

SECTION 4: Once HUD has approved the funds for the project, the City will advertise the projects for bids and authorize a contract to resurface alleys and reconstruct alley approach aprons and sidewalks within the City of Oxford.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CDBG Sidewalks and Handicap Ramp Improvements

10/7/2016

Location		Lin Ft.Curb Removal & Replacement	Sq ft Sidewalk / Ramp Removal & Replacement	# of Detectable Warning Mats on each Sidewalk Ramp
Campus & Bern				
	NE	15	145	1
	NW	0	200	2
	SW	0	170	1
Campus & Central				
	NW	0	72	1
	SW	55	110	2
Campus & Plum				
	NW	0	55	1
	SW	0	65	1
Campus & Ardmore				
	NW	0	60	1
	SW	0	65	1
Campus & Chestnut				
	NE	15	63	2
	NW	37	90	2
	SE	0	88	1
	SW	13	27	1
Sycamore & Elm				
	NW	20	100	1
	SE	0	50	1
	SW	20	170	2
Sycamore & College				
	NE	55	250	2
	NW	35	200	2
	SE	35	225	2
	SW	35	200	2
Sycamore & Lincoln				
	NE	30	100	2
	NW	20	100	2
Sycamore & Beech				
	NE	25	200	2
	NW	25	200	2
	SE	25	250	2
	SW	25	250	2
Sycamore & Main				
	NE	0	200	1
	NW	0	100	1
	SE	0	100	1
	SW	0	100	1

Exhibit "A"

Location	Lin Ft.Curb Removal & Replacement	Sq ft Sidewalk / Ramp Removal & Replacement	# of Detectable Warning Mats on each Sidewalk Ramp
Sycamore & Poplar			
NE	0	100	1
NW	0	100	1
SE	20	100	1
SW	0	100	1
Sycamore & Campus			
NE	0	150	1
NW	15	150	1
SE	0	150	2
SW	15	150	2
Sycamore & University			
NE	30	70	1
NW	30	70	1
SE	40	100	1
Sycamore & Bouden			
NE	0	100	1
NW	0	100	1
Sycamore & Bishop			
NW	0	100	1
SE	25	100	1
SW	25	200	2
Sycamore & Tallawanda			
SW	0	125	2
Bonham & Shadowy Hills			
SE	15	75	1
Church & University			
NE	38	84	2
NW	38	162	2
SE	45	84	2
SW	10	126	2
Church & Bishop			
NE	0	56	2
NW	19	98	2
SE	19	60	1
SW	0	96	2
Church & Talawanda			
NW	0	50	1
	Lin Ft.Curb Removal & Replacement	Sq ft Sidewalk / Ramp Removal & Replacement	# of Detectable Warning Mats on each Sidewalk Ramp

Totals of each

Total estimate based on 2015

CDBG Awarded Contract

\$	24,332.00	\$	46,311.75	\$	29,050.00
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Total Estimate \$ 99,693.75

Exhibit "A"

Alternates to:

CDBG Sidewalks and Handicap Ramp Improvements

Location		Lin Ft.Curb Removal & Replacement	Sq ft Sidewalk / Ramp Removal & Replacement	# of Detectable Warning Mats on each Sidewalk Ramp
Tallawanda & High				
	NE	0	480	2
	NW	0	480	2
	SE	0	225	1
	SW	0	225	1
Withrow & Tallawanda				
	NW	25	130	2
	SW	0	100	2
Vine & Tallawanda				
	NW	35	140	1
	SW	25	140	2

Lin Ft.Curb Removal & Replacement	Sq ft Sidewalk / Ramp Removal & Replacement	# of Detectable Warning Mats on each Sidewalk Ramp
85	1920	13

Totals of each

Total estimate based on 2015

CDBG Awarded Contract

\$ 2,380.00 \$ 12,960.00 \$ 4,550.00

Total Estimate \$ 19,890.00

Applicant: _____
 Project Title: _____
 Project Priority: # _____ of _____ Application Submissions

Departmental Use Only:	
Date Received:	_____
Received By:	_____



BUTLER COUNTY COMMUNITY DEVELOPMENT

2017 Application (CDBG & HOME Programs)

Due Date: November 3, 2016 by 4:00 pm



SECTION I: APPLICANT INFORMATION

Applicant: _____
 Contact Person: _____
 Title: _____
 Address: _____
 Phone 1: _____ Phone 2: _____
 Fax: _____ E-Mail: _____

SECTION II: PROJECT DESCRIPTION

A. NATIONAL OBJECTIVE (select one)

- | | |
|--|----------------------------|
| _____ Benefits low and moderate income people: Area Benefit | Complete Section III - A-1 |
| _____ Benefits low and moderate income people: Limited Clientele | Complete Section III - A-2 |
| _____ Eliminates slum and blight. | Complete Section III - B |
| _____ Corrects an urgent need. | Complete Section III - C |

B. PROJECT TYPE (select one)

- | | |
|----------------------------------|-------------------------|
| _____ Housing Project | Complete Section VI - A |
| _____ Public Improvement Project | Complete Section VI - B |
| _____ Public Service Project | Complete Section VI - C |

C. DIRECT IMPACT

- _____ Number of Households who will directly benefit from this project.
 _____ Number of People who will directly benefit from this project.

D. PROJECT NARRATIVES (complete as an Attachment)

1. How will this project impact the community?
2. How does this project address the National Objective?
3. What is the current status of the project?
4. What are the quantifiable results? (i.e. feet of sidewalk, number of buildings renovated, number of people assisted, additional jobs created, etc...)
5. How do you expect to measure the success of the project?

SECTION III: NATIONAL OBJECTIVE

A-1. Low / Moderate Income Benefit: Area

This project qualifies as an LMI area as determined by which of the following:

☐ **Census**

Census Tract: _____
Census Block Group(s): _____
Population: _____
LMI percentage: _____

☐ **Income Survey** *Provide Surveys & Survey Summary as Attachment.*

Number of Households: _____
Number of LMI Households: _____
Percentage of LMI Households: _____
Number of Residents: _____
Number of LMI Residents: _____
Percentage of LMI Residents: _____

A-2. Low / Moderate Income Benefit: Limited Clientele

Who does this project primarily benefit?

☐ Disabled ☐ Elderly ☐ Homeless ☐ Other _____

How many people will benefit from this project? _____

B. Elimination of Slum or Blighted Condition *(Municipal Resolution required.)*

1. What is the condition to be addressed by the project?
2. Describe the strategy that will be implemented to address the condition:

C. Urgent Need

1. What is the condition that is causing a threat to the health and welfare of the community?
2. When did this condition occur?
3. From what sources did the community seek to address this problem?

SECTION IV: PROJECT LOCATION

A. Address:

City: _____ Zip: _____
Jurisdiction: _____

B. Census:

Tract: _____ Block Group: _____

C. Base Map: *Provide a Base Map as an Attachment, clearly indicating the following:*

- ♦ Location of the project.
- ♦ Service area of the project.

SECTION V: BUDGET

A. GENERAL

- Original cost estimate is required as an Attachment.
- Estimate must be itemized and prepared by a third party, and signed by a qualified source.
- Any project above \$2,000 must adhere to Federal Prevailing Wages.
- Local funding match must include a Resolution / Ordinance of financial commitment.

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Prevailing wages have been included in the estimate. | ☐ | ☐ |
| 2. Architectural / Engineering fees are included in the estimate. | ☐ | ☐ |
| 3. Estimate provided is valid for what time period? | <hr/> | |

B. FUNDING

HUD	\$
Local	\$
Other*	\$
TOTAL PROJECT COST:	\$

** Explain any additional resources which have been applied for, and the status.*

Butler County Engineers Office needs 30 days' notice if estimate is needed. Contact Melissa Taylor at BCEO by PH: 513-785-4115 or email: TaylorM@bceo.org **before October 3** if BCEO Estimate will be needed.

SECTION VI: PROJECT DEVELOPMENT

A. HOUSING PROJECT

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Do you own the property? | ☐ | ☐ |
| 2. Does this project involve real property acquisition? | ☐ | ☐ |
| 3. Will this project cause the relocation of residents? | ☐ | ☐ |
| 4. How many households will directly benefit from this project? | <hr/> | |
| 5. Who will be responsible for the maintenance of this project upon completion? | <hr/> | |

B. PUBLIC IMPROVEMENT PROJECT

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Does this project involve real property acquisition? | ☐ | ☐ |
| 2. Will this project cause the relocation of residents? | ☐ | ☐ |
| 3. Has engineering been completed on this project? | ☐ | ☐ |
| 4. Will this project result in assessments to residents? | ☐ | ☐ |

5. **How many households will directly benefit from this project?** _____
6. Who will be responsible for the maintenance of this project upon completion?

7. Are there any current situations that may affect the timing of this project?

C. PUBLIC SERVICE PROJECT

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Is this project a continuation of an existing service? | ☐ | ☐ |
| 2. Is this project an expansion of an existing service? | ☐ | ☐ |
| 3. If this service is not currently provided, are there sufficient staff to implement this service? | ☐ | ☐ |
| 4. Has CDBG funding been received previously to provide this service? | ☐ | ☐ |
| If yes, when? _____ | | |
| 5. How many people will directly benefit from this service? | _____ | |

SECTION VII: ENDORSEMENT

I, the undersigned, as official representative of the applicant, hereby acknowledge that if a grant is awarded, the terms, conditions, and budget pursuant to the Action Plan submitted to the U.S. Department of Housing and Urban Development, and the sequential Project Agreement between Butler County Board of Commissioners and the applicant will be the limit of participation from the Board of Commissioners of Butler County.

I also hereby certify that the information contained in this application is true and accurate to the best of my knowledge.

Name	Title
Signature	Date

Municipalities:

Each application from a municipality must contain a copy of a resolution from the Board of Trustees or Village / City Council endorsing the submission of the project application, stating the amount of the grant request in the application, and the amount to be contributed by the municipality for the project.

Not-For-Profit Organizations:

Each application from a not-for-profit organization must contain a resolution from the organization's Board of Directors endorsing the submission of the application, stating the amount of the grant request in the application, and stating the amount to be contributed by the organization.

A SEPARATE RESOLUTION IS REQUIRED FOR EACH APPLICATION

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 4, 2016

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

September 27, 2016

Date Prepared:

PC-2016-15, ZONING CODE TEXT AMENDMENT, to Amend Chapter 1157, Wireless and Cellular Telecommunication Facilities to Address Small Cell Tower Installation, **City of Oxford, Applicant**

Recommendation by the Planning Commission: Approval with Conditions

Discussion:

This application is to amend the Telecommunication Facilities Chapter to include Small Cell Towers. The telecommunication technology is pushing for small cell towers to boost the transmission of data due to the increased demand for more and quick data information.

Existing telecommunication language was written in 2003. It is time to update due new technology. At first glance, it appears that there are many changes being proposed, in addition to the inclusion of small cell tower language. However, most of the changes are for reformatting purposes to bring the information together for a particular application. The only substantial addition is Section 1157.11 which states that all small cell towers shall be in the public right-of-way and the applicant shall contact the Service Director for detailed instructions, along with adding some definitions under 1157.02. (At this point, no detail instructions have been developed, pending to the outcome of this legislation.)

The Planning Commission recommended approval of this language with a conditions that allows small cell towers on private/public properties, provided that it will be reviewed as a conditional use permit and follow design standards of wireless technology and cell towers.

Approved by:

Department Head:

City Attorney:

City Manager:

JHC , 9/26/16
DRE , 9/30/16

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1157 ENTITLED WIRELESS AND CELLULAR TELECOMMUNICATION FACILITIES, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1157 ENTITLED WIRELESS, CELLULAR AND SMALL CELL TELECOMMUNICATION FACILITIES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on September 13, 2016 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1157 entitled Wireless and Cellular Telecommunication Facilities and adopting new Oxford Codified Ordinance Chapter 1157 entitled Wireless, Cellular and Small Cell Telecommunication Facilities.

