

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 40**

**ENACTING CHAPTERS 219, 220, 221, 222, 223, 224, 231, 233, AND 234, ENACTING
SECTIONS 232.01 – 232.03, AMENDING SECTIONS 230.01 – 230.03, AND
REPEALING IN THEIR ENTIRETY CHAPTERS 236, 246, AND 248 AND SECTION 230.04 OF
THE ADMINISTRATIVE CODE, AS CONTAINED IN PART TWO: CITY GOVERNMENT,
TITLE SIX – ADMINISTRATIVE CODE OF THE XENIA CITY CODE**

WHEREAS, Section 7.01 of the City Charter states that Council may establish City departments and divisions and prescribe the function of any department or division so established;

WHEREAS, this Council has established various City departments and divisions in the City’s Administrative Code, as contained in Part Two: City Government, Title Six; and

WHEREAS, the Legislative Review & Government Affairs Committee of this Council has recommended to this Council certain amendments and updates to those provisions of the Administrative Code establishing the City Manager’s Office, the Department of Administrative Services and its Divisions, and the Department of Development Services and its Divisions,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. Chapter 219, to be titled “City Manager’s Office,” including Sections 219.01 to 219.06, is hereby enacted, as shown in the attached Exhibit A.

Section 2. Chapter 220, to be titled “Department of Administrative Services,” including Sections 220.01 to 220.02, is hereby enacted, as shown in the attached Exhibit A.

Section 3. Chapter 221, to be titled “Support Services Division,” including Sections 221.01 to 221.02, is hereby enacted as shown in the attached Exhibit A.

Section 4. Chapter 222, to be titled “Public Relations Division,” including Sections 222.01 to 222.03, is hereby enacted, as shown in the attached Exhibit A.

Section 5. Chapter 223, to be titled “Personnel Management Division,” including Sections 223.01 to 223.03, is hereby enacted, as shown in the attached Exhibit A.

Section 6. Chapter 224, to be titled “Information Technology Division,” including Sections 224.01 to 224.03, is hereby enacted, as shown on the attached Exhibit A.

Section 7. Chapter 230 is hereby amended to change its title to “Department of Development Services,” and Sections 230.01 to 230.03 are hereby amended, as shown on the attached Exhibit A.

Section 8. Chapter 231, to be titled “Community Development Division,” including Sections 231.01 to 231.03, is hereby enacted, as shown on the attached Exhibit A.

Section 9. Chapter 232 is hereby amended to change its title to “Economic Development Division” and Sections 232.01 to 232.03 are hereby enacted, as shown on the attached Exhibit A.

Section 10. Chapter 233, to be titled “Planning & Zoning Division,” including Sections 233.01 to 233.03, is hereby enacted, as shown on the attached Exhibit A.

Section 11. Chapter 234, to be titled “Building Division,” including Sections 234.01 to 234.03, is hereby enacted, as shown on the attached Exhibit A.

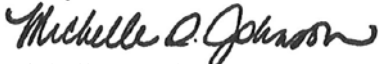
Section 12. Existing Section 230.04, existing Chapter 236, existing Chapter 246, and existing Chapter 248 of the Administrative Code are hereby repealed in their entirety, as shown in the attached Exhibit B.


Section 13. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 14. This Ordinance shall become effective on January 1, 2023.

Introduced: October 13, 2022
Adopted: October 27, 2022

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

CHAPTER 219
City Manager's Office

219.01 Establishment
219.02 City Manager
219.03 Assistant City Manager
219.04 Rental of City Facilities

219.05 Authority in an Emergency
219.06 Suspension of City Services due to Inclement Weather or Other Disruption

219.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City Charter, there is hereby established the City Manager's Office, to be headed by the City Manager. The City Manager's Office shall include the Assistant City Manager, the Secretary to the City Manager, and such other employees as may from time-to-time be determined by the City Council.
(Ord. 2022-40. Adopted 10/27/22)

219.02 CITY MANAGER.

(a) Appointment. The City Manager shall be appointed by City Council and shall be under the direct supervision of the City Council.
(Charter 6.01)

(b) Powers and Duties.

- (1) The City Manager shall be the chief administrative, operating, and executive officer of the City, and shall have those powers and duties assigned to him or her by the City Charter, the Xenia City Code, by other ordinances or resolutions, or by the City Council.**
- (2) The City Manager shall be recognized as the head of the municipal government for all administrative purposes and for the purpose of legal service upon the City.**
- (3) The City Manager shall be the contracting officer of the City, except for outside legal counsel, and shall execute all contracts and agreements on behalf of the City in accordance with the City Charter.**
- (4) The City Manager shall have the supervision of and direct all activities of the City Manager's Office, the Administrative Services Department, the Development Services Department, and the Public Service Department.**
- (5) The City Manager shall have the direct supervision and control of the City Manager's Office, and shall appoint or hire, and may remove, all employees within the Office.**
- (6) The City Manager shall serve as the head of the Public Safety Department, as the Public Safety Director, in accordance with City Charter.**
- (7) The City Manager shall appoint, and may suspend or remove without showing cause, notice, or hearing, the Directors of all departments, except for the Public Safety Director, the Finance Director, and the Law Director. Each department head appointed by the City Manager shall have supervision and control of the Department he or she heads, subject to the direction of the City Manager.**
- (8) The City Manager shall appoint, and may suspend or remove without showing cause, notice, or hearing, all division heads, except for those divisions within the Finance Department and Law Department.**
- (9) The City Manager may appoint the Assistant City Manager as the Director of any department, except for the Public Safety Department, the Finance Department, and the Law Department.**

(Ord. 2022-40. Adopted 10/27/22)

- (10) The City Manager may designate himself or herself or some officer or employee to perform the duties of any office or position in the administration of the City under his or her control that is vacant or which lacks administration due to the absence or disability of the officer.**

(Ord. 63-43. Adopted 10/10/63; Ord. 2022-40. Adopted 10/27/22)

(c) Unclassified Service. In accordance with Section 10.02 of the City Charter, the position of City Manager shall be in the unclassified service.

(Ord. 2022-40. Adopted 10/27/22)

219.03 ASSISTANT CITY MANAGER.

(a) Appointment. The City Manager may appoint an Assistant City Manager, who shall be under the direct supervision and control of the City Manager, and who shall perform such duties as are assigned by the City Manager.

(Ord. 2022-40. Adopted 10/27/22)

(b) Compensation. For any period in which the office of the City Manager is vacant for a period of thirty (30) days or more and the Assistant City Manager is executing the functions of the City Manager, he or she shall be paid for his or her services as Acting City Manager at the base annual rate of five thousand dollars (\$5,000.00) above his or her regular salary for said period.

(Ord. 89-38. Adopted 06/08/89; Ord. 01-46. Adopted 11/08/01; Ord. 2022-40. Adopted 10/27/22)

(c) Unclassified Service. In accordance with Section 10.02 of the City Charter, the position of Assistant City Manager shall be in the unclassified service.

(Ord. 2022-40. Adopted 10/27/22)

219.04 RENTAL OF CITY FACILITIES.

The City Manager is hereby authorized to rent, for a period of one (1) year or less, any City-owned facilities, including recreational facilities. The amount for such rentals shall be as determined by the City Manager by administrative directive.

