

**CITY OF XENIA, OHIO  
ORDINANCE 2022 – 44**

**ENACTING CHAPTER 251, TITLED “FUNDS,” OF THE CITY’S ADMINISTRATIVE 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, by Ordinance 2022-35, adopted on September 22, 2022, enacted and amended Chapters 250 and 252 through 256 of the City’s Administrative Code to establish the Finance Department and its various Divisions; and

**WHEREAS**, the Finance & Budget Committee of this Council has recommended to this Council the enactment of Chapter 251 to establish the required, special, utility, public improvement, and Xenia Municipal Court funds to be maintained by the City’s Finance Department.

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

**Section 1.** Chapter 251, to be titled “Funds,” including Sections 251.01 to 251.07 and 251.90, to be added to Part Two – City Government, Title Six – Administrative Code, is hereby enacted, as shown in the attached Exhibit A.

**Section 2.** Sections 882.14, 1040.05(d), 1040.14, 1046.08, 1049.26, 1052.06(a), 1602.06(d), 1602.08(b), and 1602.11 of the Xenia City Code are hereby amended as shown in the attached Exhibit B.

**Section 3.** Existing Sections 882.14, 1040.05(d), 1040.14, 1046.08, 1049.26, 1052.06(a), 1602.06(d), 1602.08(b), and 1602.11 of the Xenia City Code are hereby repealed.

**Section 4.** Existing Sections 1042.37, 1049.24, and 1049.25 of the Xenia City Code are hereby repealed in their entirety, as shown in the attached Exhibit C.

**Section 5.** 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 6.** This Ordinance shall become effective on January 1, 2023.

Introduced: November 10, 2022

Adopted: November 22, 2022

Attest:

  
Michelle D. Johnson  
City Clerk

  
Wesley E. Smith  
President, Xenia City Council

**CHAPTER 251**  
**Funds**

<b><u>251.01</u></b>	<b><u>Establishment of City Funds</u></b>	<b><u>251.05</u></b>	<b><u>Public Improvement Funds</u></b>
<b><u>251.02</u></b>	<b><u>Required Funds</u></b>	<b><u>251.06</u></b>	<b><u>Public Safety Funds</u></b>
<b><u>251.03</u></b>	<b><u>Special Funds</u></b>	<b><u>251.07</u></b>	<b><u>Court Funds</u></b>
<b><u>251.04</u></b>	<b><u>Utility Funds</u></b>	<b><u>251.90</u></b>	<b><u>Definitions</u></b>

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**251.01 ESTABLISHMENT OF CITY FUNDS.**

**(a) Required Funds. The Finance Director shall maintain any fund required by the Uniform Tax Levy Law or other state statute, and such funds shall be maintained and used in accordance with the requirements of the Ohio Revised Code. Any transfer between City funds shall be made in accordance with ORC 5705.14 to 5705.16.**

**(b) Special Funds.**

- (1) The Finance Director is hereby authorized to create any special fund which is required by ORC 5705.09(D) to (H) or other provision of state law, either specifically or in general.  
(ORC 5705.09)**
- (2) Council may establish, by ordinance or resolution, any special fund, the establishment of which is discretionary under the Uniform Tax Levy law. Special funds which are needed for a period of less than five (5) years may be established by resolution, and special funds which are needed for a period of five (5) years or more shall be established by ordinance.  
(ORC 5705.121)**
- (3) Council may also establish, by ordinance or resolution and with the approval of and in the manner prescribed by the Ohio State Auditor, other such special funds that are not established or authorized by state law, either specifically or in general, as may be needed or desirable. Special funds which are needed for a period of less than five (5) years may be established by resolution, and special funds which are needed for a period of five (5) years or more shall be established by ordinance. Any ordinance or resolution establishing a special fund may provide that money derived from specified sources other than the general property tax shall be paid directly into such special fund.  
(ORC 5705.12)  
(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(c) Reserve Balance Accounts.**

- (1) City Council, by ordinance or resolution, may establish reserve balance accounts to accumulate currently available resources for purposes listed in ORC 5705.13(A).**
- (2) The ordinance or resolution establishing a reserve balance account shall state the purpose for which the account is established, the fund in which the account is to be established, and the total amount of money to be reserved in the account. Money to the credit of a reserve balance account may be expended only for the purpose for which the account was established.**
- (3) City Council, may, in the same manner the reserve balance account was created, rescind a reserve balance account, and upon such rescission, the Finance Director shall transfer the money that has accumulated in the account to the fund or funds from which the money was originally transferred.  
(ORC 5705.13(A))  
(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(d) Capital Project Funds. Council, by resolution, may establish one or more capital project funds for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the City. For the purposes of this division, “fixed assets” include motor vehicles. More than one (1) capital project fund may be established and may exist at any time.**

- (1) The resolution establishing the capital project fund shall identify the source of the money to be used to acquire, construct, or improve the fixed assets identified in the resolution, the amount of money to be accumulated for that purpose, the period of time over which that amount is to be accumulated, and the fixed assets that the City intends to acquire, construct, or improve with the money to be accumulated in the fund.**
- (2) No capital project fund shall accumulate money for more than ten (10) years after the resolution establishing the fund is passed. If the City has not entered into a contract for the acquisition, construction, or improvement of fixed assets for which money was accumulated in such a fund before the end of that ten-year period, the Finance Director shall transfer all money in the fund to the fund or funds from which that money originally was transferred or the fund that originally was intended to receive the money.**
- (3) Notwithstanding ORC 5705.14, 5705.16, and 5705.16, City Council, by appropriation ordinance or resolution, may transfer money to a capital project fund from any other City fund that may lawfully be used for the purpose of acquiring, constructing, or improving the fixed assets identified in the ordinance or resolution.**
- (4) City Council may, by resolution, rescind a capital project fund. If the fund is so rescinded, the Finance Director shall transfer the money that has accumulated in the fund to the fund or funds from which the money was originally transferred.**
- (5) Notwithstanding ORC 5705.14, 5705.15, and 5705.16, the City Council, by resolution, may transfer money to a Capital Project Fund from any other fund of the City that may lawfully be used for the purpose of acquiring, constructing, or improving the fixed assets identified in the resolution.**

**(ORC 5705.13(C))**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(e) Nonexpendable Trust Funds. City Council may establish, by ordinance, a nonexpendable trust fund for the purpose of receiving donations or contributions that the donor or contributor requires to be maintained intact. The principal of such fund may be invested in accordance with the City’s Deposit and Investment Policy, and the investment earning on the principal shall be credited to the trust fund. The principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from the fund, shall not be considered part of the unencumbered balance or revenue of the City under ORC 5705.35(A) or 5705.36(A)(1). Only investment earnings arising from investment of the principal or investment of such additions to the principal may be considered an unencumbered balance or revenue of the City under those ORC sections.**

**(ORC 5705.131)**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(f) Sale of Permanent Improvements. If a permanent improvement of the City is sold, the amount received from the sale shall be paid into the Sinking Fund, the Bond Retirement Fund, or the Capital (Permanent) Improvements Fund; provided, however, that the proceeds from the sale of a public utility shall be paid into the Sinking Fund or Bond Retirement Fund to the extent necessary to provide for the retirement of the outstanding indebtedness incurred in the construction or acquisition of such utility. Proceeds from the sale of property other than a permanent improvement shall be paid into the fund from which such property was acquired or is maintained or, if there is no such fund, into the General Fund.**

**(ORC 5705.10(F))**

Yellow = New  
Blue = Renamed  
Gray = Existing

**(g) Interest on Inactive Interim Deposits. Except as otherwise provided in any section or division of this Chapter, the proceeds from the investment made of the inactive interim deposits of any City fund shall be credited to that fund upon receipt.**

