



**AGENDA  
CITY COUNCIL  
Work Session – August 15, 2016, 5:00 p.m.  
Council Chambers**

*1368 Research Park Dr  
Beavercreek, Ohio*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
  - A. Lofino Center Progress Report
  - B. Legal Issues Update
  - C. US 35 Update
  - D. On Street Parking
- V. INFORMATIONAL ITEMS
  - A. Council/Managements Mid-Year Update
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

§ 132.13 PANHANDLING.

(A) *Definitions.* Whenever the following words are used in this section, they shall have the following meanings, unless otherwise provided:

**AGGRESSIVE MANNER.** Shall mean as follows:

(1) Before, during, or after attempting to engage in panhandling, any behavior that would cause a reasonable person to feel alarmed, intimidated, threatened, restrained, menaced, harassed, or coerced including but not limited to the use of any verbal threats, threatening gestures, abusive language, obscene gestures or obscene language, or screaming and other unreasonable noises;

(2) Before, during, or after attempting to engage in panhandling, blocking the passage of any person or vehicle that impedes the entrance into, or the exit out, of any vehicle, building, business, or establishment, or impedes the person's activities in the vehicle, building, business, or establishment;

(3) Any further attempt to ~~solicit for panhandling~~ **panhandle** after a person has given a negative response, verbally or physically, to ~~a solicitation for panhandling~~ that such **panhandling solicitation** should stop, or that it is unwelcome or offensive;

(4) Before, during, or after attempting to engage in panhandling, having any physical contact with the person that is being ~~solicited~~ **panhandled** by the person panhandling and/or touching or having physical contact with the clothing, purse, or other personal property of the person being ~~solicited~~ **panhandled** by the person panhandling without a statement or other communication that the person ~~being solicited~~ consents to the physical contact and/or touching of the person and/or the person's clothing, purse, or other personal property;

(5) Before, during, or after attempting to engage in panhandling, following behind, ahead, or alongside the person that is being **panhandled** ~~solicited~~;

(6) Any further attempt to ~~solicit for panhandling~~ **panhandle** after the owner or occupant of private property requests that the person cease all ~~solicitation for panhandling~~, or upon the request of the owner or occupant of the private property for the person panhandling to leave the property;

(7) Any type of panhandling which interferes or disrupts any activity or event occurring on public property, as defined in this section;

(8) By coming within three feet of the person ~~solicited~~ **being panhandled** after that person has indicated that he or she does not wish to make a donation;

(9) By following a person who walks or drives away from the **panhandler** ~~solicitor~~;

(10) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted or grossly abusive language, either during the ~~solicitation~~ **panhandling** or following a refusal; or

(11) By panhandling in a group of two or more persons.

*Bull*  
*(new)*

**AUTOMATED-TELLER MACHINE.** A bank or other financial institution's machine that is able to carry out financial transactions, including, but not limited to cash withdrawals, deposits, transfers, and other financial transactions or inquiries.

**FALSE OR MISLEADING REPRESENTATIONS.** Shall mean as follows:

(1) Making statements or representing, either verbally or in writing, that the person panhandling suffers from a medical condition, mental or physical disability, or deformity when the person does not suffer from a medical condition, mental or physical disability, or deformity;

(2) Making statements or representing, either verbally or in writing, that the person panhandling has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that child or other family member does not suffer from a medical condition, mental or physical disability, or deformity and/or the person panhandling does not support that minor child or other family member;

(3) Making statements or representing, either verbally or in writing, that the person panhandling is a military veteran or active duty military member, when the person is not a military veteran or active duty military member;

(4) Making statements or representing, either verbally or in writing, that the person panhandling needs a donation to meet a specific need, when the person panhandling does not have the specific need and/or that person already has sufficient funds to meet that need and does not disclose that the person already has sufficient funds;

(5) Making statements or representing, either verbally or in writing, that the person panhandling is unemployed when the person panhandling is not unemployed; or

(6) Making statements or representing, either verbally or in writing, that the person panhandling is homeless and/or is stranded when in fact the person is not homeless or stranded.

**PANHANDLING.** To request verbally, in writing, or by gesture or other actions, money, items of value, a donation, or other personal financial assistance **for the requestor's personal use**. Further, panhandling shall include any request for a person to purchase an item for an amount that a reasonable person would consider to be in excess of its value.

**PUBLIC PROPERTY.** All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.

**RIGHT-OF-WAY.** Shall have the same meaning as in R.C. § 4511.01 (UU).

(B) *Panhandling restrictions and prohibitions.* No person shall ~~solicit for panhandling~~ **panhandle** in any of the following manners:

(1) In any type of aggressive manner as defined in division (A) of this section.