(Ord. 2022-40. Adopted 10/27/22)

219.05 AUTHORITY IN AN EMERGENCY.

(a) Powers Granted. The City Manager is granted the authority and power to invoke, by administrative directive, a state of emergency in the City in any of the following situations:

- (1) A state of emergency has been declared by the Governor of this State;**
- (2) A state of emergency has been declared by the Board of County Commissioners of Greene County, Ohio; or**
- (3) The City Manager, in his or her own discretion, determines that an emergency exists because of any natural disaster or man-made calamity, or clear and present danger thereof, or riot, insurrection, mob action or other civil disturbance causing, or having the probable danger of causing, injury or damage to persons or property.**
- (4) In the event the City Manager is absent, a state of emergency may be proclaimed, in accordance with this section, by the Acting or Interim City Manager, or by a majority vote of the City Council.**

(b) Regulations During Emergency. The City Manager is granted the authority and power to impose, by administrative directive, any or all of the following regulations necessary to restore the peace and order of the City:

- (1) Order all nonessential services to close including, but not limited to, all business establishments, commercial establishments, industrial centers, factories, entertainment centers, recreational facilities, schools and churches. The City Manager may allow retail food establishments to remain open on a limited basis, as well as drug stores and medical facilities or other essential services as deemed necessary in his or her own discretion;**
- (2) Establish a curfew, during hours of the day or the night, which prohibits or limits the number of persons from being out-of-doors, or in certain areas, or upon public highways during the curfew;**
- (3) Restrict or prohibit movement within, above or beneath the area or areas that are imperiled by the public danger or emergency or within the City as a whole;**
- (4) Suspend or modify for the duration of the emergency or any part thereof, the due dates or collection of rents due for water, sewer or any other municipal utility, or the required filing dates for any City permit, license or tax filing;**
- (5) Suspend or modify for the duration of the emergency or any part thereof any personnel policy or regulation, whether set by Council or by administrative directive;**
- (6) Call upon all necessary personnel, equipment and supplies from any department of the City to aid in emergency operations;**
- (7) Call upon any auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace and order within the City; and/or**
- (8) Any other powers or authority conferred by federal law, state statute, City ordinance, resolution or as otherwise authorized by Council. Nothing in this section shall be construed to modify or limit such authority, powers or duties and responsibilities of any officer or public official as may be provided by law.**

(c) Notice of Emergency.

- (1) When the City Manager declares an emergency exists, as set forth in division (a) hereof, he or she shall immediately proclaim in writing the existence of the emergency and the time of its inception and shall issue an administrative directive thereof to the public through the news media and other such means of dissemination as are available and, when practical, shall notify all businesses and establishments affected.**
- (2) When a state of emergency is proclaimed, the City Manager, or his or her appointee who proclaimed it, shall immediately notify all the members of Council who can be reached of the administrative directive, the reasoning behind it and the status of the emergency. Throughout the duration of the emergency, the City Manager shall keep the members of Council informed as to the status of the emergency and efforts to mitigate the situation.**

(d) Termination of Emergency. Any emergency proclaimed in accordance with the provisions of this section shall terminate on the issuance of an administrative directive determining an emergency no longer exists or upon a determination by Council, by a majority vote of the members present, that the emergency no longer exists.

(e) Prohibitions. No person shall fail to obey the lawful order of any police officer, firefighter, member of the National Guard or other authorized person acting under the orders or authority of an administrative directive issued pursuant to this section.

(f) Penalties. Whoever violates any prohibition contained in, or knowingly fails to perform any duty required by, administrative directive, order or regulation issued and in effect pursuant to this section shall be guilty of a misdemeanor of the first degree, and each day the violation continues shall constitute a separate offense. (Ord. 2020-06. Adopted 03/12/20; Ord. 2022-40. Adopted 10/27/22)

219.06 SUSPENSION OF CITY SERVICES DUE TO INCLEMENT WEATHER OR OTHER DISRUPTION.

(a) Powers Granted. The City Manager is granted the authority and power to delay, suspend, cancel, or close daily services, municipal facilities, or planned community activities as he or she deems necessary in order to minimize risk of harm or inconvenience to City employees or the general public that may result from inclement or hazardous weather, disruption to public utilities, outages of municipal digital systems or networks, protests or riots, or any other general security threats.

(b) Notice of Impact to Services. Whenever the City Manager, in his or her own discretion, determines that conditions exist or may exist necessitating delay, suspension, cancellation or closure of City services, activities, or facilities, he or she shall make immediate notice to the public through the news media and other such means of dissemination as are available of the measures being taken and note the expected duration of the actions. (Ord. 2022-40. Adopted 10/27/22)

CHAPTER 220
Department of Administrative Services

220.01 Establishment

220.02 Administrative Services Director

220.01 ESTABLISHMENT.

(a) Establishment. In accordance with Section 7.01 of the City Charter, a Department of Administrative Services, which may also be known as the Administrative Services Department, to be headed by a Director of Administrative Services, who may also be known as the Administrative Services Director, is hereby established. The Department of Administrative Services shall have such employees as may from time-to-time be determined by the City Council.

(b) Divisions. The Department of Administrative Services shall include the following Divisions:

- (1) The Support Services Division;**
 - (2) The Public Relations Division;**
 - (3) The Personnel Management Division; and**
 - (4) The Information Technology Division.**
- (Ord. 2022-40. Adopted 10/27/22)**

220.02 ADMINISTRATIVE SERVICES DIRECTOR.

(a) Appointment. The Administrative Services Director shall be appointed by, and under the direct supervision and control of, the City Manager.

(b) Powers and Duties. The Administrative Services Director is hereby authorized to have the following powers and to perform the following duties:

- (1) The Administrative Services Director shall have supervision and control of the Administrative Services Department and its Divisions.**
- (2) The Administrative Services Director shall have the supervision and direction of all division heads within the Administrative Services Department, and the direct supervision of all employees in any division without a division head.**
- (3) The Administrative Services Director shall assure that all functions of the Administrative Services Department are conducted in accordance with the City Charter, the Xenia City Code, all applicable federal and state laws, and any other ordinances or resolutions, and as directed by the City Manager.**
- (4) Any additional powers or duties as may be necessary to carry out the duties assigned by the City Manager to the Administrative Services Director.**

(c) Unclassified Service. In accordance with Section 10.02 of the City Charter, the position of Administrative Services Director shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 221
Support Services Division

221.01 Establishment

221.02 Functions

222.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Support Services, which may also be known as the Support Services Division, is hereby created within the Department of Administrative Services, which shall have such employees as may from time-to-time be determined by the City Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Administrative Services Director.
(Ord. 2022-40. Adopted 10/27/22)

221.02 FUNCTIONS.

(a) Powers and Duties. The Support Services Division, under the supervision and direction of the Administrative Services Director, shall perform the following functions:

- (1) Manage the permitting process for any permits issued by the City Manager including applications therefor, the permit review process, and the issuance or denial of any permit, all in accordance with the Xenia City Code and any administrative directives issued by the City Manager;**
- (2) Manage the rental process of City facilities including applications therefor and any rental agreements that may be necessary, all in accordance with the Xenia City Code and any administrative directives issued by the City Manager;**
- (3) Provide day-to-day clerical and administrative support to various other departments, divisions, or offices under the auspices of the City Manager as assigned;**
- (4) Receive and account for all moneys derived or received from permit and/or rental fees; and**
- (5) Manage the various intergovernmental and service accounts for the City.**

(b) Additional Powers and Duties. The Support Services Division may also perform any other functions as may be necessary to support the functions of the City Manager’s Office and the various Departments and Divisions of the City that are under the supervision and control of the City Manager.

(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 222
Public Relations Division

222.01 Establishment

222.02 Public Relations Coordinator

222.03 Functions

222.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Public Relations, which may also be known as the Public Relations Division, is hereby created within the Department of Administrative Services, which shall have such employees as may from time-to-time be determined by the City Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Public Relations Coordinator.
(Ord. 2022-40. Adopted 10/27/22)

222.02 PUBLIC RELATIONS COORDINATOR.

(a) Appointment. The Public Relations Coordinator shall be appointed by the City Manager and shall be under the supervision and control of the Administrative Services Director.

(b) Powers and Duties. The Public Relations Coordinator shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, or as assigned to him or her by the Administrative Services Director. The Public Relations Coordinator shall direct the work of the Public Relations Division and shall control the assignment and training of all Division personnel, subject to the approval of the Administrative Services Director.