**(h) Authority of Finance Director. The Finance Director may create cost centers within any fund to properly account for activity within that fund. The Finance Director may transfer funds between cost centers unless otherwise prohibited by law or unless such a transfer is restricted by financial management policies approved by the City Council.**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

## **251.02 REQUIRED FUNDS.**

**In accordance with the requirements of the Ohio Revised Code, the following funds are hereby established:**

### **(a) Bond Retirement Fund.**

- (1) The Bond Retirement Fund shall be used for the retirement of serial bonds, notes or certificates of indebtedness. All revenue derived from general or special levies for debt charges, whether within or in excess of the ten-mill limitation, which is levied for the debt charges on serial bonds, notes or certificates of indebtedness having a life of less than five (5) years shall be paid into the Bond Retirement Fund.**
- (2) Upon the issuance of any serial bonds, notes or certificates of indebtedness, City Council, in the ordinance issuing such bonds, notes or certificates of indebtedness, shall authorize the creation of a specific cost center within the Bond Retirement Fund for each issuance.**  
**(ORC 5705.09; 5705.10)**  
**(Ord. 15-08. Adopted 04/09/15; Ord. 2022-44. Adopted \*\*/\*\*/22)**

### **(b) General Fund.**

- (1) All revenue derived from the general levy for current expenses within the ten-mill limitation, from any general levy for current expense authorized by vote in excess of the ten-mill limitation, and from sources other than the general property tax, unless its use for a particular purpose is prescribed by law, shall be paid into the General Fund.**  
**(ORC 5705.09; 5705.10)**
- (2) All moneys received from the collection of the City's income tax shall be paid into the General Fund; provided, however, that:**
  - A. The proceeds from one quarter of one percent (0.25%) of the increase in the income tax rate pursuant to Ordinance 91-24, and the proceeds resulting from changes in the credit for tax paid to another municipality, be used solely for the purpose of employing police and fire personnel, and that the proceeds from one quarter of one percent (0.25%) of the increase in the income tax rate pursuant to Ordinance 10-27 be used solely for the purpose of maintaining current police and fire service levels;**
  - B. The proceeds from one quarter of one percent (0.25%) of the increase in the income tax rate pursuant to Ordinance 10-27 shall be used solely for capital improvements.**
- (3) The General Fund shall also be used to receipt and account for all fines, charges, and fees that are directed to be paid into the Fund under any section of the Xenia City Code.**  
**(ORC 718.04; XCC 880.14(b))**  
**(ORC 5705.10(F))**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(c) Insurance Reserve Fund. The Insurance Reserve Fund shall be used to account for insurance proceeds received pursuant to ORC 3929.86. Moneys in the Insurance Reserve Fund shall only be used as security against the total cost incurred by the City in removing, repairing, or securing a building, dwelling or structure damaged or destroyed by fire.**

**(ORC 3929.86(D))**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(d) Sinking Fund.**

**(1) The Sinking Fund shall be used when the City has outstanding bonds other than serial bonds. All revenue derived from general or special levies for debt charges, whether within or in excess of the ten-mill limitation, which is levied for the debt charges on all bonds, other than serial bonds, notes or certificates of indebtedness that have a life of five (5) years or more, shall be paid into the Sinking Fund.**

**(2) Upon the issuance of any bonds other than serial bonds, notes or certificates of indebtedness, City Council, in the ordinance issuing such bonds, notes or certificates of indebtedness, shall authorize the creation of a specific cost center (line item) within the Sinking Fund for each issuance.**

**(ORC 5705.09; 5705.10)**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(e) Special Improvements Fund.**

**(1) The Special Improvements Fund may be used for the receipt and accounting of special assessments collected pursuant to ORC Chapters 727 or 729 for any improvement authorized under those ORC Chapters.**

**(2) If special assessments are to be received in the Special Improvements Fund, the ordinance levying the special assessments pursuant to ORC Chapter 727 or 729 shall establish the name of the cost center in the Special Improvements Fund for the specific project for which the special assessments are levied.**

**(3) The cost centers shall be used to receipt assessments levied and collected for the improvement project for which they were levied, and may be used to pay costs associated with the improvement project, including any required City share of the project cost, or to make debt service payments on any bonds or notes issued in anticipation of collection of the special assessments for the improvement project.**

**(ORC 5705.09; 5705.10)**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(f) Unclaimed Moneys Fund. The Unclaimed Moneys Fund shall be used to account for moneys paid by or to the City that are unclaimed by the lawful owner thereof, whether from a City-issued check or from a bond or check of the Xenia Municipal Court.**

**(1) The Finance Director shall pay any moneys from a City-issued check that were paid into the Unclaimed Moneys Fund to the lawful owner thereof, if such owner makes a claim within five (5) years of the date of issuance of the check. Amounts paid into the Unclaimed Moneys Fund for moneys paid by or to the City that are not claimed within a period of five (5) years shall revert to the General Fund.**

**(ORC 9.39)**

**(2) All moneys paid into the Xenia Municipal Court that, by the first Monday in January of each year, the Clerk of Court determines have remained unclaimed for more than one (1) year and which remain unclaimed on the first day of April of each year, after the Clerk has given notice to lawful owners thereof, shall be paid into the Unclaimed Moneys Fund. The Finance Director shall pay any part of such moneys at any time to**

the person who has the right to the money upon proper certification of the Clerk of Courts.  
(ORC 1901.31(G))  
(Ord. 2022-44. Adopted \*\*/\*\*/22)

**251.03 SPECIAL FUNDS.**

**The following special funds are hereby established:**

**(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.**

**(ORC 5705.12)**

**(1964 Code; Ord. 75-30. Adopted 04/10/75; Ord. 96-100. Adopted 12/12/96; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(b) Community Development Grants Fund.**

**(1) The Community Development Grants Fund shall be used to account for federal, state, and/or county grant funds received for community development.**

**(2) The Finance Director shall create specific cost centers, when such cost centers are required to ensure for the proper accounting and reporting of grant proceeds, for the CDBG revolving loan, for other specific CDBG projects, housing rehab grants, brownfield remediation grants, any other federal, state, or county grants received specifically for community development, remediation projects, or for the abatement of slum or blight.**

**(3) Grant moneys in the Community Development Grant Fund shall be used only in accordance with the terms of the grant.**

**(4) It is the intent of this division to combine the funds formerly known as the CDBG Revolving Loan Fund and the Housing Rehab Grant Fund.**

**(ORC 5705.09(F))**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(c) Economic Development Loan Programs Fund.**

**(1) The Economic Development Loan Programs Fund shall be used to receive and account for moneys appropriated by City Council for economic development loans made pursuant to any Loan Programs established by the Council, loan payments, and transfers from the General Fund or other funding for Loan Programs.**

**(2) The Finance Director may create specific cost centers within the Economic Development Loan Programs Fund for each separate Loan Program established by the City Council.**

**(3) Moneys in the Economic Development Loan Programs Fund shall only be used in accordance with the Loan Program guidelines established by the City Council.**

**(ORC 5705.12)**

**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(d) Information Technology Fund. The Information Technology Fund is hereby established for the purpose of centralizing I.T. related purchases. 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.**