SECTION II: Council hereby repeals Oxford Codified Ordinance Chapter 1157 entitled Wireless and Cellular Telecommunication Facilities and adopts new Oxford Codified Ordinance Chapter 1157 entitled Wireless, Cellular and Small Cell Telecommunication Facilities as follows (additions are bolded and deletions are struck through):

CHAPTER 1157

~~Wireless and Cellular Telecommunication Facilities~~

Wireless, Cellular and Small Cell Telecommunication Facilities

- 1157.01 Purpose.
- 1157.02 Definitions.
- 1157.03 Exempt facilities.
- 1157.04 Location criteria for exempt facilities.
- 1157.05 Application requirements for exempt facilities.
- 1157.06 Application requirements for all wireless and cellular telecommunication facilities that are not considered exempt.
- 1157.07 Registration requirements.
- 1157.08 General requirements.
- 1157.09 Co-location requirements.
- ~~1157.10 City study of potential sites on publicly owned property.~~
- ~~1157.11~~
- 1157.10 Zoning districts and locations where wireless and cellular telecommunications towers and facilities are permitted.
- ~~1157.12 Design standards for wireless and cellular telecommunication facilities located inside existing structures.~~
- ~~1157.13 Design standards for wireless and telecommunication facilities on existing structures.~~

~~1157.14 Design standards for towers,~~

~~1157.15 Design standards for facilities
on publicly owned property.~~

1157.11 Small Cell Towers

~~1157.16~~

**1157.12 Removal of wireless,
cellular and small cell telecommunications
facilities.**

~~1157.17~~

1157.13 Appeals,

1157.01 PURPOSE.

It is the purpose of this chapter to regulate the placement, construction, and modification of ~~Wireless and Cellular Telecommunications~~ **Wireless, Cellular and Small Cell Towers** and Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless and cellular telecommunications marketplace in the City of Oxford. Specifically, the purposes of this chapter are:

- (a) To accommodate demonstrated need for cellular and wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the City;
- (b) To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the City;
- (c) To minimize adverse visual effects of communication towers and support structures through careful site selection, design, landscaping, screening, and innovative camouflaging techniques;
- (d) To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly located, designed, constructed, and modified; are appropriately maintained; and are fully removed upon any cessation of operation;
- (e) To promote and encourage shared use and co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
- (f) To encourage the joint use of tall structures and any new or existing communications towers and support structures to reduce the overall number and impact of such structures needed in the future;
- (g) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses in design and placement;
- (h) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current and planned development patterns.

1157.02 DEFINITIONS.

For purposes of this Chapter of the Oxford Zoning Code, the following definitions will apply.

- (a) "Antenna" shall mean any panel (directional antenna), whip or rod (omni-directional antenna), dish or disc (parabolic antenna), or other similar devices used for communications through the sending and/or receiving of electromagnetic waves. The definition of antenna does not include any support structure other than mounting brackets.
- (b) "Cellular Communications Services" means personal communications accessed by means of cellular equipment and services.
- (c) "Clear and Convincing Evidence" shall mean the measure of proof that will produce a firm belief as to the allegations sought to be established.
- (d) "Co-Location/Site Sharing" shall mean the process of providing space for more than one user on a tower, facility, and/or site.
- (e) "Equipment Buildings" means any accessory structure in which the electronic receiving and relay equipment for a wireless and cellular telecommunications facility is housed.
- (f) "Height" when referring to a tower or other structure, the distance measured from

- ground level or the structure's point of attachment (such as the roof for a residential TV antenna) to the highest point on the tower or other structure even if said highest point is an antenna.
- (g) "Personal Wireless Service" means commercial mobile services, unlicensed wireless services and common carriers wireless exchange access service, including cellular services.
 - (h) "Publicly Owned Property" means any real property owned by the City of Oxford, Talawanda School District, Miami University, or Oxford Township.
 - (i) "Related Equipment" shall mean all equipment ancillary to the transmission and reception of voice and data via electromagnetic waves. Such equipment may include, but is not limited to, cable, conduit, and connectors.
 - (j) "Tall Structure/Support Structure" shall mean any building or structure, other than a tower, which can be used for location of wireless and cellular telecommunication facilities.
 - (k) "Tower" shall mean any freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
 - (l) "Wireless and Cellular Telecommunication Facilities" means any cables, wires, lines, wave guides, support structures, antennas and any other equipment or facilities associated with the transmission or reception of communications, as authorized by the Federal Communications Commission, which an applicant seeks to locate, or have installed, upon or within a tower or existing structure.
 - (m) "Small Cell System" means a network of remote antenna nodes that distributes radio frequency signals from a central hub through a high capacity signal transport medium to a specific area. The term includes mini commercial towers, small cells towers, distributed antenna systems, mini cell, or similar systems.
 - (n) "Small Cell Tower" means any structure under thirty-five (35) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communication Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communication services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.
 - (o) "Stealth Technology" means the state-of-the art design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communication towers, antennas, and other facilities, which blend the proposed facility into the existing structure of visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to facilities constructed to resemble light poles, flag poles or other streetscape amenities. The use of additional features such as flags, decorative street lamps and banners or signs may be utilized to blend the proposed facility into the visual backdrop.

1157.03 EXEMPT FACILITIES.

The following wireless and cellular telecommunications facilities are exempt from the regulations included in this chapter, but are governed by other location requirements (see Section 1157.04, Location Criteria for Exempt Facilities) and do not include facilities located or proposed to be located within any Historic District.

- (a) A single ground or building mounted, receive-only, radio or television antenna (for satellite dishes-see subsection (d) hereof) including any mast, for the sole use of the resident occupying a residentially zoned parcel on which the radio or television antenna is located. Antennas shall not exceed twenty-five feet (25') in height.
- (b) A ground or building mounted citizens band radio antenna including any mast, if

- the height (post and antenna) does not exceed twenty-five feet.
- (c) A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as a part of the Amateur Radio Service, subject to the location requirements of this section, unless the applicant for an amateur radio tower/antenna can provide clear and convincing evidence that an alternative location is technically necessary to successfully engage in amateur radio communications.
 - (d) A ground or building receive-only radio or television satellite earth station (satellite dish) which does not exceed one meter (39.37 inches) in diameter, for the sole use of the resident or establishment occupying the parcel on which the satellite dish is located, regardless of zoning district. The height of said dish may not exceed the height of the ridgeline of the principal structure on said parcel if mounted on a building or thirteen feet in height if anchored upon the ground.
 - (e) Mobile Services providing public information coverage of a news event of a temporary nature.
 - (f) Hand held devices including, but not limited to, cell phones, business-band mobile radios, walkie-talkies, cordless phones, and garage door openers (No Permit Required).
 - (g) Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water management, pump stations and/or irrigation systems and similar uses, with heights not exceeding thirty-five feet.

If any provision of the above listed facilities subsections (a) to (g) hereof is exceeded, the telecommunication facility will no longer be deemed exempt from the provisions of the chapter and will become subject to all requirements as listed herein. Exemption from the requirements of this chapter does not exempt the above listed facilities from the requirements of any other applicable Codes or portions of Codes. A Building and Zoning permit is required for all facilities which are not noted as 'No Permit Required.'

1157.04 LOCATION CRITERIA FOR EXEMPT FACILITIES.

- (a) Satellite earth stations (satellite dishes) and other antennas may not be located in front of the principal structure on a lot.
- (b) Satellite earth stations (satellite dishes) and other antennas are prohibited within the required side yard setbacks of the particular Zoning District.
- (c) Satellite earth stations (satellite dishes) and other antennas may project into a required rear yard a maximum of ten feet.

1157.05 APPLICATION REQUIREMENTS FOR EXEMPT FACILITIES.

A Building and Zoning Application shall constitute an application for an exempt facility. There shall be no additional fee associated with the application based on the requirements of this chapter.

1157.06 APPLICATION REQUIREMENTS FOR ALL WIRELESS AND CELLULAR TELECOMMUNICATION FACILITIES THAT ARE NOT CONSIDERED EXEMPT.

- (a) Pre-Application Requirement. Any person or company intending to apply for the placement or operation of new cellular or wireless communication towers or facilities within the City of Oxford shall first schedule a pre-application conference with the ~~Planning Director~~ **Community Development Department**. The purpose of the pre-application conference will be to evaluate the general impact on adjacent areas and neighborhoods; discuss co-location opportunities; identify suitable sites that minimize any negative impact on the surrounding areas; and review procedural requirements. Upon completion of the pre-application conference, an application may be filed with the **Community Development Department** ~~Planning Director~~. The applicant must then comply with the requirements of this chapter.

Other requirements include a plan showing:

- (b) Existing Facilities. A location map of all existing facilities within the City and outside the City limits within a 1/4-mile radius. The following information must be provided for each existing facility.

- (1) Owner, type, and size of the tower and facilities at each location.
- (2) The type, dimensions, and location of related equipment and/or any equipment buildings located at each site.
- (3) The ground network and associated landlines utilized by each tower.
- (4) Any space available for co-location opportunities.
- (5) A site plan showing the parcel on which any existing tower is located.
- (6) Any existing vegetation, trees, landscaping, or other significant features on the site.

(c) The general location of planned future towers and facilities.

(d) **Proposed Facilities.** A parcel specific site plan of all locations for proposed towers and facilities. Provide the following information for each proposed facility.

- (1) Owner, type, and size of the tower and facilities at each location.
- (2) The type of related equipment and/or any equipment buildings located or proposed for each tower.
- (3) The type, size, and location of any support structure to be used by the tower for which the application is being submitted.
- (4) The ground network and associated landlines, if any, utilized by each site.
- (5) A detailed drawing showing type, size, and placement of all required or proposed screening elements including, but not limited to, landscaping and fencing.
- (6) Space available for future cells or co-location opportunities.
- (7) Access and parking facilities for each location.

(e) Photo simulations of the proposed wireless and cellular telecommunication facility are required and should be taken from affected residential properties, rights-of-way, and at any other locations as designated by the City.

(f) **Technical Necessity.** The applicant shall demonstrate that the telecommunication facility must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why the facility and the proposed site is technically necessary which shall be attested to by an Engineer. A plan sheet (to scale) must be submitted showing the proposed service area around the facility.

(g) Where the wireless, and cellular telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

(h) **Proof of Approval.** Written proof that the telecommunications proposal has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), including successors to their respective functions.

(i) A three hundred dollar (\$600.00) application fee will be charged for each new cellular or wireless communication tower or facility, in addition to standard Conditional Use Permit Application fee as determined by the City Council. This fee shall be in addition to any applicable building permit fee.

(j) Copies of all certified mail announcements to all other owners of towers and tall structures must be attached to the application. (See Section 1157.09, Co-Location Requirements herein).

1157.07 REGISTRATION REQUIREMENTS.

(a) Registration is required by all telecommunication tower owners, carriers, and providers that offer or provide any telecommunication services for a fee directly to the public from wireless and cellular telecommunication facilities within the City of Oxford. Registration must be renewed on a biannual basis from the date of issuance of a Building and Zoning Permit. The registration forms to be provided to the City are available from the Community Development Department ~~Planning Director~~. A fee of one hundred dollars (\$100.00) shall be charged for each registration.

(b) It is the purpose of registration under this section to:

- (1) Provide the City with accurate and current information concerning the

- telecommunications owners and service providers who offer or provide telecommunication carriers within the City or that own or operate telecommunication facilities within the City.
- (2) Assist the City in the enforcement of this Chapter.
 - (3) Assist the City in monitoring compliance with local, State, and Federal laws.
- (c) The required registration form must be accompanied by the following information:
- (1) A description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses, or institutions within the City.
 - (2) Information sufficient to determine that the applicant has applied for and received any construction permit, operating license, or other approvals required by the Federal Communications Commission (FCC) to provide telecommunication services or facilities within the City.
 - (3) For any telecommunication facilities that are co-located: provide information as to the names of other service providers located on the tower, and the expiration date of the lease for co-location.
 - (4) Signed Indemnification/Liability Agreement and/or Facility Maintenance/Removal Agreement.
- (d) Amendments. Each telecommunications registrant (owner/service provider) shall inform the City, within sixty days, of any change of the information required on the registration form. With regard to a telecommunications tower, the owner of the tower shall be responsible for notifying the City of any changes in ownership or operation of the tower itself. Any service providers that co-locate on a tower are responsible for notifying the City when its lease expires and when it no longer actually co-locates on the tower.