(c) Unclassified Service. In accordance with Section 10.02 of the City’s Charter, the position of Public Relations Coordinator shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

222.03 FUNCTIONS.

(a) Powers and Duties. The Public Relations Division, under the supervision and direction of the Public Relations Coordinator, shall perform the following functions:

- (1) Serve as the public information officer for the official communications of the City;**
- (2) Undertake and oversee all public relations functions, including media releases, digital publications, and management of any City social media accounts;**
- (3) Oversee the management and use of official City branding elements and ensure the lawful and proper display of official City logos, seal, emblems and insignia through the publication and maintenance of brand use guidelines;**
- (4) Maintain and update the City’s website and its various components; and**
- (5) Coordinate and assist the Community Development Division with special events within the City, whether such events are sponsored by the City, by another public entity, by a private entity, or any combination thereof.**

(b) Additional Powers and Duties. The Public Relations Division may also perform any other functions as may be necessary to undertake the public relations functions.
(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 223
Personnel Management Division

- 223.01 Establishment**
 - 223.02 Personnel Management Administrator**
 - 223.03 Functions**
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223.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Personnel Management, which may also be known as the Personnel Management Division, is hereby created within the Department of Administrative Services, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Personnel Management Administrator.
(Ord. 2022-40. Adopted 10/27/22)

223.02 PERSONNEL MANAGEMENT ADMINISTRATOR.

(a) Appointment. The Personnel Management Administrator shall be appointed by the City Manager and shall be under the supervision and control of the Administrative Services Director.

(b) Powers and Duties.

- (1) The Personnel Management Administrator shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Administrative Services Director.**
- (2) The Personnel Management Administrator shall direct the work of the Personnel Management Division and shall control the assignment and training of all Division personnel, subject to the approval of the Administrative Services Director.**
- (3) The Personnel Management Administrator shall manage and administer the City’s Organizational Plan, as approved by Council, and shall coordinate with the Administrative Steering Committee for the maintenance of the Personnel Manual and job descriptions for the various positions in the City’s departments and divisions.**
- (4) Manage the affairs of the Administrative Steering Committee related to information technology matters including scheduling meetings, agenda preparation, and the preparation of materials for the Committee.**

(c) Unclassified Service. In accordance with Section 10.02 of the City’s Charter, the position of Personnel Management Administrator shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

223.03 FUNCTIONS.

(a) Powers and Duties. The Personnel Management Division shall perform the following functions:

- (1) Coordinate and manage the recruitment and hiring of employees;**
- (2) Coordinate and manage the evaluation, discipline, and separation of employees;**
- (3) In cooperation with the Finance Department, undertake labor negotiations with the various collective bargaining units of the City;**

- (4) Undertake and promote activities, programs, and services which are of importance to the wellbeing of City employees;**
- (5) Manage and maintain employee personnel files;**
- (6) Coordinate and assist the Civil Service Commission in the administration of the City's Civil Service Rules and Regulations; and**
- (7) Manage and oversee workers' compensation claims filed by City employees;**
- (8) Coordinate with the Insurance Review Committee and make recommendations to the Appointed Officials regarding health insurance, dental insurance, vision insurance, and life insurance for the City's employees;**
- (9) Assure City compliance with the Fair Labor Standards Act, Family and Medical Leave Act, Affordable Care Act, and any other applicable federal or state laws;**
- (10) Assure compliance with the City's equal opportunity policies and affirmative action programs; and**
- (11) Handle general employee relations matters as requested by the appointed officials.**

(b) Additional Powers and Duties. The Personnel Management Division may also perform any other functions consistent with the management of personnel and the administration of personnel programs as may be necessary or as the Xenia City Code, state law, or other ordinances or resolutions of the Council may designate, or as requested by the Administrative Steering Committee.
(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 224
Information Technology Division

- 224.01 Establishment**
 - 224.02 Chief Technology Officer**
 - 224.03 Functions**
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224.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Information Technology, which may also be known as the Information Technology Division, is hereby created within the Department of Administrative Services, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Chief Technology Officer.
(Ord. 2022-40. Adopted 10/27/22)

224.02 CHIEF TECHNOLOGY OFFICER.

(a) Appointment. The Chief Technology Officer shall be appointed by the City Manager and shall be under the supervision and control of the Administrative Services Director.

(b) Powers and Duties.

- (1) The Chief Technology Officer shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Administrative Services Director.**
- (2) The Chief Technology Officer shall direct the work of the IT Division and shall control the assignment and training of all Division personnel, subject to the approval of the Administrative Services Director.**
- (3) The Chief Technology Officer shall evaluate the City’s information technology needs, develop Citywide information technology strategies, plans, policies, and procedures, and shall coordinate with the Administrative Steering Committee for the implementation of the same and to ensure the security of the City’s digital systems.**
- (4) Manage the affairs of the Administrative Steering Committee related to information technology matters including scheduling meetings, agenda preparation, and the preparation of materials for the Committee.**

(c) Unclassified Service. In accordance with Section 10.02 of the City’s Charter, the position of Chief Technology Officer shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

224.03 FUNCTIONS.

(a) Powers and Duties. The Information Technology Division shall perform the following functions:

- (1) Provide, manage, support, and promote the use of cost-effective, reliable, and secure data communications, telecommunications and other technological systems for the City’s departments and divisions;**
- (2) Plan, install, maintain, and upgrade all information technology hardware and software including, but not limited to, computers, printers, servers, and modems to assure the**

efficient operation of the City's information technology software, hardware, and networks;

- (3) Train, orient, and educate City employees in the proper operation and use of the City's information technology assets;**
- (4) Coordinate and manage the needs of the various City employees for communications equipment, computer hardware and computer software;**
- (5) Oversee, manage, and assure the security of the City's networks and information technology assets in accordance with federal and state laws and regulations;**
- (6) Assure the daily service and maintenance needs of the City for communications equipment, hardware and software are met;**
- (7) Provide user support and troubleshooting for the computer hardware, software, networking and application needs of the employees of the City; and**
- (8) Configure and maintain all user accounts and provide regular backups of data.**

(b) Additional Powers and Duties. The Information Technology Division may also perform any other functions consistent with the installation, provision and management of the City's information technology assets and networks as may be necessary or as the Xenia City Code, federal or state law, or other ordinances or resolutions may designate, or as requested by the Administrative Steering Committee.

(Ord. 2022-40. Adopted 10/27/22)

- (4) The Development Services Director shall oversee and manage the sale of properties that are acquired by the City through the tax foreclosure process to encourage the return of such properties to productive use;**
- (5) Any additional powers or duties as may be necessary to carry out the duties assigned by the City Manager to the Development Services Director.**

(c) Unclassified Service. In accordance with Section 10.02 of the City Charter, the position of Development Services Director shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

~~The City Manager may designate himself or herself or some officer or employee to perform the duties of any office or position in the administration of the city under his or her control which is vacant or which lacks administration due to the absence or disability of the officer.~~

230.03 ECONOMIC IMPACT ANALYSIS POLICY.

City Council shall adopt and approve, by resolution, an Economic Impact Analysis Policy establishing criteria for evaluating a proposed annexation, joint economic development district, and/or major subdivision for the purpose of determining the value of the proposed annexation, joint economic development district, and/or major subdivision to the City. The policy shall include analysis of tax revenues, assessments, and user fees, increased demands on service, the acquisition and maintenance costs of infrastructure, and the impacts on market conditions and quality of life.
(Ord. 13-12. Adopted 02/28/13; Ord. 2022-40. Adopted 10/27/22)

CHAPTER 231
Community Development Division

- 231.01 Establishment**
 - 231.02 Community Development Coordinator**
 - 231.03 Functions**
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231.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Community Development, which may also be known as the Community Development Division, is hereby created within the Department of Development Services, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Community Development Coordinator.
(Ord. 2022-40. Adopted 10/27/22)

231.02 COMMUNITY DEVELOPMENT COORDINATOR.

(a) Appointment. The Community Development Coordinator shall be appointed by the City Manager and shall be under the supervision and control of the Development Services Director.

(b) Powers and Duties. The Community Development Coordinator shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Development Services Director. The Community Development Coordinator shall direct the work of the Community Development Division and shall control the assignment and training of all Division personnel, subject to the approval of the Development Services Director.