**(ORC 5705.12)**

**(Ord. 14-41. Adopted 10/09/14; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(e) Insurance Fund (711).** The Insurance Fund shall be used for the purpose of accounting for health and life insurance transactions including the payment of claims, premiums, program expenses, and administration fees. The Insurance Fund may charge other appropriate City funds for health insurance and/or life insurance expenditures related to that other fund's operations. The Insurance Fund will receive premiums paid by the employee via payroll deduction when the employee is a participant in the City's health insurance plans.  
**(ORC 5705.13)**  
**(Ord. 14-51. Adopted 11/25/14; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(f) OneOhio Fund.** The OneOhio Fund shall be used to receipt and account for moneys received pursuant to the OneOhio Opioid Settlement Agreement and moneys in the Fund shall be used only for the “Approved Purposes” set forth in the OneOhio Memorandum of Understanding.  
**(ORC 5705.09(F); AOS Bulletin 2022-003)**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(g) Special Grants Fund.** The Special Grants Fund shall be used to receipt and account for federal, state, or local grant moneys that are required to be kept in a separate fund, or that are one-time grants, or that otherwise should not be placed in an enterprise fund or public improvement fund. The Finance Director may create specific cost centers within the Special Grants Fund when such costs centers are required to ensure for the proper accounting and reporting of grant proceeds.  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

#### **251.04 UTILITY FUNDS.**

**The following utility (enterprise) funds are hereby established:**

**(a) Parking Revenue Fund.**

- (1) The Parking Revenue Fund shall be used to receipt and account for moneys received from the collection of payment for parking on City-owned or leased properties, or upon right-of-way over which the City has the supervision or control, including money from metered parking and the issuance of parking permits or the lease of parking, and from the payment of parking tickets.**
- (2) The Parking Revenue Fund shall be used for the payment of costs and expenses, including administration and personnel, related to the operation and maintenance of the City’s parking facilities, parking lots, on-street parking, and off-street parking including, but not limited to, the acquisition, repair, replacement, and/or operation of parking meters, and the enforcement of the City’s parking regulations.**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(b) Sanitation Services Fund.**

- (1) The Sanitation Services Fund shall be used to receipt and account for moneys received from the collection of charges for the provision of refuse and recycling collection services, street cleaning services, leaf and brush collection, garbage and property maintenance code abatements, landfill maintenance, and sanitation assessments. The Sanitation Services Fund may also be used to receipt and account for other moneys directed to be deposited therein by the City Council or as deemed proper by the Finance Director.**
- (2) The Sanitation Services Fund shall be used for the payment of costs and expenses, including administration and personnel expenses, related to contracting for the provision of refuse and recycling collection, costs associated with customer billing for**

refuse and recycling collection services, capital improvements, and the implementation and enforcement of any sanitation or refuse collection regulations.

- (3) The Finance Director shall establish separate cost centers to account for operating costs and permanent improvements.
- (4) It is the intent of this division to combine the funds formerly known as the Sanitation Fund and the Sanitation Capital Improvements Fund.  
(ORC 5705.09(G))  
(Ord. 89-86. Adopted 12/28/89; Ord. 2022-44. Adopted \*\*/\*\*/22)

**(c) Sewer Fund.**

- (1) The Sewer Fund shall be used to receipt and account for moneys received from the collection of charges for the use of the City's sanitary sewer utility, including the sanitary sewer system, wastewater treatment plants and sewage disposal, along with other amounts as are collected for tap-in fees, connection charges, extra strength surcharges, sewer assessments, or other fees associated with the use of the City's sanitary sewer utility system.
- (2) The Sewer Fund may also be used to receive federal or state grant and/or loan moneys for permanent improvements to the City's sanitary sewer system and/or wastewater treatment plants. Any moneys received from a federal or state grant and/or loan shall only be used in accordance with the terms of the grant and/or loan.
- (3) The Finance Director shall create a specific cost center within the Sewer Fund for operating costs associated with the City's sanitary sewer utility system, which cost center shall be used for the payment of costs and expenses related to the management, operation, maintenance, repair, and expansion of the sanitary sewer system and wastewater treatment plants including, but not limited to, debt service, administration and personnel expenses, capital improvements, equipment costs, the acquisition of land needed for the sanitary sewer utility, receipt and accounting for operating grants and/or loans and costs associated with customer billing for the use of the City's sanitary sewer utility system.
- (4) The Finance Director shall create a specific cost center within the Sewer Fund for costs associated with permanent improvements to the City's sanitary sewer utility system, including receipt and accounting for permanent improvement grants and/or loans received, transfers made from the General Fund, and surcharges to be paid to the cost center in accordance with Section 1040.05(d) of the Xenia City Code, which cost center shall be used for the payment of costs and expenses for permanent improvements to the City's sanitary sewer system and/or wastewater treatment plants including, but not limited to, the installation, improvement, repair and maintenance of the system or plants; or the acquisition of property or materials having a life expectancy of over five (5) years; or the purchase of vehicles or equipment having a life expectancy of over five (5) years; and services related to planning, engineering, legal, or other services required for installation, improvement, repair and maintenance projects.
- (5) It is the intent of this division to combine the funds formerly known as the Sewer Fund and the Sewer Plant and Trunk Expansion Fund.  
(ORC 5705.09(G))  
(Ord. 1113. Adopted 02/12/53; Ord. 80-28. Adopted 05/28/80; Ord. 2022-44. Adopted \*\*/\*\*/22)

**(d) Stormwater Fund.**

- (1) The Stormwater Fund shall be used to receipt and account for revenues generated by or on behalf of the City's stormwater management utility, including stormwater management fees, direct charges collected from owners or developers for the cost of



designing, constructing, and/or administering stormwater management facilities, abatement fees, stormwater assessments, stormwater permit fees, and interest earnings on those revenues.

- (2) The Stormwater Fund may also be used to receive federal or state grant and/or loan moneys for permanent improvements to the City's stormwater management system. Any moneys received from a federal or state grant and/or loan shall only be used in accordance with the terms of the grant and/or loan.
- (3) The Finance Director shall create a specific cost center within the Stormwater Fund for operating costs associated with the stormwater management utility system, which cost center shall be used for the payment of costs and expenses related to the management, operation, maintenance, repair, and expansion of the stormwater management system including, but not limited to, debt service, administration and personnel expenses, capital improvements, equipment costs, the acquisition of land needed for the stormwater management system, costs associated with customer billing for stormwater management fees, the implementation and enforcement of the City's illicit discharge and illegal connection control regulations, the receipt and accounting for operating grants and/or loans received, and compliance with the City's NPDES permit.
- (4) The Finance Director shall create a specific cost center within the Stormwater Fund for costs associated with permanent improvements to the City's stormwater utility system, including receipt and accounting for permanent improvement grants and/or loans received, transfers made from the General Fund, and surcharges to be paid to the cost center in accordance with Section 1040.05(d) of the Xenia City Code, which cost center shall be used for the payment of costs and expenses for permanent improvements to the City's stormwater management system including, but not limited to, the installation, improvement, repair and maintenance of the system; or the acquisition of property or materials having a life expectancy of over five (5) years; or the purchase of vehicles or equipment having a life expectancy of over five (5) years; and services related to planning, engineering, legal, or other services required for installation, improvement, repair and maintenance projects.
- (5) It is the intent of this division to combine the funds formerly known as the Stormwater Utility Fund and the Stormwater Replacement and Improvement Fund.  
(ORC 5705.09(G))  
(Ord. 2022-44. Adopted \*\*/\*\*/22)

(e) Utility Billing Internal Service Fund.

- (1) The Utility Billing Internal Service Fund shall be used to receipt and account for moneys paid into the Fund pursuant to Sections 1040.13 and 1040.14 of the Xenia City Code.
- (2) Moneys in the Utility Billing Internal Service Fund shall be used to pay costs and expenses related to utility billing functions including, but not limited to, administration and personnel expenses, postage, equipment costs, and capital improvement costs.  
(Ord. 2022-44. Adopted \*8/\*\*/22)

(f) Water Fund.