1157.08 GENERAL REQUIREMENTS.

The following requirements apply to all proposed wireless and cellular telecommunication facilities.

- (a) Co-location. All wireless, cellular and **small cell** telecommunications facilities shall be subject to the co-location requirements set forth in Section 1157.09
- (b) Capacity. All new telecommunications towers constructed shall be designed to have three or more times the capacity of the intended use in order that secondary users could lease the balance of the tower capacity. Subsequent telecommunications service providers cannot be denied space on a tower unless mechanical, structural or regulatory factors prevent co-location or the co-location regulations of Section 1157.09 have been fulfilled.
- (c) Liability. The wireless, cellular and **small cell** telecommunications facility owner/service provider shall be liable for any and all damages, injury to persons or property, or pollution which may result from the construction or operation of the facility within the City. The owner/service provider will hold harmless the City of Oxford, or any of its boards, commissions, agents, officers and employees against all claims, demands, suits, causes of action and judgment due to any damages caused by the operation or construction of the wireless and cellular telecommunications facilities.
- (d) Maintenance. Neither the owner(s) of the property on which the wireless cellular **and small cell** telecommunication facilities are located, nor the service provider in charge of the facility shall permit such property/facilities to fall into a state of disrepair. The telecommunications tower/facilities owner/operator is responsible for maintaining the appearance of all structures and equipment in good condition and for keeping all surfaces absent of flaking or peeling paint and rust. In addition, it shall be the responsibility of the owner/service provider to ensure that the site on which the telecommunications facility is located is kept free of weeds and trash.
- (e) Inspection. The applicant shall submit a certified inspection report at least once every five years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends that repairs are required, then a letter shall be submitted to the City to verify that such repairs have been completed.
- (f) Construction Standards. All wireless, cellular **and small cell** telecommunication

facilities and support structures shall be certified, by a qualified Engineer licensed in the State of Ohio, to be structurally sound and, at a minimum, to be in conformance with the Ohio Building Code and all other applicable Codes enforced by the City of Oxford.

- (g) Color and Appearance Standards. All wireless, ~~and~~ cellular **and small cell** telecommunication facilities shall be painted a non-contrasting blue-gray or similar color minimizing its visibility at that location to the greatest extent possible, unless otherwise required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and/or by the standards imposed under any design standards section of this Chapter.
- (h) Aesthetics and Design Standards. The wireless, ~~and~~ cellular **and small cell** telecommunications facility must be aesthetically and architecturally compatible with the surrounding environment. Through the ~~Additional~~ **Conditional** Use process, the City Council may require all facilities to blend into the existing environment, including requiring the use of camouflaging or stealth techniques.
- (i) Signage. No advertisement of any kind shall be permitted anywhere upon or attached to a wireless cellular, telecommunications facility. No more than four 'No Trespassing' signs will be permitted, with a maximum of two (2) square feet each. At a minimum there must be at least one sign posted, with a maximum of two (2) square feet, showing a 24-hour telephone number of whom to contract in the event of an emergency. **No signage of any kind shall be permitted on any small cell tower, except the 24-hour telephone number of whom to contact in the event of an emergency or other signage as required by relevant state or federal regulations.**
- (j) Light. Lights, beacons, or strobes of any kind shall not be permitted on any tower antenna or associated equipment unless required by the Federal Aviation Administration. When the FAA requires lighting, the requirements thereof must be presented to the City prior to City approval of the facility. Lighting, when required, shall be oriented so as not to project any beam of light towards surrounding property. Furthermore, telecommunication towers are discouraged from locating in areas that would require special painting or lighting by FAA regulations.
- (k) Abandonment. All wireless, ~~and~~ cellular **and small cell** telecommunication facilities shall be subject to the abandonment requirements set forth in Section **1157.12-1157.16, Removal of Wireless, ~~and~~ Cellular **and Small Cell Towers**** Telecommunications Facilities.
- (l) Fencing and Screening. Wireless, and cellular telecommunication and towers and associated facilities shall be enclosed by security fencing and shall be appropriately screened through required landscaping/plantings. All telecommunications towers and equipment shall be enclosed with a minimum six-foot height solid and opaque fence, and/or open (chain-link) type fence. Screening shall be required around the security fencing and shall consist of a continuous evergreen hedge at least forty-eight inches high at planting and capable of growing to at least sixty inches within 24 months. All screening shall be located behind the specified setback lines. No barbed wire or razor wire shall be permitted. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. The applicant is responsible to install and maintain such security fencing and screening in good condition.

1157.09 CO-LOCATION REQUIREMENTS.

(a) **Co-Location Design Required.** No new tower shall be constructed in the City unless such tower is capable of accommodating at least three additional wireless telecommunications facilities owned by another person, firm, or corporation.

(b) **Authorization.** Authorization for a tower shall be issued only if there is not technically suitable space available on or inside an existing tower or structure within the geographic area to be served. As noted in the permit application section of this Chapter, the applicant shall list the location of every tower, building, or structure within the city limits that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not available on or inside an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically suitable, the applicant must show that a reasonable offer was made to the owner of such tower to co-locate, subject to the notice provisions enumerated in subsection (c) hereof.

(c) Notices. The applicant must send a certified mail announcement to all other owners of existing towers and tall structure owners in the geographical area to be served stating their site needs and/or sharing capabilities. In determining whether a facility is technically suitable, the City shall consider the space available on an existing structure, the technological practicality of the co-location, the financial feasibility of the co-location, and such other factors as the City deems appropriate. If proof of co-location offers cannot be determined, then other towers, structures, or buildings are presumed to be reasonably available.

(d) Exemption from Proof of Co-Location Availability. Persons locating a wireless , cellular **and small cell** telecommunication facility upon a publicly-owned property ~~identified in the study mentioned in Section 1157.10~~ shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. Co-location design is still required of these applicants as enumerated in this section.

~~1157.10 CITY STUDY OF POTENTIAL SITES ON PUBLICLY OWNED PROPERTY.~~

~~In order to encourage the location of wireless and cellular telecommunication facilities on publicly owned property, the City shall undertake an identification of publicly owned properties that the City Council determines are potentially suitable for such use. The City shall bi-annually update such identification and make the results available to the public upon request. The initial study shall be completed within six months of the adoption of this chapter.~~

~~1157.11~~

1157.10 ZONING DISTRICTS AND LOCATIONS WHERE WIRELESS, CELLULAR TELECOMMUNICATIONS TOWERS AND FACILITIES ARE PERMITTED.

- (a) Facilities Located Inside Existing Structures. Wireless, Cellular and Small Cell Telecommunication Facilities are permitted inside existing structures subject to all relevant sections of this Chapter including the relevant design standards and as follows:

- (1) Any Commercial Zone
- (2) Any Industrial Zone
- (3) Inside Non-Residential Structures in any zoning district.

Design Standards: These facilities may be Administratively Approved if in compliance with all relevant code sections. **Any and all equipment, support structure, antenna, or other portion of the facility must be located completely inside of an existing structure. In addition, the installation and future operation of the site must not remove, alter, destroy, or change in any way, including existing exterior material(s), the outside appearance of the structure. If these criteria are not fully satisfied, the facility shall be deemed to be a wireless, cellular and small cell telecommunication facility located on an existing structure and must comply with the appropriate locations and design regulations.**

- (b) Facilities Located on Existing Towers. Wireless, Cellular Telecommunication Facilities are permitted on existing towers subject to all relevant sections of this Chapter including the relevant design standards and as follows:

- (1) Any zoning district where a tower already exists. This is not to be interpreted as allowing the expansion or extension of a tower in height or width. Any expansion of that nature must follow all regulations related to new towers.

These facilities may be Administratively Approved if in compliance with all relevant code sections.

- (c) Facilities Located on Existing Structures. Conditional Uses. Wireless, Cellular Telecommunication Facilities are permitted as ~~Additional Uses~~ **Conditional Uses** on existing structures subject to all relevant sections of this Chapter including the relevant design standards and as follows:

- (1) Any Commercial Zone
- (2) Any Industrial District
- (3) On Non-Residential Structures in any zoning district.
- (4) On publicly owned property defined in this Chapter as any real property owned by the City of Oxford, Talawanda School District, Miami

University, or Oxford Township.

These facilities may only be approved through the ~~Additional Use~~ **Conditional Use** process as set forth in Chapter 1147 of the Oxford Zoning Code and are subject to all other relevant code sections contained in this Chapter.

Conditional Use Application Consideration:

- (1) **Setback Requirements.** If located on a building, such facilities must be setback from the edge of the building a distance equal to the height of the proposed facility. Flush-mounted panel antennae are exempt from the setback requirement in this subsection.
- (2) **Height Limits.** The maximum height shall not exceed the lesser of the following:
 - a. Twenty-five feet
 - b. Twenty-five percent (25%) of the height of the structure on which the facility is to be located
- (3) **Support Structure.** The outside storage of equipment, if not located inside the structure on which the tower, antenna, or equipment is located, shall be screened by a minimum six foot high solid fence or barriers and continuous evergreen hedge or trees of a size deemed appropriate by the City Council. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one, small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash.

(d) New Towers - ~~Additional Uses.~~ **Conditional Uses.** Wireless, Cellular **and Small Cell** Telecommunication Facilities are permitted as ~~Additional Uses~~ **Conditional Uses** on new towers subject to all relevant sections of this Chapter including the relevant design standards and as follows:

- (1) Any Industrial District - M-1 District.
- (2) On publicly owned property defined in this Chapter as any real property owned by the City of Oxford, Talawanda School District, Miami University, or Oxford Township and as designated on the approved publicly owned property for wireless and cellular telecommunications map. The designated map shall be completed and subsequently updated as given in Section 1157.10.

These facilities may only be approved through the ~~Additional Use~~ **Conditional Use** process as set forth in Chapter 1147 of the Oxford Zoning Code and subject to all other relevant code sections contained in this Chapter. Applicants for new towers must demonstrate that there is not technically suitable space available on or inside an existing tower or structure within the geographic area to be served. As noted in the permit application section of this Chapter, the applicant shall list the location of every tower, building, or structure within the city limits that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not available on or inside an existing tower, building, or structure within such area.

(a) Design Standards

- (A) **Accessory Structures.** Freestanding towers are considered Accessory Structures and, therefore, may be located on the same lot as a principal structure, subject to all other provisions contained within this chapter. In order to encourage co-location there is no limit as to the number of free-standing towers which may be considered accessory structures on a particular lot subject to all other provisions of this chapter and approved by City Council.
- (B) **Minimum Setback From All Property Line.** No tower shall be located a distance less than its height from the nearest property line.
- (C) **Minimum Setback From Any Residential Structure.** No tower shall be located less than 500 feet from any residential structure.

- (D) Height Limits. The applicant must show that the proposed height of the tower is reasonably necessary in order to render satisfactory service to all parts of the service area and to accommodate co-location. No tower shall be taller than 200 feet.
 - (E) Support Structures. The maximum size of any building, such as those used to shelter equipment, shall not exceed 400 square feet per user of the telecommunications facility. In addition, all accessory buildings shall meet minimum setback and yard requirements for principal structures in the appropriate district regulations.
 - (F) Parking. Equipment at a wireless and cellular telecommunication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Existing roads shall be used for access where possible, and be upgraded to the minimum amount necessary to meet standards specified by the City Engineering Department. Existing parking areas shall, wherever possible, be used. Appropriate parking must be provided for shared usage.
- (b) Design Standards for facilities on public owner properties
- (A) General. The City of Oxford and other owners of publicly owned property as defined in this code may lease publicly owned property for wireless and cellular telecommunications facilities. Publicly owned structures may include, but are not limited to, the following: public safety telecommunications towers, water towers, the roofs of governmental buildings or schools, and similar locations.
 - (B) Existing Structures. Facilities attached to an existing structure are subject to the requirements and design standards as set forth in ~~Section 1157.11~~ **this Chapter**.
 - (C) Tower Structures. Requirements and design standards for wireless and cellular telecommunication facilities and towers are subject to the requirements and design standards as set forth in the ~~Section 1157.11~~ **this Chapter**.