(c) Unclassified Service. In accordance with Section 10.02 of the City’s Charter, the position of Community Development Coordinator shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

231.03 FUNCTIONS.

(a) Powers and Duties. The Community Development Division shall perform the following functions:

- (1) Coordinate and manage development activities in the downtown including, but not limited to, redevelopment, economic initiatives, historical preservation, and events;**
- (2) Act as the City’s liaison for the Main Street Program and provide policy guidance and administrative support for downtown revitalization organizations and activities;**
- (3) Coordinate and manage the City’s fair housing and housing assistance activities;**
- (4) Coordinate and manage City programs and projects made available through grant awards from state or federal resources for the purposes of improving housing availability and diversity, reducing slum and blight conditions, replacing deteriorating infrastructure, and removing obstacles which adversely impact quality of life, including the proper preparation, submission, monitoring and reporting for all grant requests for said purposes, in accordance with all federal and state regulations and guidelines;**
- (5) Oversee and manage the competitive bidding, contract award, and construction processes for all community-related grant projects;**

- (6) Coordinate community and neighborhood development including, but not limited to, redevelopment, economic initiatives, and historical preservation;**
- (7) Assist the Planning and Zoning Division in residential and subdivision reviews; and**
- (8) Oversee and manage, with the assistance of the Public Relations Division, special events within the City, whether such events are sponsored by the City, by another public entity, by a private entity, or any combination thereof.**

(b) Additional Powers and Duties. The Community Development Division may also perform any other functions consistent with the neighborhood development services, housing, downtown development activities, and federal and state grant programs as may be necessary or as the Xenia City Code, state law, or other ordinances or resolutions of the Council may designate, or as directed by the Development Services Director.

(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 232
Economic Development Division

- 232.01 Establishment**
 - 232.02 Economic Development Coordinator**
 - 232.03 Functions**
-

232.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Economic Development, which may also be known as the Economic Development Division, is hereby created within the Department of Development Services, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Economic Development Coordinator.
(Ord. 2022-40. Adopted 10/27/22)

232.02 ECONOMIC DEVELOPMENT COORDINATOR.

(a) Appointment. The Economic Development Coordinator shall be appointed by the City Manager and shall be under the supervision and control of the Development Services Director.

(b) Powers and Duties. The Economic Development Coordinator shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Development Services Director. The Economic Development Coordinator shall direct the work of the Economic Development Division and shall control the assignment and training of all Division personnel, subject to the approval of the Development Services Director.

(c) Unclassified Service. In accordance with Section 10.02 of the City’s Charter, the position of Economic Development Coordinator shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

232.03 FUNCTIONS.

(a) Powers and Duties. The Economic Development Division shall perform the following functions:

- (1) Coordinate and manage commercial and industrial development activities in the City including, but not limited to, business attraction, expansion, and retention programs and initiatives;**
- (2) Administer and manage all economic development initiatives, tax incentives, and economic development loan programs in accordance with federal or state guidelines and program guidelines established by City Council;**
- (3) Act as the City liaison to communicate and coordinate the City’s development activities with federal, state, county and township officials, the Chamber of Commerce, universities and colleges, and other governmental or nonprofit development agencies;**
- (4) Coordinate and facilitate initiatives for job training and employment creation and enhancement with other public and private entities;**
- (5) Coordinate and manage any brownfield remediation programs and grants including the preparation, submission, monitoring and reporting for all grant requests in accordance with all federal and state regulations and guidelines;**

- (6) Oversee and manage the competitive bidding, contract award, and construction processes for all brownfield remediation projects;**
- (7) Assure completion of an economic impact analysis for proposed development projects, in accordance with the City's Economic Impact Analysis Policy;**
- (8) Provide staff support to City Council's Economic Development Committee, including the preparation of agendas and materials for meetings and giving public notice of said meetings;**
- (9) Serve as the City's liaison to the Dayton Development Coalition, JobsOhio, and other agencies or entities charged with the promotion of economic development and jobs creation; and**
- (10) Coordinate and maintain, with the assistance of the Public Relations Division, marketing to promote the City and local development and investment opportunities.**

(b) Additional Powers and Duties. The Economic Development Division may also perform any other functions consistent with the commercial and industrial development, business expansion and retention, and federal and state grant programs as may be necessary or as the Xenia City Code, state law, or other ordinances or resolutions of the Council may designate, or as directed by the Development Services Director.

(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 233
Planning & Zoning Division

- 233.01 Establishment**
233.02 City Planner
233.03 Functions
-

233.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City's Charter, a Division of Planning & Zoning, which may also be known as the Planning & Zoning Division, is hereby created within the Department of Development Services, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the City Planner.
(Ord. 2022-40. Adopted 10/27/22)

233.02 CITY PLANNER.

(a) Appointment. The City Planner shall be appointed by the City Manager and shall be under the supervision and control of the Development Services Director.

(b) Powers and Duties. The City Planner shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code and City Land Development Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Development Services Director. The City Planner shall direct the work of the Planning & Zoning Division and shall control the assignment and training of all Division personnel, subject to the approval of the Development Services Director.

(c) Unclassified Service. In accordance with Section 10.02 of the City's Charter, the position of City Planner shall be in the unclassified service.
(Ord. 2022-40. Adopted 10/27/22)

233.03 FUNCTIONS.

- (a) Powers and Duties. The Planning & Zoning Division shall perform the following functions:**
- (1) Manage and administer the application and review process for all zoning permits, in accordance with the City's Land Development Code;**
 - (2) Enforce the provisions of the City's Land Development Code, including the issuance of citations;**
 - (3) Enforce the provisions of the City's Property Maintenance Code, including the issuance of citations;**
 - (4) Conduct inspections to ensure compliance with the City's Land Development Code, approved plans, and the Property Maintenance Code;**
 - (5) Receive and account for all moneys derived or received from application or permit fees;**
 - (6) Maintain adequate records of zoning permits issued, subdivision plats, and construction plans;**
 - (7) Administer and manage subdivision development agreements;**
 - (8) Provide staff support to the Planning and Zoning Commission and the Board of Zoning Appeals, including the preparation of agendas and materials for meetings and giving public notice of said meetings;**

- (9) Administer and maintain the City’s Comprehensive Land Use Plan and related long-range or strategic development plans;**
- (10) Coordinate with and assist the Community Development Division and the Economic Development Division in data and policy analysis regarding development-related decisions;**
- (11) Administer and maintain the City’s official Zoning map and make recommendations to the Planning and Zoning Commission regarding appropriate zoning districts;**
- (12) Collaborate with other City departments and divisions regarding the implementation of strategic civic, economic development or community development projects; and**
- (13) Serve as the City’s liaison/local agent for United States Census functions.**

(b) Additional Powers and Duties. The Planning & Zoning Division may also perform any other functions consistent with zoning, platting, subdivision, permitting and inspections as may be necessary or as the Xenia City Code, state law, or other ordinances or resolutions of the Council may designate, or as directed by the Development Services Director.
(Ord. 2022-40. Adopted 10/27/22)

CHAPTER 234
Building Division

- 234.01 Establishment**
234.02 Chief Building Official
234.03 Functions
-

234.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City's Charter, a Division of Building, which may also be known as the Building Division, is hereby created within the Department of Development Services, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Development Services Director.

(Ord. 2022-40. Adopted 10/27/22)

234.02 CHIEF BUILDING OFFICIAL.

(a) Appointment. For the purposes of administering and enforcing the City's Building Codes, the City Manager shall appoint a Chief Building Official or, upon the recommendation of the City Manager, City Council may contract for the services of a Chief Building Official and related support services.

(b) Powers and Duties. The Chief Building Official shall perform such duties and have such obligations and responsibilities as are set forth in the City's Building Codes, the laws and regulations of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Development Services Director.

(c) Reports to Development Services Director. The Chief Building Official shall be under the supervision and control of the Development Services Director.

(d) Unclassified Service. In accordance with Section 10.02 of the City's Charter, the position of Chief Building Official shall be in the unclassified service, unless the City contracts for building official services, in which case the Chief Building Official shall be an independent contractor and not an employee of the City.