- (1) The Water Fund shall be used to receipt and account for moneys received from the collection of charges for the use of the City's water utility, including the water system and water treatment plants, along with such other amounts as are collected for tap-in fees, connection charges, water assessments, or other fees associated with the use of the City's water utility system.
- (2) The Water Fund may also be used to receive federal or state grant and/or loan moneys for permanent improvements to the City's water system and/or water treatment plants.

- Any moneys received from a federal or state grant and/or loan shall only be used in accordance with the terms of the grant and/or loan.
- (3) The Finance Director shall create a specific cost center within the Water Fund for operating costs associated with the City's water utility system, which cost center shall be used for the payment of costs and expenses related to the management, operation, maintenance, repair, and expansion of the water system and water treatment plants including, but not limited to, debt service, administration and personnel expenses, capital improvements, equipment costs, the acquisition of land needed for the water system, and costs associated with customer billing for the use of the City's water utility system.
  - (4) The Finance Director shall create a specific cost center within the Water Fund for costs associated with permanent improvements to the City's water utility system, including receipt and accounting for permanent improvement grants and/or loans received, transfers made from the General Fund, and surcharges to be paid to the cost center in accordance with Section 1040.05(d) of the Xenia City Code, which cost center shall be used for the payment of costs and expenses for permanent improvements to the City's water system and/or water treatment plants including, but not limited to, the installation, improvement, repair and maintenance of system or plants; or the acquisition of property or materials having a life expectancy of over five (5) years; or the purchase of vehicles or equipment having a life expectancy of over five (5) years; and services related to planning, engineering, legal, or other services required for installation, improvement, repair and maintenance projects.
  - (5) It is the intent of this division to combine the funds formerly known as the Water (Works System Revenue) Fund and the Water Capital Improvement Fund. (ORC 5705.09(G)) (Ord. 1113. Adopted 02/12/53; Ord. 80-28. Adopted 05/28/80; Ord. 2022-44. Adopted \*\*/\*\*/22)

#### 251.05 PUBLIC IMPROVEMENT FUNDS.

##### (a) Capital (Permanent) Improvements Fund.

- (1) The Capital (Permanent) Improvement Fund shall be used for the construction or acquisition of permanent improvements, including any property, asset or improvement with an estimated life or usefulness of five (5) years or more, including land and interests therein, and reconstruction, enlargements and extensions thereof having an estimated life or usefulness of five (5) years or more. (ORC 5705.01(E))
- (2) Upon the sale of a permanent improvement of the City, the amount received from the sale shall be paid into the Capital Improvements Fund; provided, however, that proceeds from the sale of a permanent improvement shall be paid into the Sinking Fund or the Bond Retirement Fund to the extent necessary to provide for the retirements of the outstanding indebtedness incurred in the construction or acquisition of such permanent improvement. Proceeds from the sale of property shall be paid into the Capital Improvements Fund if such property was acquired or maintained with moneys from the Capital Improvements Fund or shall be paid into the fund from which such property was acquired or maintained, or if there is no such fund, into the General Fund. (ORC 5705.10) (Ord. 61-85. Adopted 11/28/61. Ordinance 2022-44. Adopted 09/22/22)

**(b) Issue II Improvements Fund.**

- (1) The Issue II Improvements Fund shall be used to account for Issue II grant moneys received from the Ohio Public Works Commission (OPWC) and may be used to receive and account for any required local matching moneys for capital improvement projects.**
- (2) The Finance Director may create specific cost centers within the Issue II Improvements Fund to receive and account for Issue II moneys received for specific capital improvement projects and for the expenditure of Issue II moneys and any required local matching share.**
- (3) Moneys in the Issue II Fund shall be expended only to pay for the costs associated with OPWC-approved capital improvement projects, which may include engineering costs and any required local matching share and shall only be used in accordance with the terms of the Issue II grant.**  
**(ORC 5705.09(F))**  
**(Ord. 89-61. Adopted 09/07/89; Ord. 2022-44. Adopted 09/22/22)**

**(c) Property Miscellaneous Improvements Fund.**

- (1) The Property Improvements Fund shall be used to receive and account for moneys collected through payments to the City under leases or rents of, or use agreements for, City-owned land.**
- (2) Moneys deposited in the Fund may be used and disbursed to the pay the costs associated with any obligations placed upon the City under any lease of or use agreement for City-owned land.**
- (3) Surplus moneys in the Property Improvements Fund may be used for the following purposes:**
  - A. Acquiring, purchasing and/or constructing permanent improvements, including land acquisition costs, for any public purpose; 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.**

**(Ord. 78-15. Adopted 05/11/78; Ord. 79-15. Adopted 03/08/79; Ord. 79-28. Adopted 05/17/79; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(d) Public Improvement Tax Increment Equivalent Fund.**

- (1) The Public Improvement Tax Increment Equivalent Fund, which may also be known as the TIF Fund, shall be used to receive and account for service payments in lieu of taxes distributed to the City under ORC 5709.42 on applicable public infrastructure improvements and housing renovations, and each tax exemption granted by City Council pursuant to ORC 5709.40(B) shall require the creation of a specific cost center (line item) within the TIF Fund.**
- (2) The ordinance granting a tax exemption pursuant to ORC 5709.40(B) shall establish the name of the cost center for that specific tax exemption within the TIF fund, shall specify that any payments in lieu of taxes received from that tax exemption be credited to that specific cost center, may designate a portion of the income taxes received from the granting of the tax exemption to be paid into the specific cost center, and shall specify the improvements and renovations for which the moneys in the specific cost center may be used.**
- (3) Moneys in the specific cost centers for tax exemptions granted by City Council pursuant to ORC 5709.40(B) shall be used to finance the public infrastructure improvements designated in the ordinance by which the tax exemption was granted and the cost center established.**

- (4) If City Council creates an incentive district pursuant to ORC 5709.40(C), a specific cost center shall be established within the TIF Fund for each such district, and if the ordinance adopted pursuant to ORC 5709.40(C) also authorizes the use of service payments for housing renovations within the district, separate cost centers for service payments designated for public infrastructure improvements and for service payments authorized for the purpose of housing renovations.
- (5) Money in a specific cost center for an incentive district established by City Council pursuant to ORC 5709.40(C) shall be used to finance public infrastructure improvements designated in, or the housing renovations authorized by, the ordinance by which the tax exemption was granted and the cost center was established.
- (6) Moneys in the specific cost centers may also be used to make distributions in accordance with ORC 5709.43(C).
- (7) The TIF Fund may also be used to receive and account for income tax revenue that has been designated by ordinance to finance public infrastructure improvements and housing renovations.
- (8) Any incidental surplus remaining in a cost center, upon dissolution of the cost center, shall be transferred to the General Fund.  
(ORC 5705.43)  
(Ord. 2022-44. Adopted \*\*/\*\*/22)

(e) State Route Repair Fund. The State Route Repair Fund shall be used to receive and account for the required seven and one-half percent (7½%) of the amount paid to the City pursuant to ORC 4501.04 and 5735.27. Moneys in the State Route Repair Fund shall be used only to construct, reconstruct, repave, widen, maintain, and repair state highways within the City; to purchase, erect, and maintain traffic lights and signals and to erect and maintain street and traffic signs and markers on state highways within the City; or to pay principal, interest, and charges on bonds and other obligations issued pursuant to ORC Chapter 133 or incurred pursuant to ORC 5531.09 for such purposes.  
(ORC 5735.28)  
(Ord. 2022-44. Adopted \*\*/\*\*/22)

(f) Street Fund.