~~**1157.12 DESIGN STANDARDS FOR WIRELESS AND CELLULAR
TELECOMMUNICATION FACILITIES LOCATED INSIDE
EXISTING STRUCTURES.**~~

~~(a) Location. Any and all equipment, support structure, antenna, or other portion of the facility must be located completely inside of an existing structure. In addition, the installation and future operation of the site must not remove, alter, destroy, or change in any way, including existing exterior material(s), the outside appearance of the structure. If these criteria are not fully satisfied, the facility shall be deemed to be a wireless and cellular telecommunication facility located on an existing structure and must comply with the appropriate locations and design regulations.~~

~~**1157.13 DESIGN STANDARDS FOR WIRELESS AND
TELECOMMUNICATION FACILITIES ON EXISTING
STRUCTURES.**~~

~~(a) Setback Requirements. If located on a building, such facilities must be setback from the edge of the building a distance equal to the height of the proposed facility. Flush-mounted panel antennae are exempt from the setback requirement in this subsection.~~

~~(b) Height Limits. The maximum height shall not exceed the lesser of the following:~~

- ~~(1) Twenty five feet~~
- ~~(2) Twenty five percent (25%) of the height of the structure on which the facility is to be located.~~

~~(c) Support Structure. The outside storage of equipment, if not located inside the structure on which the tower, antenna, or equipment is located, shall be screened by a minimum~~

~~six-foot high solid fence or barriers and continuous evergreen hedge or trees of a size deemed appropriate by the City Council. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one, small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash.~~

~~1157.14 DESIGN STANDARDS FOR TOWERS.~~

~~(a) Accessory Structures. Freestanding towers are considered Accessory Structures and, therefore, may be located on the same lot as a principal structure, subject to all other provisions contained within this chapter. In order to encourage co-location there is no limit as to the number of free-standing towers which may be considered accessory structures on a particular lot subject to all other provisions of this chapter and approved by City Council.~~

~~(b) Minimum Setback From All Property Line. No tower shall be located a distance less than its height from the nearest property line.~~

~~(c) Minimum Setback From Any Residential Structure. No tower shall be located less than 500 feet from any residential structure.~~

~~(d) Height Limits. The applicant must show that the proposed height of the tower is reasonably necessary in order to render satisfactory service to all parts of the service area and to accommodate co-location. No tower shall be taller than 200 feet.~~

~~(e) Support Structures. The maximum size of any building, such as those used to shelter equipment, shall not exceed 400 square feet per user of the telecommunications facility. In addition, all accessory buildings shall meet minimum setback and yard requirements for principal structures in the appropriate district regulations.~~

~~(f) Parking. Equipment at a wireless and cellular telecommunication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Existing roads shall be used for access where possible, and be upgraded to the minimum amount necessary to meet standards specified by the City Engineering Department. Existing parking areas shall, wherever possible, be used. Appropriate parking must be provided for shared usage.~~

~~1157.15 DESIGN STANDARDS FOR FACILITIES ON PUBLICLY OWNED PROPERTY.~~

~~(a) General. The City of Oxford and other owners of publicly owned property as defined in this code may lease publicly owned property for wireless and cellular telecommunications facilities. Publicly owned structures may include, but are not limited to, the following: public safety telecommunications towers, water towers, the roofs of governmental buildings or schools, and similar locations.~~

~~(b) Existing Structures. Facilities attached to an existing structure are subject to the requirements and design standards as set forth in Section 1157.11.~~

~~(c) Tower Structures. Requirements and design standards for wireless and cellular telecommunication facilities and towers are subject to the requirements and design standards as set forth in the Section 1157.11.~~

1157.11 SMALL CELL TOWER LOCATION AND DESIGN REGULATIONS:

Any new Small Cell System shall be located in the public Right-of-Way. The applicant shall contact the Service Director for information on obtaining the permit to install a new Small Cell Tower. Any other locations in any zoning district shall require a Conditional Use Permit and shall follow the design standards outlined in 1157.10

~~1157.16~~

1157.12 REMOVAL OF WIRELESS AND CELLULAR AND SMALL CELL ANTENNA TELECOMMUNICATIONS FACILITIES.

(a) Removal Period. All service providers utilizing towers or existing structures

shall present a report to the Planning Department, notifying the City of any tower facilities or facilities on or in existing structures located in the City if the use will be discontinued and the date this use will cease. It shall be the responsibility of the property owner and/or service provider to remove the tower, antennas, buildings, and any associated equipment within three months of discontinuing telecommunications operations. The site and/or structure shall then be returned to its condition prior to the construction of the telecommunications towers/facilities.

(b) Declaration of Abandonment. If at any time the use of said towers and facilities of wireless and cellular telecommunications has ceased for three months, but has not been removed by the owner/service provider during that time, the City may declare said facilities abandoned and a public nuisance (this excludes the dormancy period between construction and the initial use of the facility). The facility's owner/service provider will receive written notice from the City, and be instructed to either reactivate the facility within thirty days or dismantle and remove the facility.

(c) Demolition. If reactivating or dismantling of said facility does not occur within the thirty-day reactivating/removal period, the City Manager may order the demolition of the tower and related facilities. The City may employ any legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction to remove the tower and facilities and after removal place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposing of the facilities, including court costs and reasonable attorney fees.

~~1157.17~~

1157.13 APPEALS.

Applicants may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

SECTION III: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	October 4, 2016
<u>Case Number</u>	PC-2016-15
<u>Applicant Information</u>	City of Oxford Jung-Han Chen
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	To Amend Chapter 1157, Wireless and Cellular Telecommunication Facilities and Address Small Cell Tower Installation, City of Oxford, Applicant
<u>Public Hearing Information</u>	On September 13, 2016 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Hamilton Journal News on August 16, 2016.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval to City Council with condition.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended approval of this Zoning Code Text Amendment after much discussion. This amendment is to become up to date with current technology and include small cell tower language.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated July 28, 2016 2. Chapter 1157 3. Zoning Code Text Amendment Application

**Internal Use Only:**

Case No.

Date Filed

PC-2016-15
7/28/16

Zoning Code Text Amendment Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name *	Jung-Han Chen
Mailing Address *	101 E. High Street
City, State & Zip Code *	Oxford, OH 45056
Telephone Number(s) *	513-524-5237
Email Address	jhchen@cityofoxford.org
Amendment Description *	To amend Chapter 1157 Telecommunication Facilities

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. Any existing section number and text that is proposed to be deleted or amended.
- H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
- I. A narrative statement that describes the expected effects of the proposed text.
- J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

Planning Commission and Council Review

The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

Fees & Receipt

The required fee is \$150.00. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *


7/28/10

Date *

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required documentation as attachments and a check for the fee made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested.

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2016-15

Date – September 13, 2016

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING CODE TEXT AMENDMENT to Amend Chapter 1157, Telecommunication Facilities, Addressing Small Cell Tower Installation, City of Oxford, Applicant

DESCRIPTION

This application is to add provisions governing small cell towers within the City under the Chapter Wireless, Cellular and Small Cell Telecommunication Facilities. This is the latest technology that the wireless communication industry is dealing with resulting from the increased demand in individual data demand. The industry is looking at installing smaller cell towers to address the increasing demand for data transmission.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1157, concerning small cell towers, in particular, and with some reformatting to other sections of the Chapter.

COMPREHENSIVE PLAN

N/A

AGENCY REVIEWS

Police:	Received with no comment
Engineering:	Received with comments
Econ. Dev.	Received with comments
Fire:	Received with no comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

In June 2016, a representative from Cincinnati Bell came before the Planning Commission to share with the Commission where the telecommunication industry was heading, particularly with small cell towers to bridge the gap of data demand from cell users. In essence, a small cell tower is a micro-site installed in an area where high demands for data are evident. Typically, the small cell tower is about 35 feet in height with either equipment on the pole or underground. It is also common for such facilities to be in the public right-of-way to provide more coverage for the user.

Additionally, the Planning Commission held a work session on this topic in August and the consensus was to only allow small cell towers to be placed in the right-of-way, so the City Administration can work with the cell provider to work out the details.

The typical height of this type of tower is less than 35 feet in height, which aligns with many street lighting, traffic signals which are already under the purview of City Administration. Therefore, the jurisdiction would be somewhat consistent to rest at City Administration.

The draft language is provided for your consideration. At first glance, it appears that there are many changes being proposed, in addition to the inclusion of small cell tower language. However, most of the changes are for reformatting purposes to bring the information together for a particular application. The only substantial addition is Section 1157.11 which states that all small cell towers shall be in the public right-of-way and the applicant shall contact the Service Director for detailed instructions, along with adding some definitions under 1157.02.

RECOMMENDATION

Staff recommends that the Planning Commission concur with the changes and forward to City Council for legislation.

SUBMITTED BY:


Jung-Han Chen
Community Development Director

DATE: September 7, 2016

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

- A. The proposed amendment will make the Code conform more closely to the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 6, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

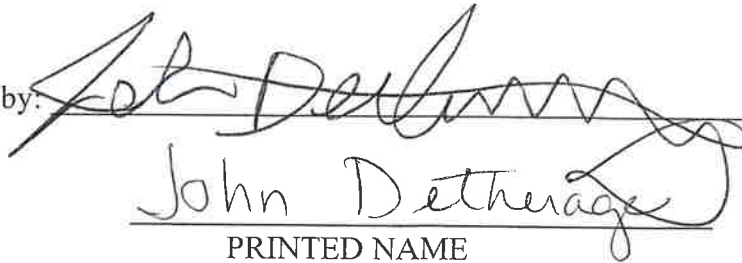
PC-2016-15 ZONING CODE TEXT AMENDMENT, Chapter 1157 Telecommunication Facilities,
Concerning Small cell Towers, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: September 9, 2016 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage
PRINTED NAME

Date:

9-6-16

RECEIVED SEP 12 2016

City of Oxford
Inter-Office Review Transmittal Sheet

VICTOR:
my thoughts in

Date: September 6, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-15 ZONING CODE TEXT AMENDMENT, Chapter 1157 Telecommunication Facilities,
Concerning Small cell Towers, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **September 9, 2016** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

COMMENTS ARE AS NOTED.
V.P.

Drawings reviewed by: H. Popescu Date: 9-8-16

 VICTOR POPESCU
PRINTED NAME

RECEIVED

SEP - 6 2016

City of Oxford
Service Department

MEMORANDUM

TO: Planning Commission

FROM: Lynn Taylor, Community Development Department

DATE: September 8, 2016

RE: Response from Victor Popescu, City Engineer

Mr. Popescu provided his comments regarding PC-2016-15 directly onto his copy of the language.

Written was the following:

In reference to Section 1157.08 General Requirements, (g), Color and Appearance Standards, he added, "telecommunication facilities and support structures shall be painted a non-contrasting blue-gray or color designated by the City minimizing its visibility at that location to the greatest extent possible..."

In reference to Section 1157.08 General Requirements, add (m) Utilities – all utilities serving Small Cell Towers shall be underground and meet all requirements of the City Engineer".

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 6, 2016

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2016-15 ZONING CODE TEXT AMENDMENT, Chapter 1157 Telecommunication Facilities,
Concerning Small cell Towers, City of Oxford, Applicant

☒ Review ☐ Revisions ☐ Other

Please return no later than: September 9, 2016 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date:

8/9/16

John A. Jones

PRINTED NAME

RECEIVED SEP 12 2016

Econ Dev Department

PC-2016-15 ZONING CODE TEXT AMENDMENT, Chapter 1157 Telecommunication Facilities, Concerning Small cell Towers, City of Oxford, Applicant

Please return no later than: **September 9, 2016** Note: If no comments are received, we will assume the project meets your department's standards.

w/comments

With this said, to be a Permitted Use, we must have standards we are comfortable with, which shouldn't be too difficult given telephone poles have almost no regulations.