(Ord. 2022-40. Adopted 10/27/22)

234.03 FUNCTIONS.

(a) Powers and Duties. The Building Division shall perform the following functions:

- (1) Enforce and administer all laws, statutes and regulations as provided and authorized in the Ohio Revised Code and the Ohio Administrative Code pursuant to the certification approved by the Ohio Board of Building Standards;**
- (2) Administer the application and review process for all building permits, in accordance with the City's building codes and adopted standards;**
- (3) Conduct construction inspections to assure compliance with the City's building codes and adopted standards and approved building plans;**
- (4) Issue certificates of occupancy and enforce all laws relative to the use and occupancy of any structure;**

- (5) Conduct inspections to assure existing structures are in compliance with the City's building codes and adopted standards;**
- (6) Issue repair or condemnation orders and adjudication orders in accordance with the City's building codes and adopted standards;**
- (7) Coordinate and work with the Planning & Zoning Division and the Fire & EMS Division regarding building projects, inspections, and repair or condemnation orders; and**
- (8) Keep adequate records of building permits issued or denied and certificates of occupancy issued.**

(b) Additional Powers and Duties. The Building Division may also perform any other functions consistent with building plan review, the issuance of building permits and certificates of occupancy, and the issuance of orders as may be necessary or as the City's building codes and adopted standards, the Ohio Revised Code, the Ohio Administrative Code, or other ordinances or resolutions of the Council may designate, or as directed by the Development Services Director.
(Ord. 2022-40. Adopted 10/27/22)

230.04 AUTHORITY IN AN EMERGENCY.

~~(a) Powers Granted. The City Manager is granted the authority and power to invoke, by administrative directive, a state of emergency in the City in any of the following situations:~~

- ~~(1) A state of emergency has been declared by the Governor of this State;~~
- ~~(2) A state of emergency has been declared by the Board of County Commissioners of Greene County, Ohio; or~~
- ~~(3) The City Manager, in his or her own discretion, determines that an emergency exists because of any natural disaster or man-made calamity, or clear and present danger thereof, or riot, insurrection, mob action or other civil disturbance causing, or having the probable danger of causing, injury or damage to persons or property.~~
- ~~(4) In the event the City Manager is absent, a state of emergency may be proclaimed, in accordance with this section, by his or her appointee or by any two (2) members of Council.~~

~~(b) Regulations During Emergency. The City Manager is granted the authority and power to impose, by administrative directive, any or all of the following regulations necessary to restore the peace and order of the City:~~

- ~~(1) Order all nonessential services to close including, but not limited to, all business establishments, commercial establishments, industrial centers, factories, entertainment centers, recreational facilities, schools and churches. The City Manager may allow retail food establishments to remain open on a limited basis, as well as drug stores and medical facilities;~~
- ~~(2) Establish a curfew, during hours of the day or the night, which prohibits or limits the number of persons from being out of doors, or in certain areas, or upon public highways during the curfew;~~
- ~~(3) Restrict or prohibit movement within, above or beneath the area or areas that are imperiled by the public danger or emergency or within the City as a whole;~~
- ~~(4) Suspend or modify for the duration of the emergency or any part thereof, the due dates or collection of rents due for water, sewer or any other municipal utility, or the required filing dates for any City permit, license or tax filings;~~
- ~~(5) Suspend or modify for the duration of the emergency or any part thereof any personnel policy or regulation, whether set by Council or by administrative directive;~~
- ~~(6) Call upon all necessary personnel, equipment and supplies from any department of the City to aid in emergency operations;~~
- ~~(7) Call upon any auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace and order within the City; and/or~~
- ~~(8) Any other powers or authority conferred by federal law, state statute, City ordinance, resolution or as otherwise authorized by Council. Nothing in this section shall be construed to modify or limit such authority, powers or duties and responsibilities of any officer or public official as may be provided by law.~~

~~(c) Notice of Emergency.~~

- ~~(1) When the City Manager declares an emergency exists, as set forth in division (a) hereof, he or she shall immediately proclaim in writing the existence of the emergency and the time of its inception and shall issue an administrative directive thereof to the public through the news media and other such means of dissemination as are available and, when practical, shall notify all businesses and establishments affected.~~
- ~~(2) When a state of emergency is proclaimed, the City Manager, or his or her appointee who proclaimed it, shall immediately notify all the members of Council who can be reached of the administrative directive, the reasoning behind it and the status of the emergency.~~

~~(d) Termination of Emergency. Any emergency proclaimed in accordance with the provisions of this section shall terminate on the issuance of an administrative directive determining an emergency no longer exists or upon a determination by Council, by a majority vote of the members present, that the emergency no longer exists.~~

~~(e) Prohibitions. No person shall fail to obey the lawful order of any police officer, militiaman, fireman, member of the National Guard or other authorized person acting under the orders or authority of an administrative directive issued pursuant to this section.~~

~~(f) Penalties.~~ Whoever violates any prohibition contained in, or knowingly fails to perform any duty required by, administrative directive, order or regulation issued and in effect pursuant to this section shall be guilty of a misdemeanor of the first degree, and each day the violation continues shall constitute a separate offense.

CHAPTER 236
Department of Finance

~~236.01 ACTING FINANCE DIRECTOR.~~

~~(a) During the absence or disability of the Finance Director, or if there is a vacancy in the office of the Finance Director for any reason, the Assistant Finance Director shall execute the functions of the office. In the event of the absence of both the Finance Director and the Assistant Finance Director, the City Council shall appoint an Acting Finance Director.~~

~~(b) For the period in which the office of the Finance Director is vacant, or when the Finance Director is absent or under disability for an extended period as determined by the City Council, and the Assistant Finance Director is executing the functions of the office of the Finance Director, he or she shall be paid for his or her services as Acting Finance Director at the base annual rate of five thousand dollars (\$5,000.00) above his or her regular salary for the period of Acting Finance Director service.~~

~~236.02 ACCOUNTS RECEIVABLE DIVISION.~~

~~There is hereby established, within the Department of Finance, an Accounts Receivable Division. The Division shall be responsible for the collection of income taxes pursuant to Chapter 880 of the Business Regulation and Taxation Code, and the collection of utility bills as provided for in Chapter 1040 of the Streets, Utilities and Public Services Code. The Division shall be administered by appropriate personnel under the authority and direction of the Director of Finance.~~

~~236.03 INVESTMENT OF FUNDS.~~

~~There is hereby established a City of Xenia Investment Policy, which policy is approved, adopted and incorporated herein by reference, along with any supplements or amendments to the policy hereafter approved by motion by Council. The Finance Director is hereby directed to carry out the administration of his or her office in conformity with the provisions of this Chapter, the City of Xenia Investment Policy and the laws of the State.~~

~~236.04 (Reserved)~~

~~236.05 FUNDS.~~

~~(a) City Garage Revenue Fund.~~ The Director of Finance shall have the authority to make the necessary entries from the various departmental funds to the City Garage Revenue Fund. The funds so transferred shall be kept by the Director of Finance in a separate and distinct fund known as the City Garage Revenue Fund.

~~(b) Drug Law Enforcement Fund.~~

- ~~(1) There is hereby created a Drug Law Enforcement Fund, pursuant to ORC 2933.43(D)(1)(c)(ii), into which shall be deposited drug offense fines and bond forfeitures.~~
- ~~(2) Moneys deposited into the Fund shall be disbursed and used only to subsidize the City's drug law enforcement efforts.~~

~~(c) Indigent Driver's Alcohol Treatment Fund.~~

- ~~(1) There is hereby established an Indigent Driver's Alcohol Treatment Fund, pursuant to ORC 4511.191(H)(1), into which shall be deposited a part of the fine imposed under ORC 4510, 4511.19, 4511.191 and 4511.193.~~
- ~~(2) Moneys deposited into the Fund shall be disbursed and used for any of the following purposes, and for no other purposes:~~