- (1) The Street fund shall be used to receive and account for disbursed allocations from:
  - A. Disbursed allocations from the State Gasoline Excise Tax Fund and/or State Highway Operating Fund (ORC 5735.27), the State Auto Registration Distribution Fund (ORC 4501.04) or any other State fund that requires the proceeds therefrom be used for street purposes;
  - B. Disbursed allocations of Greene County Motor Vehicle License Tax Fund or any other county fund that requires the proceeds therefrom be used for street purpose;
  - C. Amounts collected from the City’s Motor Vehicle License Tax imposed by the City;
  - D. Amounts from fees received from payments of City street cut permits;
  - E. Any moneys or receipts which are derived from a City license fee implemented under ORC 715.66;
  - F. Any transfers or appropriations made by City Council for street purposes; and/or
  - G. Any other revenues which the law requires be used only for street purposes.
- (2) Moneys in the Street Fund may only be used for street purposes, as defined in division (f)(3) of this section, which may include operating and/or maintenance expenses or improvement projects.
- (3) For the purposes of this division, “street purposes” includes, but is not limited to, the planning, construction, reconstruction, repaving, widening, maintaining, repairing, clearing or cleaning of public streets and highways; the maintenance and repair of

bridges and viaducts; the purchase, erection, and maintenance of street and traffic signs and markers; to pay the costs apportioned to the City under ORC 4907.47; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to ORC Chapter 133 or incurred pursuant to ORC 5531.09 for the purpose of acquiring or constructing streets, highways, bridges, or viaducts or acquiring or making other street or highway improvements for which the City may issue bonds.

- (4) The Finance Director may establish separate cost centers in the Street Fund to receive and account for revenues, or to account for cost and expenses related to specific street improvement projects.
- (5) It is the intent of this division to combine the funds formerly known as the State Gas and Vehicle License Tax Fund (221), Municipal Motor Vehicle License Tax Fund (228), and County Motor Vehicle License Tax Fund (229) into a single Street Fund. (ORC 5705.09(F); 5735.27; 4504.172) (Ord. 2022-44. Adopted \*\*/\*\*/22)

#### 251.06 PUBLIC SAFETY FUNDS.

##### (a) Drug Law Enforcement Fund.

- (1) The Drug Law Enforcement Fund shall be used for the receipt and accounting of fine moneys paid to the City pursuant to ORC 2925.03 and 2925.42.
- (2) Amounts within the Drug Law Enforcement Fund shall be allocated by the Council only to the Police Division, and the Police Division shall adopt a written internal control policy that addresses the use and disposition of fine moneys received from the Fund.
- (3) The fine moneys allocated from the Drug Law Enforcement Fund shall be expended in accordance with the Police Division's internal control policy, and shall only be used to subsidize the Police Division's efforts that pertain to drug offenses.
- (4) Prior to receiving any fine moneys under ORC 2925.03 or 2925.42, the Police Division shall adopt a written internal control policy that addresses the Division's use and disposition of all fine moneys so received.
  - A. The internal control policy required under this section shall provide for the keeping of detailed financial records of the receipts of fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.
  - B. All financial records of the receipts of fine moneys, the general types of expenditures made out of the fine moneys, and the specific amount of each general type of expenditure by the Police Division are public records open for inspection under the City's Public Records Policy and ORC 149.43.
  - C. Additionally, the written internal control policy itself is a public record. (ORC 2925.03; 2925.42) (Ord. 86-98. Adopted 11/13/86; Ord. 06-69. Adopted 07/13/06; Ord. 2022-44. Adopted\*\*/\*\*/22)

##### (b) (Alcohol) Enforcement and Education Fund.

- (1) The Enforcement and Education Fund shall be used for the receipt and accounting of fine moneys paid to the City pursuant to ORC 4511.19.
- (2) Amounts within the Enforcement and Education Fund shall be allocated by City Council only to the Police Division and such amounts shall only be used for the purpose of paying those costs the Police Division incurs in enforcing ORC 4511.19 or the City's OVI ordinance, as contained in the City's Traffic Code, and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the

dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(ORC 4511.19(G)(5)(a))

(Ord. 90-41. Adopted 08/23/90; Ord. 06-69. Adopted 07/13/06; Ord. 2022-44. Adopted \*\*/\*\*/22)

**(c) Law Enforcement Trust Fund.**

**(1) The Law Enforcement Trust Fund shall be used for the receipt and accounting of the collection of the proceeds from the sale of property ordered forfeited as contraband, proceeds or an instrumentality pursuant to ORC Chapter 2981., when disposed of as required by ORC 2981.13.**

**(2) Amounts within the Law Enforcement Trust Fund shall be allocated by City Council only to the Police Division, and the Police Division shall adopt a written internal control policy that addresses the use of moneys received from the Fund.**

**(3) The moneys allocated from the Law Enforcement Trust Fund shall be expended in accordance with the Police Division's internal control policy, and shall only be expended for the following authorized purposes:**

**A. To pay the cost of protracted or complex investigations or prosecutions;**

**B. To provide reasonable technical training or expertise;**

**C. To provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse;**

**D. 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**

**E. For other law enforcement purposes that City Council deems to be appropriate; provided, however, that the fund shall not be used to meet operating costs of the City that are unrelated to law enforcement.**

**(4) Internal Control Policy.**

**A. The written internal control policy required under this section shall provide that at least ten percent (10%) of the first one hundred thousand dollars (\$100,000) of amounts deposited during each calendar year in the Law Enforcement Trust Fund, and at least twenty percent (20%) of the amounts exceeding one hundred thousand dollars (\$100,000) that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the Police Chief, with the approval of the Public Safety Director, after receiving and considering advice on appropriate community preventive education programs from the County's Board of Alcohol, Drug Addiction and Mental Health Services, from the County's Alcohol and Drug Addiction Services Board, or through appropriate community dialogue.**

**B. The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used.**

**C. As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.**

**(5) Yearly Report: If the Police Division receives amounts from the Law Enforcement Trust Fund, the Police Chief shall file a report with the Council, no later than the thirty-first**

(31<sup>st</sup>) day of January of the next calendar year, verifying that the moneys were expended only for the purposes authorized by ORC 2981.13 or other relevant statute, and specifying the amounts expended for each authorized purpose.  
(ORC 2981.13)  
(Ord. 93-3. Adopted 01/28/93; Ord. 06-69. Adopted 07/13/06; Ord. 2022-44. Adopted \*\*/\*\*/22)

**(d) 9-1-1 Fund.**

- (1) The 9-1-1 Fund shall be used for the receipt of the disbursed allocations of state E9-1-1 funds, next generation 9-1-1 funds, and/or wireless 9-1-1 government assistance funds.**
- (2) Amounts within the 9-1-1 Fund shall only be used for the purposes of providing basic or enhanced 911 by the Emergency Communications Division. Moneys within the 9-1-1 Fund shall be used solely for the purpose of maintaining the Emergency Communications Division, which may include personnel costs, upgrading or maintaining the necessary data, hardware, software, and trunking required, staff training costs, and costs for equipment, materials, or supplies for the Emergency Communications Division.**  
**(Statutory reference: ORC Chapter 128)**  
**(Ord. 09-78. Adopted 11/24/09; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(e) Public Safety Fund.**