(2) On any private property in which there is any type of written notice prohibiting solicitation and/or panhandling;

(3) On any other private property, unless the person panhandling has obtained prior permission from the owner or occupant;

(4) From any operator or occupant of a motor vehicle or from any person entering or exiting a motor vehicle;

(5) Within 20 feet of any pedestrians waiting in line for service or waiting in line for an event;

(6) Within 20 feet of any pedestrians waiting in line to obtain access to a building;

(7) Within 20 feet of any entrance or exit of the building for any check cashing business, bank, credit union, or savings and loan during the hours of operation of any of these businesses;

(8) Within 20 feet of any automated-teller machine, as defined in division (A) of this section during its hours of operation;

(9) At any bus stops or bus shelters;

(10) In any vehicle within the right-of-way as defined in division (A) of this section;

(11) In any public transportation vehicle or any public transportation facility;

(12) Within 20 feet of the area of the sidewalk;

(13) Within 20 feet of the entrance or exit of any public facility;

(14) On public property within 20 feet of an entrance to a building;

(15) On public property within 20 feet of an entrance to a parking lot; or

(16) On a public street, by intentionally or recklessly blocking the safe or free passage of a person or vehicle.

(17) In any manner which involves the use of false or misleading representations as defined in division (A) of this section.

(C) *Panhandling by minors.* No parent, guardian, or other custodian of a minor child shall allow or cause, or direct a minor to engage in panhandling. Further, no other adult shall cause a minor to panhandle.

~~(D) *Exclusion.* Panhandling shall not include solicitations made for money or a donation by a charitable or civic organization which does so with the prior permission of the owner or occupant of the premise.~~

~~(DE) *Penalty.* Whoever violates this section is guilty of panhandling, a misdemeanor of the fourth degree. Whoever violates this section three times or more within one year is guilty of a third degree misdemeanor.~~

## CHAPTER 112: PEDDLING, AND SOLICITING, AND DISTRIBUTION

### § 112.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**HAWKER, OR PEDDLER OR SOLICITOR.** Any person who travels from house to house or place to place, or who on the streets or open places, or on public grounds or places, sells or offers for sale, or exposes for sale, any goods, wares or merchandise to any person not a dealer therein, or who takes orders for the purchase of any such items by sample, lists catalogue, or subscription. All ~~two three~~ terms shall be referred to herein as **PEDDLER SOLICITOR**.

### § 112.02 LICENSE REQUIRED.

~~Soliciting Peddling~~ within the city shall be permitted if the ~~peddler solicitor~~ obtains a license from the city in the manner hereinafter directed.

### § 112.03 EXEMPTIONS.

This chapter shall not apply:

- (A) Where items are agricultural produce sold by the individual from his/her own farm;
- (B) To selling of newspapers;
- (C) To ~~solicitation~~ **peddling** activities of or sponsored by the city or educational institutions (i.e. Boy Scouts, Girl Scouts, band associations, PTA groups, youth sporting groups, etc.);
- (D) Where the items sold or presented are the result of an invitation by the individual home owner.

#### *Statutory reference:*

*Local license power, exceptions, see R.C. § 715.63*

### § 112.04 APPLICATION.

Any person desirous of obtaining a license as a ~~peddlersolicitor~~ or as a helper or assistant thereto, shall apply to the city upon proper blank forms to be furnished by the city and sworn to before a notary public or other officer authorized by law to take oaths, and signed by such applicant, stating in what manner he/she intends to travel and trade or to conduct business, his/her address, and, if employed, the name and address of his/her employer, the applicant's physical description, the name and class of the license desired, a statement as to previous convictions for violations of the law, and two true photographs of the applicant. Such applicant shall pay to the city the amount hereinafter set forth.

## § 112.05 FEES.

Licenses issued for peddlers, ~~and hawkers and solicitors~~ shall be charged and paid for according to the following rates:

(A) If a person intends to travel on foot, \$5 per day for the first day, \$3 for each succeeding day, or \$15 for one year. An annual \$5 renewal fee is required if the license is extended by the same licensee for more than one year.

(B) If the person intends to use a hand or push car, \$5 per day for the first day, \$3 for each succeeding day, or \$15 for one year. An annual \$5 renewal fee is required if the license is extended by the same licensee for more than one year.

(C) If the person intends to use a vehicle drawn by animals or a mechanically propelled vehicle, \$20 per year, or any part thereof, per vehicle. Use of private vehicle exempted from this division if not used to sell products from within vehicle. (In this instance division (B) above applies only.)

(D) For helpers or assistants to those who use vehicles, \$5 per year.

(E) Persons selling or taking subscriptions for papers, books, magazines pertaining to religion or politics purposes are excluded from a license fee, but shall register pursuant to the conditions of this chapter.