- A. ~~To pay the cost, upon order of the Municipal Court Judge, of attendance at an alcohol or drug addiction treatment program by a person who is convicted of a violation of ORC 4511.19 (OVI), who is determined by the Court to be unable to pay the cost of attendance at the treatment program; and~~
- B. ~~If the Municipal Court Judge, in consultation with the Drug and Alcohol Drug Addiction Services Board or the Board of Alcohol, Drug Addition, and Mental Health Services, finds that the funds in the municipal Indigent Drivers Alcohol Treatment Fund are more than sufficient to satisfy the purpose for which the fund was established, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for:~~
- i. ~~Alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense and in relation to whom both of the following apply:~~
1. ~~The court determines that substance abuse was a contributing factor leading to the criminal activity with which the person is charged; and~~
2. ~~The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.~~
- ii. ~~All or part of the cost of purchasing electronic continuous alcohol monitoring devices to be used in conjunction with ORC 4511.191.~~
- ~~(Ord. 06-69. Adopted 07/13/06)~~
- C. ~~To pay an amount, not to exceed five percent of the amounts credited and deposited into the Indigent Driver's Alcohol Treatment Fund, to the Board of Alcohol, Drug Addiction and Mental Health Services (ADAMH), which serves the district in which the Municipal Court is located, to cover the costs the Board incurs in administering the Indigent Driver's Alcohol Treatment Program.~~
- (3) ~~Moneys deposited into or credited to the Fund shall not be used to meet the operating costs of the City that are unrelated to the Indigent Driver's Alcohol Treatment Program.~~
- (d) ~~Issue 2 Capital Projects Fund.~~
- (1) ~~There is hereby established the Issue 2 Capital Projects Fund, into which shall be deposited all Issue 2 moneys received pursuant to ORC 5705.09 and 5705.10.~~
- (2) ~~The purpose of the Fund is to account for revenues and expenditures relating to Issue 2 moneys.~~
- (3) ~~Moneys deposited into the Fund shall be disbursed and used for infrastructure projects funded and approved by the Ohio Public Works Commission.~~
- (e) ~~Law Enforcement Trust Fund.~~
- (1) ~~There is hereby established a Law Enforcement Trust Fund pursuant to ORC 2933.43, into which shall be deposited the proceeds from the sale of property, contraband and/or money seized by any police agency as permitted by law.~~
- (2) ~~Moneys deposited into the Fund shall be disbursed and used for the following purposes, and for no other purposes:~~
- A. ~~To pay the costs of protracted or complex investigations and/or prosecutions;~~
- B. ~~To provide reasonable technical training or expertise;~~
- C. ~~To provide matching funds to obtain federal grants to aid law enforcement;~~
- D. ~~In the support of D.A.R.E. programs or other programs designed to educate adults and/or children with respect to the dangers associated with the use of drugs of abuse;~~
- E. ~~To pay the costs of emergency action taken under ORC 3745.13 relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory; and~~
- F. ~~For such other law enforcement purposes and activities that the City Council and the Police Division determine to be appropriate.~~
- (3) ~~Moneys deposited into or credited to this Fund shall not be used to meet the operating costs of the City that are unrelated to the Law Enforcement Trust Fund.~~
- (f) ~~Law Enforcement and Education Fund.~~
- (1) ~~There is hereby established a Law Enforcement and Education Fund, pursuant to ORC 4511.19, into which shall be deposited a part of the fine imposed under ORC 4511.19.~~

- ~~(2) — Moneys deposited into the Fund shall be disbursed and used for any of the following purposes, and for no other purposes:
 - A. — To pay the costs of enforcing ORC 4511.19;
 - B. — To educate the public with respect to laws governing the operation of a motor vehicle while under the influence of alcohol or drugs;
 - C. — To educate the public on the dangers of operating a motor vehicle while under the influence of alcohol or drugs; and
 - D. — To provide other information relating to the operation of a motor vehicle and the consumption of alcohol or drugs.~~
- ~~(3) — Moneys deposited into or credited to the Fund shall not be used to meet the operating costs of the City that are unrelated to the enforcement of ORC 4511.19 and the education of the public regarding driving a motor vehicle under the influence of alcohol or drugs.~~

~~(g) Miscellaneous Permanent Improvement Fund.~~

- ~~(1) — There is hereby established a Miscellaneous Permanent Improvement Fund, as a special fund authorized by ORC 5705.12, into which shall be deposited rental payments to the City under leases of parcels of land owned by the City and located within the Urban Renewal Area, known as Xenia Redevelopment Project No. 1. Reimbursement for taxes paid, service payments in lieu of taxes received by the City pursuant to ORC 5709.42 and other similar service charges or reimbursements of costs received by the City shall not be deposited into the Miscellaneous Permanent Improvement Fund, even though designated as or included with rental payments, but shall be deposited into such other funds as are appropriate.~~
- ~~(2) — Moneys deposited into the Fund shall be disbursed and used for any of the following purposes, and for no other purposes:
 - A. — Acquiring, purchasing and/or constructing permanent improvements, including land acquisition costs, for any public purpose, except permanent improvements which are located on or directly serve only parcels of land that contain improvements, as defined in ORC 5709.41 that are or are to be exempt from real property taxation under ORC 5709.41 and for which annual service payments in lieu of taxes are or are to be paid under ORC 5709.42; or
 - B. — Paying the cost of maintaining and operating, including the payment of taxes, property purchased for any public purpose pending the use of such property for the purpose for which it was acquired, except property included within parcels of land that contain improvements, as defined in ORC 5709.41, that are or are to be exempt from real property taxation under ORC 5709.41 and for which annual service payments in lieu of taxes are or are to be paid under ORC 5709.42.~~
- ~~(3) — Moneys deposited into or credited to the Fund shall not be pledged or used to pay the principal of and interest on notes, certificates of indebtedness or bonds issued by the City, nor to pay other costs relating to incurring or retiring debt of the City.~~

~~(h) Municipal Court Improvements Fund.~~

- ~~(1) — There is hereby established the Municipal Court Improvements Fund, into which shall be deposited moneys collected by the Municipal Court and paid to the City from a special fee, as prescribed under law by the Municipal Court Judge and assessed by the Court to provide for the capital needs, including the maintenance of capital improvements, of the Court.~~
- ~~(2) — The purpose of the Fund is to account for revenues and expenditures relating to the special fees assessed and collected by the Court for capital needs.~~
- ~~(3) — Moneys deposited into the Fund shall be used to provide for the capital needs of the Court, including the maintenance of capital improvements and training of personnel to operate the same. For the purpose of this section, capital needs include building improvements and equipment of the Court and also include building improvements and equipment used and shared by the Court with other City divisions and departments.~~
- ~~(4) — The proceeds from investments made from the inactive interim deposits of the Fund shall be credited, upon receipt, to the Fund.~~

~~(i) Municipal Court Victim Fund.~~

- ~~(1) — There is hereby established the Municipal Court Victim Fund, into which shall be deposited moneys collected by the Municipal Court and paid to the City from a special fee, as~~

~~prescribed under law by the Municipal Court Judge and assessed by the Court to provide for funding for the Victim Advocate Program administered by the Law Director's office.~~

- ~~(2) The purpose of the Fund is to account for revenues and expenditures relating to the special fee assessed and collected by the Court to provide funding for the Victim Advocate Program for the Municipal Court.~~
- ~~(3) Moneys deposited into the Fund shall be used to provide services to victims of crime, in whatever fashion deemed appropriate by the Law Director.~~
- ~~(4) The proceeds from investments made from the inactive interim deposits of the Fund shall be credited, upon receipt, to the Fund.~~

~~(j) Municipal Motor Vehicle License Tax Fund.~~

- ~~(1) There is hereby established the Municipal Motor Vehicle License Tax Fund, into which shall be deposited all proceeds from the motor vehicle license tax levied pursuant to ORC 4504.172.~~
- ~~(2) The proceeds from the investments made from the inactive interim deposits of the Fund shall be credited, upon receipt, to the Fund.~~

~~(k) Sanitation Services Fund. There is hereby established a Sanitation Services Fund, into which the Director of Finance shall place all moneys collected from garbage and refuse collection services and street cleaning, flushing and leaf and brush removal and such other moneys provided to be deposited therein by resolutions or ordinances of the City Council, or as deemed proper by the Director.~~