- (1) *Property Taxes:* The Public Safety Fund shall be used for the receipt of property tax moneys from the property tax levy of six-tenths of one mill upon all the real and personal property listed for taxation in the City for the purpose of paying the police officer and firefighter employers' contributions required under 742.33(A) and 742.34(A), and the City's accrued liability for its former police and fire relief and pension fund and interest thereon, and of defraying the current operating expenses of the City. The annual revenues derived from the property tax in the Public Safety Fund shall be used in the following order:**
  - A. First, to pay the current police officer and firefighter employers' contributions to the Ohio Police & Fire Pension Fund, and any interest related thereto;**
  - B. Second, to pay any accrued liability chargeable to the City during the current calendar year for its former police and fire relief and pension fund or any interest related thereto; and**
  - C. Third, to defray the current operating expenses of the City.**  
**(ORC 742.33)**
- (2) *Income Taxes:* The Public Safety Fund shall also be used for the receipt and accounting of income taxes dedicated pursuant to Xenia City Code Section 880.14(b) to the employment of Police and Fire & EMS personnel. Income taxes in the Public Safety Fund shall only be used for the purpose of employing police and fire personnel.**  
**(XCC 880.14(b))**
- (3) *User Fees:* The Public Safety Fund shall also be used for the receipt and accounting of user fees charged and collected pursuant to XCC Section 242.09. User fees in the Public Safety Fund shall only be used by the Fire & EMS Division for personnel costs and the purchase of supplies, equipment, and vehicles or other necessary expenses.**  
**(XCC 242.09(e))**
- (4) *Contracts:* The Public Safety Fund shall also be used for the receipt and accounting of moneys derived from contracts under which the Public Safety Department's Divisions provide services to other public or private entities. Contract moneys in the Public Safety Fund shall only be used for costs associated with the Public Safety Department.**

- (5) Grants: The Public Safety Fund shall also be used for the receipt and accounting of grant funds received for operating costs (personnel, training, supplies, nonpermanent improvements) of the Public Safety Department or any of its Divisions. Grant funds in the Public Safety Fund shall only be used for the purposes indicated in the grant. (Ord. 2009-78. Adopted 11/24/09; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(f) Public Safety Permanent Improvement Fund.**

- (1) The Public Safety Permanent Improvement Fund shall be used for the receipt and accounting of grant moneys, including federal or state grants, related to permanent improvement expenditures of the Public Safety Department and its Divisions.**
- A. Amounts within the Public Safety Permanent Improvement Fund shall be allocated by Council in accordance with the terms of the grant, and all grant money received shall be receipted directly into the Fund.**
- B. If the grant program is funded on a reimbursement basis, the grant moneys received may be paid from the Public Safety Permanent Improvement Fund to the City Fund from which the share to be reimbursed by the grant moneys has already been paid.**
- C. All grant program expenditures may be accounted for in the Public Safety Permanent Improvement Fund and any moneys representing the local share may be transferred by the Council, by resolution or ordinance, into the Public Permanent Improvement Fund. If the grant program is funded on a reimbursement basis, the amount representing the grant-covered share may be advanced to the Public Safety Permanent Improvement Fund and then repaid once the grant money is received.**
- (2) The Public Safety Permanent Improvement Fund shall also be used for the receipt and accounting of moneys transferred from the General Fund by City Council, by appropriation ordinance. Such moneys shall only be used on permanent improvement expenditures of the Public Safety Department and its Divisions. (Ord. 2014-41. Adopted 10/09/14; Ordinance 2022-44. Adopted \*\*/\*\*/22)**

**251.07 COURT FUNDS.**

**In accordance with, and as required by the ORC, the following Xenia Municipal Court funds are hereby established:**

**(a) Clerk's Computerization Fund.**

- (1) All court costs/fees collected by the Xenia Municipal Court pursuant to ORC 1901.261(B) on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment shall be paid to the Finance Director for deposit into the Clerk's Computerization Fund.**
- (2) All court costs/fees collected by the Xenia Municipal Court pursuant to ORC 1901.261(B) shall be paid to the Finance Director for placement in the Clerk's Computerization Fund on or before the twentieth day of the month following the month in which such fees were collected.**
- (3) Moneys from the Clerk's Computerization Fund shall be disbursed upon an order from the Court, subject to an appropriation by the City Council, in an amount not greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court. (ORC 1901.261(B)) (Ord. 2022-44. Adopted \*\*/\*\*/22)**



**(b) Court's Computerization Fund.**

- (1) All court costs/fees collected by the Xenia Municipal Court pursuant to ORC 1901.261(A) on the filing of each cause of action or appeal shall be paid to the Finance Director for deposit into the Court's Computerization Fund.**
- (2) All court costs/fees collected by the Xenia Municipal Court pursuant to ORC 1901.261(A) shall be paid to the Finance Director for placement in the Court's Computerization Fund on or before the twentieth day of the month following the month in which such fees were collected.**
- (3) Moneys from the Court's Computerization Fund shall be disbursed upon an order from the Court, subject to an appropriation by the City Council, in an amount not greater than the actual costs to the Court of computerizing the Court, procuring and maintaining computerized legal research services, or both.**
- (4) If the Court determines that the funds in the Court Computerization Fund are more than sufficient to satisfy the purpose for which the additional fee described in division (a) of this section was imposed, the Court may declare a surplus in the fund and, subject to an appropriation by the City Council, expend those surplus funds for other appropriate technological expenses of the Court.**
- (5) A disbursement of funds under subdivision (b)(3) or the declaration of a surplus under subdivision (b)(4), may be made upon an order of the Court without an appropriation by the City Council only if the Court makes an annual report available to the public listing the use of all such funds.**  
**(Statutory Reference ORC 1901.261(A))**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(c) Court Special Projects Fund.**

- (1) All fees and/or special assessments collected by the Xenia Municipal Court pursuant to ORC 1901.26(B) shall be paid to the Finance Director for deposit into the Court Special Projects Fund.**
- (2) The Finance Director may create one or more specific cost centers within the Court Special Projects Fund for the receipt of moneys for specific special projects, including special programs or services established by the Court, as directed by order of the Court. The amounts placed in such specific cost centers for specific special projects shall be as set forth in the order of the Court. If a specific cost center is terminated because of the discontinuance of a program or service for which the specific cost center was created, the Court may order that moneys remaining in that specific cost center be transferred to another cost center for a similar purpose.**
- (3) Moneys from the Court Special Projects Fund shall be disbursed upon an order from the Court, and may only be used for the one or more allowable purposes, as listed in ORC 1901.26(B)(1)(a), or if the moneys were placed in a specific cost center for a specific special project, the funds in the specific cost center may only be used for the special project for which they were charged or assessed. No disbursement shall be in an amount greater than the actual cost to the Court of the purpose for which the disbursement is made.**
- (4) Moneys in specific cost centers for specific special projects shall be disbursed upon an order from the Court and may only be used for the specific special project for which the cost center was established, and such disbursement shall not be in amount greater than the actual cost to the Court for the specific special project for which the disbursement is made.**  
**(ORC 1901.26(B))**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(d) IDAT (Indigent Drivers Alcohol Treatment) Fund.**

- (1) The IDAT (Indigent Drivers Alcohol Treatment) Fund shall be used to receive and account for all revenue appropriated by the Ohio General Assembly to the State Indigent Drivers Alcohol Treatment Fund for transfer, all portions of fees and fines that are to be paid to the IDAT Fund under the ORC, specifically under Chapters 4510. and 4511., and all portions of additional costs imposed under ORC 2949.094 that are specified for deposit in the IDAT Fund.**
- (2) The Xenia Municipal Court Judge, by order, may make expenditures from the IDAT Fund with respect to an indigent person, as defined in ORC 4511.191(H)(3), for any of the purposes set forth in ORC 4511.191(H)(3).**
- (3) Upon the exhaustion of moneys in the IDIAM Fund for the use of an alcohol monitoring device, the Xenia Municipal Court Judge may use moneys in the IDAT Fund as set forth in ORC 4511.191(H)(3)(c).**
- (4) If the Xenia Municipal Court determines, in consultation with the alcohol and drug additional services board or the board of alcohol, drug addiction, and mental health services serving the district in which the court is located, that the funds in the IDAT Fund are more than sufficient to satisfy the purpose for which the IDAT Fund was established, the Court may declare a surplus in the IDAT Fund. If the Court declares a surplus in the IDAT Fund, the Court may take any of the actions with regard to the amount of the surplus as outlined in ORC 4511.191(H)(4).  
(ORC 4511.191(H))  
(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(e) IDIAM (Indigent Drivers Interlock & Alcohol Monitoring) Fund.**