[Handwritten signature]

C. Allen Ketchum
PRINTED NAME

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 4, 2016

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 17, 2016
Date Prepared

Agenda Title:	Repeal Oxford Property Maintenance Code Section 1305.02 Additions, Insertions and Changes and Adopting New Section 1305.02 entitled Additions, Deletions and Revisions to modify Oxford's Property Maintenance Code.
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Recommendation:	Approval
------------------------	-----------------

Discussion:

The proposed legislation deals with various sections of the Oxford Property Maintenance Code. At first glance, it would appear there are a lot of changes to this Code; however, many changes were adopted previously. The additions, insertions and changes previously adopted and currently proposed are changes that customize the Code for the City of Oxford. Some of the changes are related to industrial standards, state mandates, court case summaries and practical experiences from the staff level.

The Law Director feels some of the proposed changes are necessary in regards to the rental permit process. The proposed changes to the Code will specifically spell out that an administrative warrant will be sought if an owner refuses to grant the inspector entry to the property for a rental inspection to ensure the property meets the minimum requirements of the Code. In addition, it outlines the reasons for requesting an administrative warrant. Other changes are proposed to ensure consistency and clarity.

Approved By:

Department Head:
City Manager

Initial	Date
JHC	9-26-16
DRE	9-30-16

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD PROPERTY MAINTENANCE CODE SECTION 1305.02 ENTITLED “ADDITIONS, INSERTIONS AND CHANGES,” AND ADOPTING NEW OXFORD PROPERTY MAINTENANCE CODE SECTION 1305.02 ENTITLED “ADDITIONS, DELETIONS AND REVISIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE” TO MODIFY OXFORD’S PROPERTY MAINTENANCE CODE AND TO CREATE A PROCESS BY WHICH A SEARCH WARRANT MAY BE OBTAINED TO INSPECT RENTAL PROPERTIES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO:

SECTION I: Council hereby finds that in order to protect and promote the public health, safety and welfare of its citizens, and to improve Oxford’s Property Maintenance Code (“PMC”), it is in the best interest of the citizens of Oxford that its Property Maintenance Code be modified.

SECTION II: Council further finds that ~~the United States Constitution and the laws of the State of Ohio may require the City of Oxford to seek a search warrant to inspect rental properties if a property owner will not voluntarily consent to an inspection~~ periodic updates to the Oxford Property Maintenance Code are necessary to reflect new industrial practices, changes in the law, and to improve the quality and consistency of the codified ordinances of the City of Oxford.

SECTION III: Council hereby repeals Section 1305.02 of the Oxford Property Maintenance Code and adopts new Section 1305.02 as follows: (additions are marked in **bold**; bold type additions are marked with underline; and text to be deleted is marked with a ~~strikethrough~~).

1305.02 ADDITIONS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The International Property Maintenance Code (“IPMC”), 2012 edition, as adopted by the City of Oxford in accordance Section 1305.01 of Oxford’s Property Maintenance Code (“PMC”), is hereby modified as set forth herein. Any revisions which appear in this section but do not appear in the IPMC are supplementary in nature and are specifically incorporated into Oxford’s PMC.

- a) Based on the revisions to the IPMC adopted by the City of Oxford, as fully set forth herein, the revised Table of Contents for Oxford’s PMC is as follows:

TABLE OF CONTENTS

CHAPTER 1. SCOPE AND ADMINISTRATION	
PART 1 – SCOPE AND APPLICATION	
	Section 101 General
	Section 102 Applicability
PART 2 – ADMINISTRATION AND ENFORCEMENT	
	Section 103 Department of Property Maintenance Inspection
	Section 104 Duties and Powers of the Code Official
	Section 105 Approval
	Section 106 Violations
	Section 107 Notices and Orders
	Section 108 Unsafe Structures and Equipment
	Section 109 Emergency Measures
	Section 110 Demolition
	Section 111 Means of Appeal
	Section 112 Stop Work Order
CHAPTER 2. DEFINITIONS	
	Section 201 General
	Section 202 General Definitions
CHAPTER 3. GENERAL REQUIREMENTS	
	Section 301 General
	Section 302 Exterior Property Areas
	Section 303 Swimming Pools, Spas and Hot Tubs
	Section 304 Exterior Structure
	Section 305 Interior Structure
	Section 306 Component Serviceability
	Section 307 Handrails and Guardrails
	Section 308 Rubbish and Garbage
	Section 309 Pest Elimination
	Section 310 Rental Permits
CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS	
	Section 401 General
	Section 402 Light
	Section 403 Ventilation
	Section 404 Occupancy Limitations
CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS	
	Section 501 General
	Section 502 Required Facilities
	Section 503 Toilet Rooms
	Section 504 Plumbing Systems and Fixtures

	Section 505 Water System
	Section 506 Sanitary Drainage System
	Section 507 Storm Drainage
CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS	
	Section 601 General
	Section 602 Heating Facilities
	Section 603 Mechanical Equipment
	Section 604 Electrical Facilities
	Section 605 Electrical Equipment
	Section 606 Elevators, Escalators and Dumbwaiters
	Section 607 Duct Systems
CHAPTER 7. FIRE SAFETY REQUIREMENTS	
	Section 701 General
	Section 702 Means of Egress
	Section 703 Fire-Resistance Ratings
	Section 704 Fire Protection Systems
CHAPTER 8. REFERENCED CODES	
CHAPTER 9. NOTIFICATION OF FORECLOSURE PROCEEDINGS	
	Section 901 General Definitions
	Section 902 Notices to the City of Foreclosure Filing
	Section 903 Persons Responsible for Maintenance

- b) Additions, deletions and/or revisions to Chapter 1, Section 101 of the IPMC are as follows:

PMC-101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Oxford, Ohio, and may also be referred to herein as “PMC” or “this code.”

- c) Additions, deletions and/or revisions to Chapter 1, Section 102 of the IPMC are as follows:

PMC-102.3 Application of other codes. Replace "International" with "City of Oxford ~~adopted.~~" Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City of Oxford **Building Code, City of Oxford Existing Building Code, City of Oxford Energy Conservation Code, City of Oxford Fire Code, City of Oxford Fuel Gas Code, City of Oxford Mechanical Code, City of Oxford Residential Code, City of Oxford Plumbing Code, City of Oxford Zoning Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Oxford Zoning Code adopted codes and referenced standards.**

- d) Additions, deletions and/or revisions to Chapter 1, Section 103 of the IPMC are as follows:

PMC-103.5 Fee Schedule.—The fees for activities and services performed by the Oxford Community Development Department and/or any other duly authorized City of

Oxford official in carrying out the obligations and responsibilities imposed under ~~this Oxford's~~ **PMC** shall be as set forth in the most current annual fee schedule adopted by Council.

- e) **Additions, deletions and/or revisions to Chapter 1, Section 104 of the IPMC are as follows:**

PMC-104.2 Inspections and Enforcement. ~~Replace entire Paragraph with~~
"Inspections and Enforcement.

- a) The ~~Code~~ **Official** is hereby authorized to make inspections to determine the condition of rooming houses, lodging houses, dwellings, dwelling units, or fraternity/sorority houses and ~~any other premises property~~ **located within the City that is utilized as residential rental property.** The ~~Code~~ **Official** is hereby authorized to enter ~~the premises, upon consent or search warrant, to~~ **examine, and survey at all reasonable times, or at such times as may be necessary to protect and promote public health and safety, in** all dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity/sorority houses ~~premises and any other property utilized as residential rental property.~~
- b) Single-family, owner-occupied dwellings will not be routinely inspected by the ~~Code~~ **Official** but will be inspected upon the filing of a written complaint as set forth ~~hereinafter~~ in this code, ~~or~~ when the ~~Code~~ **Official** has ~~personal~~ knowledge of specific conditions that warrant inspection, or upon request of the owner ~~or other occupant/occupant.~~ The ~~Code~~ **Official** will conduct **a full inspection of** owner-occupied dwellings only with the owner's permission or in accordance with due process of law **upon issuance of a search warrant and/or** the obtaining of an appropriate court order.
- c) The ~~Code~~ **Official** will inspect any **rooming house, lodging house, dwelling, dwelling unit, fraternity/sorority house, or any other property utilized as residential rental property** ~~dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity/sorority houses, any premises~~ upon the formal written filing of a complaint signed by a person alleging a violation of this code or as otherwise provided in **PMC Section 310.**

~~Such~~ **An inspection in response to a formal written complaint** will take place within five (5) ~~working~~ **business** days from receipt of the complaint. **All rooming houses, lodging houses, dwellings, dwelling units, rooming houses, lodging houses, rooming units, fraternity/sorority houses and premises other property utilized as residential rental property which** ~~requiring~~ **a rental permit shall be inspected on a regular and systematic basis in accordance with PMC Section 310.** Notice shall be given to the owner, ~~or~~ **occupant,** or owner's agent **twenty-four (24) hours** in advance of any such inspection except;

1. In an emergency situation;; or
2. For the purpose of validating there is no violation of Section ~~PM~~-404 (“Occupancy Limitations”) of Oxford’s PMC; or
3. In those cases where the owner, agent, or occupant consents to inspection or when the premises are open and accessible to inspection.”

PMC 104.3 Right of eEntry. Where it is necessary to make an inspection to enforce the provisions of this code, or wherever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times, **upon the consent of the owner, agent, or occupant or upon issuance of a search warrant**, to inspect or perform the duties imposed by this code., ~~provided that if such structure or premises is unoccupied, the code official shall first make a reasonable efforts to locate the owner or other person having charge or control of the structure or premises and to request consent for entry. If entry is refused, or if the owner or another person having charge or control of the structure or premises cannot be located, the code official shall have recourse to the remedies provided by law to secure entry and may appear before any judge in a court of competent jurisdiction to seek a search warrant to allow inspection of the property.~~

Add-PMC-104.7 “Coordination of inspections. Whenever in the enforcement of this code, ~~or~~ another code, or ~~an~~ ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners, **agents** and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual **safety-related** violation ~~of some provision of the some law that is not, ordinance or code not~~ within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.”

- f) **Additions, deletions and/or revisions to Chapter 1, Section 106 of the IPMC are as follows:**

PMC-106.4 ~~Replace entire paragraph with~~ **“Violation penalties. Except as otherwise noted in Oxford’s PMC,** aAny person who ~~shall~~ violates a provision of this code shall, upon conviction thereof, be subject to a fine of \$250.00 or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

- g) **Additions, deletions and/or revisions to Chapter 1, Section 107 of the IPMC are as follows:**

PMC-107.3 ~~Replace entire paragraph with~~ **“Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:**

1. Delivered personally;; or

2. Sent by first class mail with a Certificate of Mailing to the last known address;; or
3. ~~Posted~~ in a conspicuous place on or about the structure or property affected by such notice and by first class mail to the last known address.²²

h) Additions, deletions and/or revisions to Chapter 1, Section 108 of the IPMC are as follows:

PMC-108.1.5 Dangerous or unsafe structure or premises. The code official shall determine whether there are dangerous or unsafe structures and/or premises. For the purpose of this code, dangerous or unsafe structures –and/or premises include, but are not limited to, any structure or premises that have s any or all of the conditions or defects described below shall be considered dangerous the following:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals

or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

h) i) **Additions, deletions and/or revisions to Chapter 1, Section 110 of the IPMC are as follows:**

PMC-110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than ~~Replace "two years" with "one year"~~, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one (1) year, unless approved by the code official.

i) j) **Additions, deletions and/or revisions to Chapter 1, Section 111 of the IPMC are as follows:**

PMC-111.2 Membership of board. The board of appeals shall consist of ~~Replace "three" with "five"~~ **(5)** members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the City of Oxford. The code official shall be an ex-officio member, but shall have no vote on any matter before the board. The board shall be appointed by the appointing authority, and shall serve staggered and overlapping terms.