~~(l) Urban Redevelopment Tax Increment Equivalent Fund.~~

- ~~(1) There is hereby established an Urban Redevelopment Tax Increment Equivalent Fund, as authorized by ORC 5705.13 and 5709.43, into which shall be deposited annual service payments in lieu of taxes distributed to the City by the County Treasurer as provided in ORC 5709.42.~~
- ~~(2) Moneys deposited into the Fund shall be disbursed and used for any of the following purposes, and for no other purposes:
 - ~~A. Acquiring, purchasing and/or constructing permanent improvements, including land acquisition costs, for any public purpose, except that moneys deposited into the Fund shall not be:
 - ~~i. Pledged or used to pay the principal and interest on notes, certificates of indebtedness or bonds issued by the City, nor to pay other costs relating to incurring or retiring debt of the City; or~~
 - ~~ii. Used for acquiring, purchasing and/or constructing permanent improvements, including land acquisition costs, for any permanent improvement which is located on or which directly serves only parcels of land that contain improvements, as defined in ORC 5709.41 that are or are to be exempt from real property taxation under ORC 5709.41 and for which annual service payments in lieu of taxes are or are to be received under ORC 5709.42.~~~~
 - ~~B. Paying current operating expenses of the City incurred or to be incurred relative to urban renewal, redevelopment or development of the City, whether or not such renewal, redevelopment or development is pursuant to an urban renewal, redevelopment or development plan, except that moneys deposited into the Fund shall not be:
 - ~~i. Pledged or used to pay the principal and interest on notes, certificates of indebtedness or bonds issued by the City, nor to pay other costs relating to incurring or retiring debt of the City; or~~
 - ~~ii. Used to pay current operating expenses which benefit only parcels of land that contain improvements, as defined in ORC 5709.41, that are or are to be exempt from real property taxation under ORC 5709.41 and for which annual service payments in lieu of taxes are or are to be received under ORC 5709.42.~~~~
 - ~~C. Paying current operating expenses of the City for the purposes of building, housing or other code enforcement or development programs of the City, provided that such purposes are not otherwise excepted or prohibited by this section.~~
 - ~~D. Paying current operating expenses of the City for such other purposes as may be determined by the City Council to be appropriate, such determination to be made by~~~~

~~ordinances or resolution, provided that such other purposes are not otherwise excepted or prohibited by this section.~~

- ~~(3) Any incidental surplus or balance remaining in the Fund upon the dissolution of the Fund shall be transferred to the General Fund of the City.~~

~~(m) Stormwater Revenue Fund.~~

- ~~(1) The Stormwater Revenue Fund is hereby established into which all proceeds from the stormwater management service charges, levied pursuant to Section 1049.24(a), are to be deposited as well as other moneys directed by ordinance or resolution of City Council or as deemed proper by the Director of Finance.~~
- ~~(2) The purpose of the Fund is to account for revenues and expenses related to stormwater management operational needs.~~
- ~~(3) Moneys deposited into the Stormwater Revenue Fund shall be used to provide services for stormwater management.~~
- ~~(4) The proceeds from the investments made from the inactive interim deposits of the Stormwater Revenue Fund shall be credited upon receipt to the Stormwater Replacement and Improvement Fund.~~

~~(n) Stormwater Replacement and Improvement Fund.~~

- ~~(1) The Stormwater Replacement and Improvement Fund is hereby established into which all proceeds from penalties assessed due to the late payment of stormwater management service charges, direct charges and direct assessment charges assessed or charged for the purpose of design and construction of stormwater facilities are deposited, levied pursuant to Sections 1040.04(a), 1040.04(b), 1040.04(c), 1049.24(b) and 1049.24(e), as well as other moneys directed by ordinance or resolution of City Council, or as deemed proper by the Director of Finance.~~
- ~~(2) The purpose of the Fund is to account for revenues and expenses related to stormwater management capital needs.~~
- ~~(3) Moneys deposited into the Stormwater Replacement and Improvement Fund shall be used to provide funding for capital needs for stormwater management.~~
- ~~(4) The proceeds from the investments made from the inactive interim deposits of the Stormwater Replacement and Improvement Fund shall be credited upon receipt to the Stormwater Replacement and Improvement Fund.~~

~~(o) Police and Fire Fund.~~

- ~~(1) The Police and Fire Fund is hereby established into which income taxes dedicated specifically to police and fire levied pursuant to Section 880.14(b) and property taxes pursuant to ORC 742.33 and 742.34 are to be deposited. Emergency Medical Service fees and Motor Vehicle Accident fees pursuant to Sections 242.05, 242.06, and 242.07 should also be deposited into this fund as well as other moneys directed by ordinance or resolution of City Council or as deemed proper by the Director of Finance.~~
- ~~(2) The purpose of the fund is to account for revenues and expenditures related to Police, Fire, and the Communication Center.~~
- ~~(3) Moneys deposited into the Police and Fire Fund will be used for operations, capital purchases, and debt service related to Police, Fire, and Communications.~~
- ~~(4) The proceeds from the investments made from the inactive interim deposits of the Police and Fire Fund shall be credited upon receipt into that fund.~~

~~(p) 911 Fund.~~

- ~~(1) The 911 Fund is hereby established into which all proceeds from 911 surcharges pursuant to ORC 4931.65 will be deposited as well as other moneys directed by ordinance or resolution of City Council, or as deemed proper by the Director of Finance.~~
- ~~(2) The purpose of the fund is to account for revenues and expenditures related to enhanced wireless 911 service.~~
- ~~(3) Moneys deposited into the 911 Fund shall be used to provide funding for purposes stipulated in ORC 4931.65.~~
- ~~(4) The proceeds from the investments made from the inactive interim deposits of the 911 Fund shall be credited upon receipt into that fund.~~

~~(q) Probation Services Fund.~~

- ~~(1) There is hereby established a Probation Services Fund pursuant to ORC 737.41 into which shall be deposited fees collected pursuant to ORC 2951.021, grant revenue related to probation services, as well as other moneys directed by ordinance or resolution of City Council, or as deemed proper by the Director of Finance.~~
- ~~(2) The purpose of the fund is to account for revenues and expenditures related to probation services.~~
- ~~(3) Moneys deposited into the Probation Services Fund will be used for specialized staff, purchase of equipment, purchase of services, reconciliation services for offenders and victims, other treatment programs, and other similar expenses related to placing offenders under a community control sanction.~~
- ~~(4) The proceeds from the investments made from the inactive interim deposits of the Probation Services Fund shall be credited upon receipt into that fund.~~

~~(r) Information Technology Fund.~~

- ~~(1) The Information Technology Fund is hereby established for the purpose of centralizing I.T. related purchases.~~
- ~~(2) The Finance Director may transfer moneys to cover expenditures in the Information Technology Fund and may charge appropriate funds for services provided by the Information Technology Fund.~~
- ~~(3) The Information Technology Steering Committee shall approve budgeted expenditures in the fund.~~

~~(s) Police and Fire Capital Improvement Fund.~~

- ~~(1) The Police and Fire Capital Improvement Fund is hereby established and shall receive grant moneys related to public safety capital expenditures, as well as other moneys directed by ordinance or resolution of City Council, or as deemed proper by the Director of Finance.~~
- ~~(2) The purpose of the fund is to account for revenues and expenses related to public safety capital improvements.~~
- ~~(3) Moneys deposited into the fund shall be used for public safety capital improvement expenditures.~~
- ~~(4) The proceeds from the investments made from the inactive interim deposits of the Police and Fire Operating Fund shall be credited upon receipt into the Police and Fire Capital Improvement Fund.~~

~~(t) Self Insurance Fund.~~

- ~~(1) The Self Insurance Fund is hereby established for the purpose of accounting for health insurance transactions including the payment of claims, premiums, and administration fees.~~
- ~~(2) The Self Insurance Fund may charge appropriate funds for health insurance expenditures related to that fund's operations.~~
- ~~(3) The Self Insurance Fund will receive premiums paid by the employee via payroll deduction when the employee is a participant in the City's self insured plan.~~

~~(u) Bond Retirement Fund (2015).~~

- ~~(1) The Bond Retirement Fund (2015) is hereby established for the purpose of receiving bond proceeds, paying bond issuance costs, and paying for debt service related to the issue.~~
- ~~(2) The Bond Retirement Fund (2015) may receive transfers from various funds which are responsible for repayment of debt service related to this bond issue.~~

~~(v) Bond Construction Fund (2015).~~ The Bond Construction Fund (2015) is hereby established for the purpose of receiving bond proceeds and making payments associated with the construction of a new administrative services building and the renovation of the current City Hall facility.