- (1) The IDIAM (Indigent Drivers Interlock & Alcohol Monitoring) Fund shall be used to receive and account for all revenue appropriated by the Ohio General Assembly to the State Indigent Drivers Interlock and Monitoring Fund for transfer and all portions of fees and fines that are to be paid to the IDIAM Fund under the ORC, specifically license reinstatement fees and fines under ORC 4511.191(F) and ORC 4511.19(G).**
- (2) The Xenia Municipal Court Judge, by order, may make expenditures from the IDIAM Fund to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender who is ordered to use the device by the Judge and who is determined by the Judge to be an indigent person, as the same is defined in ORC 4511.191.**
- (3) If the Municipal Court determines that the moneys in the IDIAM Fund are more than sufficient to satisfy the purpose for which the Fund was established, the Court may declare a surplus in the Fund. The Court then may order the transfer of a specified amount into the IDAT Fund.  
(ORC 4511.19(G); 4511.191(F) and (I))  
(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(f) Municipal Court Victim Advocate Fund.**

- (1) The Municipal Court Victim Fund shall be used to receive and account for all fees or special assessments collected by the Municipal Court pursuant to ORC 1901.26(A) to provide supplemental funding for the Victim Advocate Program administered by the Law Department.**
- (2) Moneys deposited into the Fund shall be used to provide victim advocate services, as required by the Ohio Constitution, to victims of crime, in whatever fashion deemed appropriate by the Law Director.  
(Ord. 96-6. Adopted 01/25/96; Ord. 2022-44. Adopted \*\*/\*\*/22)**

**(g) Municipal Court Probation Services Fund.**

- (1) Monthly probation supervision fees collected by the Xenia Municipal Court pursuant to ORC 2951.021 shall be paid to the Finance Director for deposit into the Municipal Court Probation Services Fund.**
- (2) The Municipal Court Probation Services Fund may also be used to receive federal or state grant moneys.**
- (3) Moneys within this Fund shall be disbursed upon the request of the Xenia Municipal Court Probation Department, for use only by that Department for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including community addiction service providers, determined appropriate by the Chief Probation Officer, and other similar expenses related to placing offenders under a community control sanction.**
- (4) Any moneys received from a federal or state grant and/or loan shall only be used in accordance with the terms of the grant and/or loan. The Finance Director may create specific cost centers when required for the purpose of accounting for grants or loans.**
- (5) Any money in the Municipal Court Probation Services Fund at the end of the fiscal year shall not revert to the City's General Fund, but shall be retained in the Municipal Court Probation Services Fund.**  
**(ORC 737.41)**  
**(Ord. 2022-44. Adopted \*\*/\*\*/22)**

**251.90 DEFINITIONS.**

**For the purposes of this Chapter, the following definitions shall apply:**

**(a) Current Operating Expenses. "Current operating expenses" and "current expenses" mean the lawful expenditures of the City, except those for permanent improvements, and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the City.**

**(b) Debt Charges. "Debt charges" means interest, sinking fund, and retirement charges on bonds, notes, or certificates of indebtedness.**

**(c) Permanent Improvement. "Permanent improvement" or "improvement" mean any property, assets, or improvement with an estimated life or usefulness of five (5) years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five (5) years or more.**  
**(ORC 5705.01)**

882.14 DISBURSEMENT OF FUNDS.

The moneys received under the provisions of this Chapter shall be credited to the ~~General~~ **(Permanent)** Capital Improvements Fund of the City and used by the City as directed by Council.

1040.05 FAILURE TO PAY UTILITIES BILL; SHUT-OFF NOTICES AND SURCHARGES.

(d) **Surcharges.** The funds received from the collection of the additional monthly charges described in divisions (a), (b), and (c) hereof shall be deposited with the Finance Director. The funds so deposited shall be received by the Finance Director into the Water ~~Plant and Trunk~~ Fund, the Sewer ~~Plant and Trunk Expansion~~ Fund, the Stormwater ~~Replacement and Improvement~~ Fund, the Sanitation ~~Capital Improvement~~ Fund, based on the pro rata portion of unpaid water, **sanitary** sewer, stormwater, and sanitation charges upon which the additional charge was levied.

1040.14 UTILITY BILLING CHARGEBACKS.

Costs recorded in the Utility Billing Internal Service Fund shall be charged to funds as follows:

- (a) Water ~~Revenue~~ Fund – thirty percent (30%).
- (b) Sewer ~~Revenue~~ Fund – thirty percent (30%).
- (c) Sanitation ~~Revenue~~ Fund – thirty percent (30%).
- (d) Stormwater ~~Revenue~~ Fund – ten percent (10%).

1046.08 ADMINISTRATION AND PROCEDURES; ~~SEWER FUND AND SEWER PLANT AND TRUNK EXPANSION FUND.~~

(a) ~~The funds received from the collection of sewer service charges shall be deposited with the Director of Finance. The money so deposited shall be kept by the Director in two separate and distinct funds known as the Sewer Fund and the Sewer Plant and Trunk Expansion Fund. Collections resulting from the user charges, debt service charges and extra strength surcharges shall be kept in the Sewer Fund. Moneys collected from the connection charges shall be kept in the Sewer Plant and Trunk Expansion Fund.~~

(b) ~~The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the sanitary sewer system and wastewater treatment plants, including all costs associated with equipment replacement, for the debt service required for improvements to the sewer system by the construction of sanitary sewers and wastewater treatment plants and the acquisition of necessary land therefor, and for sinking fund purposes for the retirement of such debt.~~

(e) On or before July 1, 1980, and each year thereafter on or before July 1, the **Finance** Director **may** ~~shall~~ submit to the City Manager a recommended system of user charges, debt service charges, extra strength surcharges, industrial cost recovery charges and connection charges. The City Manager shall submit the schedule of charges with his or her recommendations to the City Council at its first regular meeting in October, ~~for ratification and incorporation into the city ordinances.~~ The system shall be in accordance with the following requirements:

- (1) The system shall result in the distribution of the costs of operation and maintenance of the sewerage works ~~within the jurisdiction of the Division of Water and Wastewater and Sanitation~~ to each user class in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance (including replacement) costs to each user class;
- (2) The system shall be reviewed annually and revised periodically to reflect actual operation, maintenance and replacement costs of the sewerage works;

- (3) The system shall generate sufficient revenue to offset the costs of all sewerage works operation and maintenance provided by the ~~City Division~~ and such other expenditures authorized by subsection (b) hereof;
- (4) The cost of treating and handling the extra constituents of BOD5, suspended solids and phosphorous shall be determined and reported in the schedule of extra strength surcharges, at a cost per pound for each constituent; and
- (5) In order to establish the industrial waste surveillance charge, the cost shall be determined by calculating the actual cost of gathering samples, testing and reporting the results of analysis, and distributing such cost proportionately to the appropriate users.

**(b)** ~~(4)~~ Funds received from the industrial wastewater surveillance charge shall be deposited into the Sewer Fund.