PMC- 111.2.1 Alternate members. The appointing authority shall appoint a minimum of two **(2)** alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, ~~Add "but may be employees of the jurisdiction".~~

PMC-111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of ~~Replace "two-thirds" with "three-fifths"~~ of the board membership.

j)k) _____ Additions, deletions and/or revisions to Chapter 1, Section 112 of the IPMC are as follows:

PMC-112.4 Failure to comply. Any person who continues work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than ~~Insert "\$100.00" or more than and "\$500.00".~~

k)l) Additions, deletions and/or revisions to Chapter 2, Section 201 of the IPMC are as follows:

PMC-201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the ~~other City of Oxford adopted codes and referenced standards~~ **City of Oxford Building Code, City of Oxford Existing Building Code, City of Oxford Energy Conservation Code, City of Oxford Fire Code, City of Oxford Fuel Gas Code, City of Oxford Mechanical Code, City of Oxford Residential Code, City of Oxford Plumbing Code, City of Oxford Zoning Code or NFPA 70**, such terms shall have the means ascribed to them as stated in those codes ~~and standards~~ **and standards**. ~~Replace "International" with "City of Oxford adopted".~~

l)m) _____ Additions, deletions and/or revisions to Chapter 2, Section 202 of the IPMC are as follows:

SECTION 202 ~~Insert the following definitions:~~ **GENERAL DEFINITIONS** ^[A1]

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

BASEMENT. The portion of a building which is partly ~~or completely below~~ grade underground and which has one-half or more of its ceiling height above the average finished grade of the ground adjoining the building.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

~~“BUILDING. Any structure occupied or intended for supporting or sheltering any occupancy~~
Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

~~DWELLING. A house, apartment or other place of residence~~
A building or structure descined or occupied exclusively for non-transient residential use and permitted accessory uses for one or more households, but not including a tent, cabin, trailer, hotel, motel, or mobile home.

~~DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation~~
One or more rooms which are arranged, designed, or occupied as living quarters for a family as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas. Publicly accessible space separates a dwelling unit from any other dwelling unit. No doorway or perforated walls exist between dwelling units.

~~EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be~~

~~permitted to be for use under, on or above said lot or lots~~ **Authorization by a property owner for the use by another, and for a specified purpose, or some designated part of his property.**

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FAMILY. A person living alone, or two or more persons related by blood, marriage or adoption, including minor children in the lawful custody of an adult member or members of the family, living together as a single housekeeping unit and occupying a single dwelling unit, or a group of not more than four unrelated persons living together as a single housekeeping unit occupying a single dwelling unit and using only common entrances and exits.

FRATERNITY/SORORITY HOUSE. ~~A building which is occupied only by a group of university or college students who are associated together in a fraternity or sorority which is chartered by a national/international fraternity or sorority or is recognized by Miami University and receive from the fraternity, sorority (or its their agents) lodging and/or meals on the premises for compensation. Occupants may also include employees and pledges of the fraternity or sorority (or their its agents), and non-members not to exceed ten percent (10%) of the maximum occupancy of the building whom the fraternity or sorority (or their its agents) permit to live in the house~~ **A building that is occupied by a group of enrolled Miami University students who are active members of a fraternal organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like groups approved by Miami University for communal off-campus living on that site. Occupancy exception: may include employees or agents of the organization not to exceed three (3) persons.-**

FRONTAGE. **The width of a lot or parcel abutting a public right-of-way measured at the front property line.**

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOTEL. ~~Any building containing six (6) or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests~~ A commercial facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LODGING HOUSE. A dwelling where lodging, but not meals, is provided for compensation for no more than twelve (12) persons who are not transients or members of the owner's family, and do not live as a single housekeeping unit in a family-like environment on a relatively permanent basis, and in which no cooking or dining facilities are provided in individual rooms.

LOT. A designated parcel, tract, or area plot of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT LINE.

A. FRONT. The lot line separating an interior or through lot from the street or streets upon which it abuts; or the shortest lot line on a corner lot which abuts upon a street, except when a lot line abutting streets are of equal length, the

front lot line shall be considered to be on the street having the longest frontage within the same block.

B. REAR. A lot line parallel to, or within forty-five (45) degrees of being parallel to, the front lot line, which does not abut upon a street. The rear lot line may abut upon an alley.

C. SIDE. Any other lot line other than a front or rear lot line.

LOT OF RECORD. Real estate recorded in the deed records in the office of the Butler County Recorder as a distinct lot or parcel, the description of which is complete and sufficient, in and of itself, for conveyance purposes without combination with any other lots or parcels; or real estate recorded in the subdivision of lot records of the Butler County Recorder's Office as a distinct lot or parcel capable of being conveyed without a combination of other lots or parcels.

MULTI-FAMILY DWELLING. A building containing four (4) or more dwelling units with each individual unit designed for one (1) family.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

ONE-FAMILY DWELLING. A building containing a dwelling unit designed for a one (1) family.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. ~~A lot, plot or parcel of land, easement or public way, including any structures thereon or combination of contiguous lots held in single ownership, together with the development thereon; a condominium complex constitutes one premises.~~

PUBLIC NUISANCE. Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated by the code official as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or insecure so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.”

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RESIDENTIAL RENTAL PERMIT. A permit required by the City of Oxford for a property owner and/or his or her agent to rent a fraternity/sorority house, a lodging house, or a one-, two-, three- or multi-family dwelling to one (1) or more tenants.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible

materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SETBACK. The distance between the building and any lot line.

SIGN. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

A. ILLUMINATED SIGN, DIRECTLY. A sign with internal electronic circuitry emitting light through the sign face.

B. ILLUMINATED SIGN, INDIRECTLY. A sign which is illuminated by an external source which reflects light off the surface of a sign face.

C. POLE SIGN. A sign erected on a single pole or multiple poles regardless of size and shape.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STREET LINE. A dividing line between a lot, tract or parcel of land, and a continuous street.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TWO-FAMILY DWELLING. A building containing two (2) dwelling units, with each individual unit designed for a one (1) family.

THREE-FAMILY DWELLING. A building containing three (3) dwelling units with each individual unit designed for one (1) family.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VACANT LOT. A lot of land upon which no residential structure or office building is situated.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WEEDS. ~~Those plant species including but not limited to, brush, vines or shrubs as listed in Chapter 901:5-37-01 of the Ohio Administrative Code, titled "Noxious Weeds," and thistles, burdock, jimson-weed, ragweed, milkweed, mullein, poison-ivy, poison-oak, grass or other plant species of rank growth which may potentially create, directly or indirectly, an unhealthy, unsafe or unsightly condition. All grasses, annual plants and vegetation, other than trees and shrubs provided; however, this term shall not include cultivated flowers, gardens and fields used for agricultural purposes.~~

NOXIOUS WEEDS. Noxious weeds are weeds which have been designated by federal, state, or local government as being injurious to public health, agriculture, recreation, wildlife or property. Noxious weeds include but are not limited to the noxious weeds listed in Chapter 901:5-37-01 of the Ohio Administrative Code.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

A. YARD, FRONT. A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

B. YARD, REAR. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point to the front lot line.

C. YARD, SIDE. A space extending front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

m)n) _____ Additions, deletions and/or revisions to Chapter 3, Section 302 of the IPMC are as follows:

PMC-302.4 Maintenance and rRemoval of wWeeds. Replace the entire paragraph with "Weeds" All premises and exterior property shall be maintained free from weeds, ~~noxious weeds, grass~~ and/or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided,; however, ~~that this term shall not include cultivated flowers, gardens and fields used for agricultural purposes.~~

- (1) All properties within the City of Oxford must be maintained in accordance with § **Section 302.4** of the ~~Oxford Property Maintenance Code PMC~~ as amended and adopted by the City of Oxford, which prohibits **weeds, grass or weed plant** growth in excess of ten (10) inches ~~(10")~~, **excepting cultivated flowers, gardens and fields used for agricultural purposes.**
- (2) If **weeds, grass or weed plant** growth exceeds ten (10) inches ~~(10")~~, **(excepting cultivated flowers, gardens and fields used for agricultural purposes)**, the City will ~~issue~~ **cause** notice to the owner, occupant, or person having charge or management of any residential, commercial, or industrial lot or land within the corporate limits of the City. If the **weeds, grass and/or weeds plant growth** are not brought into compliance within ten (10) days of ~~receiving the issuance of~~ **notice**, the City shall cause the weeds, ~~or grass and/or plant growth~~ to be cut at the owner's expense. The City will place a lien on the property for the amount owed in accordance with ~~Ohio Revised Code: §731.54.~~
- (3) If a **premises or** property is found to be in violation of **PMC Section §302.4**, notice shall be issued in the following manner:
 - a. For properties which are occupied:
 - i. Notice will be issued by a posting placed on or near the front door of the structure and a placard conspicuously placed in the front yard of the property. Said posting and placard shall be of a size, shape and color ~~to be~~ **that is** clearly visible and shall contain the following information:
 1. The nature of the ~~Ccode~~ violation; ~~and~~
 2. An order to cut or remove the weeds or grass within ten (10) days; ~~and~~
 3. ~~A Sstatement~~ indicating that ~~should if~~ the property owner or current tenant fails to comply with the order, the City will cause the weeds or grass to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with ~~Ohio Revised Code: §731.54; and~~
 4. The penalties provided for removing the posting and placard before bringing the property into compliance; and
 5. ~~The Ccontact~~ information of the appropriate Ceity agency.

- ii. Such posting and placard shall remain on the property until the property is brought into compliance with **PMC Section §302.4 of the International Property Maintenance Code as amended and adopted by the City of Oxford**. Removal of the posting and placard before the property is in **compliance** with **PMC Section §302.4** shall constitute a violation of this section.

b. For properties which are not currently occupied:

- i. If the property owner's address is known, notice will be issued by certified mail, return receipt requested, to the owner's address. If the owner's address is ~~unknown~~ not known, notice will be published in a newspaper of general circulation in Butler County. The notice shall contain the following information:
 - 1. The nature of the ~~Code~~ violation; ~~and~~
 - 2. An order to cut or remove the weeds, **grass or plant growth** ~~grass~~ within ten (10) days; ~~and~~
 - 3. A ~~S~~statement indicating that ~~should if~~ the property owner fails to comply with the order, the City will cause the weeds, **grass or plant growth** ~~grass~~ to be cut or removed at the owner's expense, and the City will place a lien on the property for the amount owed in accordance with ~~Ohio Revised Code~~ §731.54; and
 - 4. ~~The~~ ~~C~~contact information of the appropriate ~~C~~ity agency.

PMC- 302.4.1 Vacant lots. Vacant lots shall be mowed in the manner described below on a regular basis ~~to be in compliance~~ with **PMC Section §302.4**.

~~If the owner of a vacant lot fails to comply with this section, he or she shall be issued a notice of the violation in accordance with PMC Section 302.4(3)(b). One notification per calendar year shall be deemed notice for all subsequent violations during the same calendar year.~~

- (1) The front yard of the vacant lot shall be mowed in accordance with the front yard setback stipulated either on the recorded subdivision plat or the minimum front yard setback of the zoning district where the vacant lot is located, whichever is larger.
- (2) The side yard of the vacant lot shall be free of tall grass when the lot is abutting a developed lot with a house. The side yard is defined by the Oxford Zoning Code.

[A2]

PMC-302.4.2 Notification. One notification per calendar year shall be deemed notice for all subsequent violations during the same calendar year.

n)o) _____ Additions, deletions and/or revisions to Chapter 3, Section 304 of the IPMC are as follows:

PMC-304.1.1. ~~Delete Paragraph.~~ IPMC Section 304.1.1 ("Unsafe conditions") is deleted in its entirety and shall have no application to the Oxford PMC.

PMC-304.3.1 ~~Add "PM-304.3.1 Residential Hhouse Ssign.-~~ All residential house signs shall be maintained in good repair with proper anchorage and in a safe condition.

- a.) The sign may be either a wall sign ~~or a freestanding sign, but not both.~~
- b.) **The sign may be N**no more than six (6) square feet in area.
- c.) **The sign may have I**ndirect illumination only.

PMC-304.3.2 ~~Add "PM-304.3.2 Interior unit identification.-~~ Every rooming unit and every dwelling unit in every rooming house, lodging house or fraternity/sorority house of more than three (3) dwelling units shall be numbered in a plain and conspicuous manner, with the number to be placed on the outside of the door, or within thirty (30) inches (30") of the door, to such of each rooming unit or dwelling unit."