~~236.06 CHARGE FOR BAD CHECK.~~

~~(a) Each refusal of a financial institution to pay a check, drawn on such institution in favor of the City or any of its departments or divisions, shall automatically cause the account or obligation which had been credited with the amount stated in such check to be restored to its balance as existed prior to such credit as~~

~~though no credit had been made. In addition, there shall be assessed a service fee as set forth in Chapter 298, Fee Schedule, for each bad check.~~

~~(b) Each department or division that receives a dishonored or bad check, shall notify the check writer by certified mail, return receipt requested, giving the check writer the opportunity to make full restitution for the dishonored check, plus the service fee, within ten (10) days of receiving the notice. If the check writer fails to make restitution in full by said date, they shall refer the matter to the Law Department immediately.~~

~~236.07 DEBT ADMINISTRATION OF CITY FUNDS.~~

~~There is hereby established a City of Xenia Debt Policy, which policy is approved, adopted and incorporated herein by reference, along with any supplements or amendments to the policy hereafter approved by motion of Council. The Finance Director is hereby directed to carry out the administration of his or her office in conformity with the provisions of this Chapter, the City of Xenia Debt Policy and the laws of the State.~~

~~236.08 ECONOMIC IMPACT ANALYSIS POLICY.~~

~~There is hereby established a City of Xenia Economic Impact Analysis Policy, which policy is approved, adopted and incorporated herein by reference, along with any supplements or amendments to the policy hereafter approved by motion of Council. The Finance Director is hereby directed to carry out the administration of his or her office in conformity with the provisions of this chapter, the City of Xenia Economic Impact Analysis Policy and the laws of the state.~~

~~236.09 (Reserved)~~

~~236.10 INFORMATION TECHNOLOGY USERS COMMITTEE.~~

~~There is hereby established an Information Technology Users Committee of the City to provide recommendations on information technology projects to the Information Technology Director. The Committee will also periodically review policies presented by the Information Technology Director and may also propose policies to the Information Technology Director. The Committee will periodically review the Information Technology Strategic Plan in light of changing technology and requirements. The Committee will consist of the Information Technology Director, Systems Administrator, Network Administrator, Assistant City Manager, Assistant Finance Director, Human Resources Director, Police Chief or designee, Fire Chief or designee, Public Services Director or designee, Accounts Receivable Manager, Victim Assistance Program Director, Chief Deputy Clerk, Chief Probation Officer, Equipment Mechanic Supervisor, Water Treatment Supervisor, Wastewater Treatment Supervisor, Communications Director or designee, Engineering Technician, City Planner, Development Director, and City Clerk.~~

~~236.11 MANAGEMENT OF CITY ACCOUNTS.~~

~~The Finance Director is hereby granted the authority to open and close bank accounts and manage such accounts as he or she deems proper. Deposits shall be made only in qualified institutions as described in the city's Investment Policy based upon the laws of the State of Ohio and outlined in Ohio R.C. Chapter 135.~~

~~236.12 SUSPENSION OF UNCOLLECTIBLE CHARGES.~~

~~The Director of Finance shall submit a list of uncollectible charges for water, sewer, stormwater, sanitation services, city income taxes, loans, and parking citations with his or her recommendation to the City Council at its first regular meeting in November for suspension by resolution from the active records of the Water Fund, the Sewer Fund, Stormwater Revenue Fund, the Sanitation Fund, the Water Replacement and Improvement Fund, the Sewer Plant and Trunk Fund, the Stormwater Replacement and Improvement Fund, the Sanitation Capital Fund, the General/Police and Fire/Capital Improvement Funds, the appropriate loan fund, and the Parking Enforcements Fund.~~

~~236.99 SEVERABILITY.~~

~~Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.~~

CHAPTER 246
Department of Planning and Zoning

~~246.01 ESTABLISHMENT; COMPOSITION.~~

~~There is hereby established a Department of Planning and Zoning, which shall be under the general supervision and control of the City Manager and administered by the City Planner. The Department shall be responsible for directing and coordinating the various aspects of the physical development of the community. The Department shall include a Division of Zoning Enforcement and a Division of Property Maintenance Enforcement.~~

~~246.02 DUTIES OF THE CITY PLANNER.~~

~~(a) The City Planner is responsible for guiding the City's long range planning functions and the implementation of the City's comprehensive plan for future growth and development. The City Planner shall manage and coordinate development services involving the reviews and approval of development plans; shall oversee the data and information services of the City for the benefit of the residents, investors and development partners; shall lead the development of studies and policies concerning land use and development issues; shall track regional planning issues of local significance; and shall make recommendations to the City Manager.~~

~~(b) The City Planner shall act as staff to City Council, the Xenia Planning and Zoning Commission and the Board of Zoning Appeals, and shall assist and provide professional guidance to them in the performance of the duties imposed upon them by the Charter or ordinance.~~

~~246.03 DIVISION OF ZONING ENFORCEMENT.~~

~~There is hereby established within the Planning and Zoning Department a Division of Zoning Enforcement under the direction and control of the City Planner. The Code Enforcement Officer shall administer the Planning and Zoning Code through proper review and approval of zoning permit applications, post construction verification of compliance with approved plans and Zoning Codes and proper investigation and disposition of zoning and code violations. The Code Enforcement Officer shall assist in providing staff assistance for the Xenia Board of Zoning Appeals and other duties as assigned.~~

~~246.04 DIVISION OF PROPERTY MAINTENANCE ENFORCEMENT.~~

~~There is hereby established within the Planning and Zoning Department a Division of Property Maintenance Enforcement under the direction and control of the City Planner. The Code Enforcement Officer shall administer the property maintenance code as set forth in City ordinances.~~

CHAPTER 248
Department of Parks and Recreation

~~248.01 ESTABLISHMENT.~~

~~There is hereby established a Department of Parks and Recreation, which shall be under the general supervision and control of the City Manager. The Department may consist of either one or a combination of the following:~~

~~(a) A Director of Parks and Recreation and such assistants and employees of the City as may be appointed by the City Manager; or~~

~~(b) A public or private entity which is not affiliated with the City that is under contract with the City to provide recreational services.~~

~~248.02 DUTIES OF THE DIRECTOR AND/OR CONTRACTING ENTITY.~~

~~The duties of the Director of Parks and Recreation and/or any entity under contract with the City to provide recreational services shall be to coordinate and promote all recreations activities, both public and private, in the City and to plan a comprehensive program for recreation for all inhabitants of the City. The Director and/or the contracting entity shall have general supervision in directing and developing City parks and recreation facilities and shall have full supervision of all recreation activities conducted thereon. The Director and/or contracting entity shall supervise the activities of assistants and shall cooperate with all private agencies and such public bodies as may desire to enter into the coordinated citywide recreation program. The Director and/or contracting entity shall prepare and enforce such rules and regulations as are necessary to regulate all parks, playgrounds and activities thereon. The Director or a representative of the contracting entity may attend all meetings of the Board for Recreation, Arts and Cultural Activities and assist the Board in carrying out its duties as set forth in §278.02.~~

~~248.04 SPECIAL FUND FOR GIFTS.~~

~~The Director of Finance is directed to establish a special fund for gifts, devises or bequests made to the City for the benefit of the Department of Parks and Recreation, from which fund expenditures shall be made in accordance with the provisions or conditions of the gift, devise or bequest. All such gifts, devises or bequests are hereby deemed appropriated for the purposes for which they were made, and such moneys shall be managed and administered in accordance with the terms, provisions or conditions of such gifts, devises or bequests. Such funds shall be treated as trust funds in the custody of the City.~~

~~248.05 FEES.~~

~~City Council shall establish activity fees and facility rental fees on a yearly basis, as set forth in the fee schedule in Part Two Title Twelve, Chapter 298 of these Codified Ordinances. The City Manager or his or her designee shall collect the fees and deposit them into the General Fund.~~