**(c)** ~~(e)~~ In connection with the administration of this chapter, reference is made to § 1044.07, specifically those provisions pertaining to control manholes, wastewater volume determination, sampling and monitoring, and analyses.

**(d)** ~~(4)~~ The results of routine sampling and analysis by the owner will be used to determine the extra strength surcharges. However, the ~~City Division~~ may, at any period of time and of such duration and in such manner as the ~~City Division~~ may elect, determine the strength of the discharge wastewater for purposes of verification. If the owner fails to file the necessary annual reports, the strength determined by the ~~City's Division's~~ analysis will be used to determine the amount of the surcharges. Similarly, the surcharges shall be applied to the total metered water consumption if the owner fails to file the required annual report.

**(e)** ~~(5)~~ If necessary, the ~~City Division~~ shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gauging and sampling operation and to begin such operation without advance notice to the company or owner. While performing the work, the ~~City's Division's~~ personnel shall observe all safety rules applicable to the premises, as established by the company.

**(f)** ~~(4)~~ Where a company has security measures in force which require proper identification and clearance before entry onto such company's premises is granted, such company shall either make necessary arrangements with its security guards that, upon showing proper identification, personnel from the ~~City Division~~ will be permitted to enter, without delay, for the purpose of obtaining samples (grab or composite) of wastes being discharged at the various sampling points, or shall install suitable gauging and sampling manholes outside the security limits, which manholes will at all times be immediately accessible to ~~City Division~~ personnel.

**(g)** ~~(4)~~ If a person disagrees with the analysis on which the surcharges are based, he or she may request, in writing, an additional sampling and analysis which shall be conducted in a manner acceptable to the Director of Public Service. In such case, such person shall be billed for twenty-five percent (25%) of an additional surveillance charge in order to cover the cost of such additional sampling and analysis.

#### 1049.26 STORMWATER MANAGEMENT **FEES** RATES.

(a) Stormwater management **fees** rates shall be as set forth in Part Two - Title Twelve, Chapter 298 of **the Xenia City Code** ~~these Codified Ordinances~~.

(b) **Basis for Calculation of Value of the Billing Rate.** The City Council shall annually establish the value of the base **fee for** billing rate considering the adopted budget **anticipated costs** for the stormwater management maintenance activities planned for the calendar year, debt service, plus an amount to be

~~transferred from the Stormwater Revenue Fund to the Stormwater Replacement and Improvement Fund to~~ pay for current and future capital improvement projects, consistent with the approved Capital Improvement Plan. The total annual stormwater management maintenance costs shall be made up of the personnel, general operating, contractual, materials and supplies, and equipment depreciation expenses for the following programs: leaf collection; catch-basin cleaning; catch basin and storm sewer repair; and creek bank repair and stabilization, and other programs designed to maintain the stormwater system.

(c) Determining Number of Payees. The determinant of the exact number of billings shall be based on water meters (excluding irrigation meters). For multi-unit structures on a water meter, the following will apply:

- (1) Two units on a water meter - the residential rate will apply.
- (2) Over two units on a water meter - the commercial rate will apply.

(d) Exemption from Paying Stormwater Management Fees. Except as provided in this section, no public or private property shall be exempt from the stormwater utility service charges. Exemptions from said charges include:

- (1) Streets, alleys, sidewalks, walkways, bicycle paths, and highways in the public domain;
- (2) Undeveloped land as defined as land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state; undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different from that which would occur if the land was in an unaltered natural state; and
- (3) Railroad rights-of-way.

#### 1052.06 APPROPRIATION OF SEWER AND WATER CAPITAL IMPROVEMENT FUNDS; ESTABLISHMENT OF WATER AND SEWER EXTENSION COST RECOVERY FEE COST CENTERS.

(a) Water and Sewer Funds. **Water extension cost recovery fees shall be paid into the Water Fund and sewer extension cost recovery fees shall be paid into the Sewer Fund.** ~~Sewer and Water Capital Improvement Funds. A Water Capital Improvement Fund and a Sewer Capital Improvement Fund have been established by the city for sewer and water capital improvements. Funds for sewer and water capital improvements for which sewer and water extension cost recovery fees apply shall be appropriated by the City Council from these funds.~~

#### 1602.06 CITATIONS.

(d) Penalty Considerations.

- (1) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this Chapter.
- (2) For the purposes of this section, a "serious violation" shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists or from one or more practices, means, methods, operations, or processes that have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.
- (3) Civil penalties imposed by this Chapter shall be paid to the City's **Public Safety Police and Fire Fund for the use of the City's Fire & EMS Division.** Such penalties may be recovered in a civil action in the name of the City brought in the **Xenia Municipal Court or the** Greene County Court of Common Pleas.

1602.08 DEMOLITION OR REPAIR.

(b) Expenses. If the responsible person, within thirty (30) days thereafter, fails, neglects, or refuses to pay the expense that would be incurred in enforcing the order of the Greene County Court of Common Pleas under this section, the Court shall order that the real estate upon which the building, structure, or premises is or was situated be sold pursuant to ORC Chapter 2329., except as otherwise provided in this section. The proceeds of the sale shall be credited to the City's ~~Public Safety Police and Fire Fund~~ **for use by the City's Fire & EMS Division**. The City shall use the proceeds of the sale to cause the repair or demolition of any building, structure, or premises, the removal of materials, or the remedy of all dangerous conditions unless the purchaser of the real estate enters into an agreement with the Court to perform the repair, demolition, removal, or remedy within a time period acceptable to the Court. No bid of a prospective purchaser shall be acceptable which is insufficient to pay the expense that the City would incur.

1602.11 FEE AND COST SCHEDULE.

The Public Safety Director, in consultation with the Fire **& EMS** Chief, is hereby authorized and directed to establish and publish a fee and cost schedule, by Administrative Directive, for permits issued by the City's Fire **& EMS** Division pursuant to the Fire Code and for the imposition, collection, or reimbursement of any costs imposed under this Chapter. The Public Safety Director shall periodically review and adjust such fees as needed. All fees and costs collected shall be placed in the City's ~~Public Safety Police and Fire Fund~~ **for use by the City's Fire & EMS Division**.

~~1042.37 WATER WORKS SYSTEM REVENUE FUND.~~

~~Funds received from the collection of water service charges shall be deposited with the Director of Finance. The money so deposited shall be kept by the Director of Finance in a separate and distinct fund known as the Water Works System Revenue Fund. Payments from such Fund shall be made in accordance with the provisions of Ordinance 1113, passed 2-12-1953, which established such Fund. (Ord. 80-28, passed 5-28-1980)~~

~~1049.24 FUNDING.~~

~~Funding for the Stormwater Management Utility shall include, but not be limited to:~~

~~(a) Stormwater management service charges, as determined from time to time by Council;~~

~~(b) Direct charges. Such charges will be collected from owners, developers or others for the cost of designing and constructing stormwater facilities, and administrative costs and related expenses where the utility designs and/or constructs, or contracts for the construction of, such facilities, including costs associated with abatement procedures undertaken by the utility;~~

~~(c) Direct assessment charges. Such charges will be collected from owners in localized areas that desire stormwater drainage facilities that are not considered a part of the regional development or where an improvement is desired ahead of the priority status;~~

~~(d) Application fees for various permits issued and other fees covered under this chapter or other city codes; and~~

~~(e) Other income obtained from federal, state, local and private grants, or revolving funds.~~

~~1049.25 STORMWATER UTILITY FUND.~~

~~All revenues generated by or on behalf of the Stormwater Management Utility, including stormwater management service charges, direct charges and interest earning on those revenues, shall be deposited in the Stormwater Utility Fund and used exclusively for utility purposes.~~