PMC-304.14 Insect screens. During the period from ~~Insert "May 15" and "~~to October 15" every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing devise in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

o)p) _____ Additions, deletions and/or revisions to Chapter 3, Section 305 of the IPMC are as follows:

~~PM-305.1.1 Delete Paragraph~~ IPMC Section 305.1.1 ("Unsafe conditions") is deleted in its entirety and shall have no application to the Oxford PMC.

p)q) _____ Additions, deletions and/or revisions to Chapter 3, Section 306 of the IPMC are as follows:

IPMC Section 306.1.1 ("Unsafe conditions") is deleted in its entirety and shall have no application to the Oxford PMC.

q)r) Additions, deletions and/or revisions to Chapter 3, Section 308 of the IPMC are as follows:

PMC-308.2.1 ~~Replace with "~~**Rubbish storage facilities.** It shall be the responsibility of the **property** owner to supply ~~such rubbish storage~~ facilities or containers for all dwelling units in any dwelling containing more than four (4) dwelling units and for all dwelling units located on any premises where more than four (4) dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant of the dwelling to furnish ~~such rubbish storage~~ facilities or containers unless the **property** owner has agreed to supply ~~such the rubbish storage~~ facilities."

PMC-308.3.1 ~~Replace with "~~**Garbage facilities.** It shall be the responsibility of the **property** owner to supply ~~such garbage~~ facilities or containers for all dwelling units in any dwelling containing more than four (4) dwelling units and for all dwelling units located on any premises where more than four (4) dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant of the dwelling to furnish ~~such garbage~~ facilities or containers unless the **property** owner has agreed to supply ~~such the garbage~~ facilities."

r)s) Additions, deletions and/or revisions to Chapter 3 of the IPMC are as follows:

Add:

SECTION 310 RENTAL PERMITS

PMC-310.1 Permits required. No person shall operate any **residential** rental unit(s), rooming house, lodging house, **multi-family** dwelling, **dwelling unit** or fraternity/sorority house unless he or she has a valid ~~rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house~~ **Residential Rental P**ermit issued by the ~~Code O~~fficial in the name of the ~~operator owner or agent~~ for the specified **residential rental unit**, rooming house, lodging house, **multi-family** dwelling, dwelling unit, or fraternity/sorority house. No person shall rent or lease a dwelling unit, except to a member of his or her family, without a **R**esidential ~~dwelling unit R~~ental **P**ermit issued by the ~~Code O~~fficial in the name of the owner or **agent** operator for the specific dwelling unit. ~~The operator shall apply to the Code Official for such permit, submitting the required form, plans and paying the required processing fee. The initial required permit shall be issued by the Code Official as soon as feasible after the Code Official has an opportunity to determine by an on-premises inspection, that the rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house complies with the applicable provisions of this chapter and is lawfully occupied under the relevant building code. A copy of this permit shall be protected and displayed in a conspicuous place on the premises at all times and shall state the maximum occupancy permitted under the provisions of this chapter, if any, as well as the name of the designated agent. Every person holding such a permit shall return such permit to the Code Official within ten days after having sold, transferred, given away or otherwise disposed of the ownership, interest, control or operation of any such rooming house, lodging house, multiple dwelling unit, dwelling unit, or fraternity house. Every rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house rental permit shall expire at~~

the end of one year following the effective date of issuance, unless sooner revoked pursuant to PM 310.4, or by operation of PM 110. A rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house rental permit may not be reissued to another operator without re-inspection of the premises by the Code Official.

-
Application and payment of fees for renewal of a rooming house, lodging house, multiple dwelling, dwelling unit or fraternity house rental permit shall operate as authority for the operator to continue operation of the rooming house, lodging house, multiple dwelling, dwelling unit, or fraternity house for which renewal application is made, until such time as the Code Official, in writing, denies or issues subsequent permit. No permit will be renewed more than once without an inspection by the Code Official.

PM-310.1.1 Exceptions.:

1. Permits are not required for ~~S~~single-family homes that are subject to a two-(2) party agreement where no monetary compensation is paid by either party and the exchange does not exceed two (2) years in duration, whereby owners occupy each other's single-family home.
2. Permits are not required for single-family homes that are permitted by the City as short-term rental homes for transients.

PMC-310.2 Agent required Application process. Every owner of a dwelling not residing on the premises shall appoint and designate an agent to act in his behalf and shall notify the Code Official with the telephone number of the appointed agent and the notification shall contain an acceptance of such appointment signed by the designated agent. An individual may act as his or her own agent. The agent required by this section shall be a permanent resident of Butler County, Ohio, or an adjoining county or an entity operating a permanent office in Butler County, Ohio or an adjoining county. Adjoining counties are Hamilton, Montgomery, Preble and Warren Counties in Ohio, and Dearborn, Franklin and Union Counties in Indiana. The owner or agent shall apply to the code official for a Residential Rental Permit, certifying that the subject property is in compliance with Oxford's PMC and submitting the requisite application form, floor plans, and processing fee, in the event a processing fee is required. In addition, each owner or agent of residential rental property situated in the City is required to provide the code official with a copy of any Residential Rental Property Registration form(s) submitted by the owner or owner's agent to the Butler County Auditor's Office in accordance with R.C. 5323.02.

PMC 310.2.1 Definitions—Agent Floor plan required. An Agent is defined as a responsible person or entity who acts for, or in place of, the owner of a property with the responsibility of providing a healthy and safe environment for the inhabitants by complying with all applicable rules and regulations. Every person submitting an application for a new rental property shall provide a floor plan of the property to the code official, which shall ~~to~~ be reviewed for compliance with the Oxford PMC and Zoning Code. The floor plan will include all habitable levels as well as stairways, windows, doors, room dimensions, and bedroom closets (which are not to

be included in room dimensions), ~~and shall include~~ ~~nd~~-room labels such as kitchen, dining room, bedroom, etc. The submitted floor plan will be retained by the City in the Oxford Community Development Department's rental property file and shall be reviewed and/or updated upon any change in the property such as a change of ownership, building addition, or building alteration.

An owner or agent may be required to provide an updated floor plan if the code official deems the floor plan on file to be insufficient, inadequate, or outdated.

PMC 310.2.2 Inspections of residential rental property. At the time of each application for an initial and/or renewal of a ~~R~~residential ~~R~~rental ~~P~~permit, and at any time thereafter when it appears an inspection is warranted, the code official may request permission of the property owner or ~~his or her~~the owner's-agent to inspect the dwelling unit for compliance with Oxford's PMC in an effort to help ensure the safety and welfare of tenants living in its community. If the owner or agent grants the code official permission to inspect the premises, the inspection will be performed by the code official and/or another duly authorized person conducting inspections for the City, with the owner or ~~his or her~~owner's agent present, within thirty (30) days of the owner or agent's granting of consent. The owner or agent must cooperate with the code official to ensure the timely completion of the full inspection.

If the property owner or agent does not consent to the inspection, or if the owner's agent, occupant, or any other person in charge of the property refuses to permit free access and entry to the property for the inspection after the property owner's voluntary consent has been obtained, the code official may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection of the property. Any application for an administrative search warrant shall be made within ten (10) ~~calendar~~business days after consent and/or entry to the premises has been denied. The application for the warrant shall specify the basis upon which the administrative search warrant is being sought and shall include a statement that the inspection will be limited to a determination as to whether there are violations of Oxford's PMC and/or Oxford's Zoning Code.

When determining whether a warrant shall issue, the court may consider the following:

1. Any plain view violations;
2. Any eyewitness account of a violation;
3. The nature of any alleged violation;
4. Records of past violations;
5. Violations which are apparent from City records;
6. Any citizen complaints concerning the property;
7. Any tenant complaints concerning the property;
8. The age and condition of the property;
9. Any documented violations concerning similar properties in the area;
10. The condition of the entire area;

11. The number of tenants that may be residing on the property;
12. The nature of the rental unit (i.e., one-family, two-family, lodging house, etc.);
13. The passage of time since the last inspection; and
14. Any other factor the court deems relevant.

If a warrant is issued, no property owner, occupant, or agent shall fail, upon presentation of the warrant, to permit entry to the property by the code official and/or any duly authorized person conducting inspections for the City for the purpose of an inspection that is consistent with this section and the warrant obtained. If the court does not issue a warrant, or if no warrant is sought, an inspection of the property shall still take place within thirty (30) days of the owner or agent's refusal to grant consent, or the denial of access to the property for an inspection if access has been denied, but the scope of the inspection shall be limited to such areas of the property that are in plain view. A plain view inspection shall be considered an "inspection" for the purposes of this section and any other applicable provisions of Oxford's PMC. No criminal penalties or fines shall attach, nor shall any rental permit be denied, based solely on the owner's, occupant's or agent's refusal to consent to a full inspection. In the event that only a plain view inspection is conducted prior to the issuance of a ~~R~~residential ~~R~~rental ~~P~~permit, the permit shall note that fact on its face, and the plain view inspection shall not constitute any evidence of PMC compliance with respect to any uninspected portions of the propertyemises.

Within five (5) business days of conducting a full or plain view inspection, the City code official shall:

1. In the event of a full inspection, notify the property owner, or the owner's duly authorized agent, whether the property is in compliance with Oxford's PMC and, if it is not, what repairs and/or changes are required to bring the property into compliance with the code and the date by which the repairs and/or changes must be made.
2. In the event a plain view inspection, notify the property owner, or the owner's duly authorized agent, whether the portions of the property that are in the plain view of the code official appear to be in compliance with Oxford's PMC and, if the portion of the property that is in the plain view does not appear to be in compliance with Oxford's PMC, what repairs and/or changes are required to bring the property into compliance with the code and the date by which the repairs and/or changes must be made. In all instances of plain view inspections, the code official is making no representations as to whether the inspected property is in full compliance with Oxford's PMC, as that cannot be adequately determined without the benefit of full inspection.

If, in the event of a full or plain view inspection, an owner and/or his agent is notified by the code official that repairs and/or changes to the property are required in order to bring the property into compliance with Oxford's PMC, the owner and/or his agent shall have ten (10) business days to complete the requisite repairs or changes and shall immediately notify the code official upon the completion of the requisite repairs and/or changes. Within five (5) business days of the code official's notification that the requisite repairs and/or changes have been completed, the code official shall reinspect the property to determine if the required repairs and/or changes have been successfully completed.

PMC-310.3 Appeal of permit denial. Permits issued. Any person whose application for a permit has been denied may request and shall be granted a hearing on the matter pursuant to PM 111 Means of Appeals. A copy of any permit issued pursuant to this section shall be protected and displayed in a conspicuous place on the premises at all times and shall state the maximum occupancy permitted on the premises as well as the name of the owner and the owner's designated agent(s), if any. Every person holding a permit pursuant to this section shall return the permit to the code official within ten (10) days after having given up the control or operation of the residential rental property or having sold, transferred, given away, or otherwise disposed of the property. Every Residential Rental Permit issued for any rooming house, lodging house, multi-family dwelling, dwelling unit, or fraternity/sorority house shall expire at the end of one (1) year following the effective date of the issuance of the permit, unless sooner revoked pursuant to PMC Section 310.4, or by operation of ~~P~~PMC Section 110. A Residential Rental Permit may not be issued to another owner or agent without a full or plain view reinspection of the premises by the code official.

PMC-310.4 Revocation of rental permits. Agent required. Whenever, upon inspection of any premises requiring a rental permit, the Code Official finds that conditions or practices exist which are in violation of any provision of this chapter, the Code Official shall give notice in accordance with PM 107 to the owner, or owner's agent, of such premises. At the end of the time period specified in the notice, the Code Official shall re-inspect the premises and if the Code Official finds that such conditions or practices have not been corrected and if no petition for hearing has been filed, the Code Official shall give notice in writing to the owner or owner's agent that the permit has been revoked. Upon receipt of such notice, the owner or owner's agent shall immediately cease operation of such rental unit or rental units and no person shall let for occupancy or occupy for sleeping or living purposes any dwelling unit therein. Every owner of a dwelling not residing on the premises shall appoint and designate an agent to act in his or her on owner's behalf and shall notify the code official with the telephone number of the appointed agent and the notification shall contain an acceptance of such appointment signed by the designated agent. An individual may act as his or her own agent so long as he or she is a resident of Butler County or one of its surrounding counties. The agent required by this section must be a permanent resident of Butler County, Ohio, or an adjoining county, or an entity operating a permanent office in Butler County, Ohio, or an adjoining county. Adjoining counties are Hamilton, Montgomery, Preble, and Warren in Ohio, and Dearborn, Franklin, and Union in Indiana.

PMC-310.4.1 Agent defined. An “agent” is defined as a responsible person or entity who, except in the case of the property owner, has been retained by and acts for, or in place of, the owner of a property with the responsibility of providing a healthy and safe environment for inhabitants by complying with all applicable rules and regulations and who has been granted authority by the owner to consent to inspections.

PMC-310.5 Appeal of permit revocation. Revocation of rental permits. Any person who has received notice that his permit is to be revoked unless existing conditions or practices at the rental premises are corrected, may within ten days after the date of such notice request and shall be granted a hearing upon the matter pursuant to PM 111.0." Whenever, upon inspection of any premises requiring a Residential Rental Permit, the code official finds that conditions or practices exist which are in violation of any provision of the Oxford PMC, the code official shall give notice in accordance with PMC Section 107 to the owner, or owner's agents, of the property. At the end of the time period specified in the notice, the code official shall reinspect the premises and if the code official finds that such conditions or practices have not been corrected and if no appeal has been filed in accordance with Section 111 of the PMC, the code official shall give notice in writing to the owner or owner's agent that the permit has been revoked. Upon receipt of such notice, the owner or the owner's agent shall immediately take any and all action necessary to cease operation of such rental unit or rental units and shall thereafter not permit any tenant to live, sleep, or reside in the property until another Residential Rental Permit is obtained.

PMC-310.6 Appeal of permit revocation. Any person who has received notice that his or her permit is being revoked unless existing conditions or practices at the rental premises are corrected may, within twenty (20) days after the date of such notice, file an appeal and shall be granted a hearing upon the matter pursuant to PMC Section 111 (“Means of Appeal”).

t) Additions, deletions and/or revisions to Chapter 4, Section 401 of the IPMC are as follows:

PMC-401.3. Alternative devices. Replace "International" with " In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the City of Oxford" Building Code shall be permitted.

u) Additions, deletions and/or revisions to Chapter 4, Section 404 of the IPMC are as follows:

PMC-404.1.1. Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and to be separate from other adjoining spaces. Add "Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room."

PMC-404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain a minimum of 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain a minimum of ~~Replace "50" square feet with "70"~~ square feet (~~nd "4.6" with "6.5"~~ m²) of floor area for each occupant thereof.

PMC-404.5. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5 below. ~~Table. Living room for 1 2 occupants replace "120" with "No requirement"~~

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	No requirement	120	150
Dining room ^{a,b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		
For SI: 1 square foot = 0.093 m ² .			
a. See Section 4.4.5.2 for combined living room/dining room spaces.			
b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.			

Ⓣ)v) Additions, deletions and/or revisions to Chapter 5, Section 502 of the IPMC are as follows:

PMC-502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the City of Oxford Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during the occupancy of the premises.

Ⓡ)w) Additions, deletions and/or revisions to Chapter 5, Section 505 of the IPMC are as follows:

PMC-505.1 General. ~~Replace "International" with "Ohio"~~ Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the City of Oxford Plumbing Code.

Ⓡ)x) Additions, deletions and/or revisions to Chapter 6, Section 602 of the IPMC are as follows:

PMC-602.2 Residential occupancies. ~~Replace "locality indicated in Appendix D of the International Plumbing Code" with "~~Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter design temperature for the City of Oxford" Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

PMC-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~Insert "October 15" and "~~to May 15" to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be indicated in the ~~Replace "Appendix D of the International" with "~~City of Oxford" Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°) shall be maintained.

PMC-602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from ~~Insert "October 15" and "~~to May 15" to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

y) Additions, deletions and/or revisions to Chapter 6, Section 603 of the IPMC are as follows:

PMC-603.3 Clearances. ~~Add "~~All required clearances to combustible materials shall be maintained. Access to outdoor mechanical equipment shall be maintained under all weather conditions".

w)z) _____ Additions, deletions and/or revisions to Chapter 6, Section 604 of the IPMC are as follows:

PMC-604.3.1.1 Electrical equipment. Replace "~~International~~" with "**Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the City of Oxford" Building Code.**

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Fire pump controllers, rated a maximum of 600 watts;
5. Manual and magnetic motor controllers;
6. Motor control centers;
7. Alternating current high-voltage circuit breakers;
8. Low-voltage power circuit breakers;
9. Protective relays, meters and current transformers;
10. Low- and medium-voltage switchgear;
11. Liquid-filled transformers;
12. Cast-resin transformers;
13. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
14. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
15. Luminaries that are listed as submersible;
16. Motors;
17. Electronic control, signaling and communication equipment.

PMC-604.3.2.1. Electrical equipment. Replace "~~International~~" with "**Electrical switches, receptacles and fixtures, including furnace, water, heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the City of Oxford" Building Code.**

Exception: Electrical switches, receptacles and fixture that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained any damage that requires replacement.

x)aa) Additions, deletions and/or revisions to Chapter 6, Section 608 of the IPMC are as follows:

Add:

**SECTION ~~PMC~~-608
CARBON MONOXIDE ~~DETECTORS~~ DETECTION**

PMC-608.1 Add Carbon ~~m~~Monoxide ~~d~~Detector. In any residential property that has either fossil fuel burning equipment or an attached enclosed garage, a carbon monoxide detector must be installed in the immediate vicinity outside of each sleeping area.

y)bb) Additions, deletions and/or revisions to Chapter 7, Section 702 of the IPMC are as follows:

PMC-702.1 General. Replace "International" with "A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the City of Oxford" Fire Code.

PMC-702-2. Aisles. Replace "International" with "The required width of aisles in accordance with the City of Oxford" Fire Code shall be unobstructed.

PMC-702.3. Locked doors. Replace "International" with "All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the City of Oxford" Building Code.

z)cc) Additions, deletions and/or revisions to Chapter 7, Section 704 the IPMC are as follows:

PMC-704.1. General. Replace "International" with "All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the City of Oxford" Fire Code.

PMC- 704.2 Replace the entire paragraph with: **Smoke ~~a~~Alarms.** Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of occupant load. **Smoke alarms required by this section shall include both photoelectric and ionization technologies. Separate or dual sensing alarms may be used. Smoke detectors are required** -at all of the following locations:

1. In each room used for sleeping purposes **(either photoelectric or ionization technology is acceptable)**.

2. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms ~~(photoelectric technology is required)~~.
3. ~~In each story~~ On every level within a each dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics ~~(, both photoelectric and ionization technologies are required)~~ one for every 1200 sq. ft. of area per level. In dwellings or dwelling with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the low level is less than one full story below the upper level and the covered area does not exceed 1200 sq. ft.

ADD-RENUMBER PM 704.3 to PMC-704.2.1 Smoke Alarm Type. Smoke Alarm Type. Effective March 1, 2014, smoke alarms required under ~~PMC Section 704.2.(2)~~ ~~(on the ceiling or wall~~ outside each sleeping area) and ~~PMC Section 704.2.(3)~~ ~~(on each level)~~ must be photoelectric type detectors, and any new or replacement smoke alarms installed within a sleeping room after that date shall be photoelectric type detectors.

RENUMBER PMC 704.3 to PM 704.4

RENUMBER PMC 704.4 to PM 704.5 and replace the entire paragraph with **"Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm shall activate all alarms within the dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise level with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.
3. Where ionization type interconnected detection systems were installed prior to March 1, 2014, the requirement for photoelectric detectors may be satisfied either by replacing the interconnected detectors or by installing supplemental, battery-powered, individual detectors and maintain both systems. After March 1, 2017, all interconnected detection systems shall be changed out to photoelectric type detectors.

ADD PMC-704.65. Fire eExtinguisher. "All rental units for which a permit is required pursuant to PMC-Section 310 ("Rental Permits") shall be equipped with a fire extinguisher in or near the kitchen.

aa)dd) Additions, deletions and/or revisions to Chapter 8 of the IPMC are as follows:

CHAPTER 8

Replace in its entirety with "REFERENCED CODES"

The first paragraph of Chapter 8 of the IPMC ("Referenced Standards") is deleted in its entirety and shall have no application to Oxford's PMC replaced in its entirety with the following paragraph:- The new Chapter 8 of Oxford's PMC is entitled "Referenced Codes" and is as follows:

CHAPTER 8

REFERENCED CODES

Except as otherwise modified by Oxford's PMC, tThis Chapter lists the standards codes that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and time and the section or sections of this document that reference the standard. codes which the City of Oxford has adopted and that are referenced in various sections of this document **Oxford's PMC. The standards are listed herein by the title and version. The application of the referenced standards shall be as specified in PMC Section 102.7.**

<u>Title</u>	<u>Version Edition</u>
National Electrical Code—	2011
Ohio Building Code—	2011
Ohio Fire Code—	2011
Ohio Mechanical Code—	2011
Ohio Plumbing Code—	2011
Residential Code of Ohio—	2013

bb)ee) Addition of Chapter 9, Sections 901, 902 and 903 to the IPMC as follows:

CHAPTER 9

NOTIFICATION OF FORECLOSURE FILING

SECTION 901 GENERAL DEFINITIONS

901.1 DEFINITIONS

As used in this section:

(a) "Person" means a natural person or any legal entity including, but not limited to, a corporation, firm, partnership, trust or association, and specifically including the attorney and/or law firm representing a party initiating a foreclosure ~~complaint or action~~ proceeding.

(b) "Vacant" means that no person actually resides in any part of the building on the property, or that no person conducts lawful business in any part of the building located on the property, or that there is no primary structure on the property.

SECTION 902

NOTICES TO THE CITY OF FORECLOSURE FILING

902.1 Notice ~~OTICE~~ ~~r~~Requirement~~EQUIREMENT~~. Any person who files a complaint or otherwise initiates a foreclosure **proceeding** involving real property located within the ~~corporate~~ limits of the City of Oxford shall notify the ~~Code O~~ official of the filing of the foreclosure **proceeding** ~~complaint~~, within ten (10) days **of the initiation of the action. To provide adequate notice under this section, the complainant, or his or her legal representative, must file after filing the complaint with the relevant court, by filing with the Code Official a complete copy of the complaint with the code official and must provide the full contact name, address, and telephone number and email address of the complainant and his or her legal representative, if that information is not included in the copy of the complaint provided.**

SECTION 903

PERSONS RESPONSIBLE FOR MAINTENANCE

903.1 Responsible person for maintenance. Property which is the subject of a foreclosure proceeding that is situated in the City of Oxford shall be maintained as follows:

- (a) If the building or structure located on the property that is the subject of the foreclosure **proceeding** is vacant at the time of the filing of the foreclosure, or if the property is otherwise vacant, then the person filing the foreclosure complaint shall also notify the City Community Development Department ~~code official~~ ~~City of~~ of the name, address, **telephone number** and **email address** ~~contact information~~ of the person who will be responsible for maintaining the property.
- (b) If the building or structure located on the property that is the subject of the foreclosure **proceeding** becomes vacant at any time after the filing of the foreclosure, then the person filing the foreclosure complaint shall notify the ~~code official~~ ~~City~~ Community Development Department of the name, address, **telephone number**, and **email address** ~~contact information~~ of the person who will be responsible for maintaining the property within ten (10) days of the vacancy.

- (c) If at any time during the foreclosure proceedings there is a change in the person(s) responsible for maintaining the property, then the person filling the foreclosure complaint shall notify the ~~code official~~ City Community Development Department of the name, address, **telephone number** and **email address** ~~contact information~~ of the person who will, or who has, assumed responsibility for maintaining the property within ten (10) days.

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)