## § 112.06 ISSUANCE OF LICENSES.

The city is required to issue licenses to those who have complied with the provisions of this chapter, and the license granted hereunder shall be in such form as to contain a true photograph of the licensee, his/her name, address, physical description and the name of the class of his/her license as designated in § 112.05. All licensees shall carry the license described above with them at all times while peddling. No licensee shall change, remove or obliterate any entry made on such license.

## § 112.07 HOURS, DAYS FOR SOLICITATION PEDDLING.

No licensee shall commence ~~soliciting~~ **peddling** before 9:00 a.m. and shall cease ~~soliciting~~ **peddling** no later than 9:00 p.m., Monday through Saturday, except in the case where a prearranged appointment has been made in agreement with the party being ~~peddled~~ **solicited**. No ~~solicitations~~ **peddling** shall be ~~made~~ **occur** on Sunday.

## § 112.08 RECORDS OF LICENSES.

A full, complete record of each license issued hereunder, including renewals, suspensions or revocations thereof, and serious complaints and charges against the licensee together with his/her photograph, shall be kept on file by the city.

## § 112.09 USE OF PEDDLER'S VEHICLE.

The vehicles used by licensed ~~solicitors~~ **peddlers**, when engaged in their licensed business on the streets or public places of the city, must be kept in motion, except when making sales, and their movements must be timed and executed so as to cause minimum interference with traffic.

Such vehicle shall not occupy any street or any public park or place in the city as a temporary or permanent vendor's stand. No more than two persons shall sell or operate on or in connection with any ~~seller or~~ peddler's wagon or truck. The owner or person in charge of such vehicle shall have a ~~seller or~~ peddler's license, as provided in this chapter.

#### **§ 112.10 SELLER OF FOODSTUFFS.**

(A) No license, under this chapter, shall be issued to anyone who sells or expects to sell foodstuffs, unless he shall have a permit from the Health Officer, and all meats shall be government inspected and refrigerated and properly labeled. Before issuing such permit, the Health Officer may require under oath, if desired, such information regarding the moral and physical fitness and the identification of the applicant, the kind, condition, ownership and place of storage of the vehicle used in peddling, the nature and scope of his/~~her~~ business and such other similar information as he/~~she~~ may deem necessary to protect the general welfare and health of the public. If, in securing such information, the knowledge of certain facts obtained shall make it seem that the applicant for a license under this chapter should not be granted such license, then a full report on the case shall be made to council for its consideration and disposition before a license is issued.

(B) All vehicles used in the sale of foodstuffs must be kept clean and in a sanitary condition at all times, and when containing loads or parts of loads of food products, they must be kept only in places which, in the opinion of the Health Officer, are sanitary and wholesome.

(C) The Health Officer shall have the authority to order, through notices mailed or delivered to the licensees or by publication, that food products which are not cooked or washed before eating, or which are not protected by a natural covering which is removed before eating, shall be covered or carried in a closed receptacle of approved kind so as to protect them from exposure to dust and insects, and it shall be the duty of all licensees, when so ordered, to comply with the provisions of this section.

#### **§ 112.11 SUSPENSION OR REVOCATION OF LICENSE.**

The City Manager shall have the power to suspend any license issued hereunder for violation of a city ordinance or any condition or regulation under which a license was granted, or for undesirable business practices. Such suspension may be accomplished summarily upon a sworn affidavit filed with the City Manager setting forth grounds for such suspension. The City Manager shall report all suspensions to Council, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. No person whose license has been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

#### **§ 112.12 EXPIRATION DATES OF LICENSES.**

All licenses issued for ~~seller or~~ peddlers shall expire on December 31, unless a prior date is fixed therein.

#### **§ 112.13 NOISE PROHIBITIONS.**

Any person who travels from house to house, or from place to place, whether doing so on foot or otherwise, or who on the streets, or public grounds or places, sells, or offers, or exposes for

sale, any goods, wares, merchandise, foodstuffs, confections or refreshments to any person not a dealer therein, shall not make, or cause, permit or allow to be made, any noise of any kind by personal outcry from any person or by the use of horns, bells or any other mechanical or electrical contrivance or device for the purpose of advertising such goods, for attracting attention to such person and his/her wares and to notify his/her presence in the vicinity as a seller of wares, when within 200 feet of any public, parochial or private school during the regular hours of operation thereof and when any of such schools are in operation with children or pupils in attendance. When in other areas of the city, no such person shall make, cause, permit or allow to be made, any loud, unusual or unnecessary noise in any manner or way so as to be annoying and disturbing to the inhabitants of the city, and in no event after 9:00 p.m.

#### **§ 112.14 DEFINITIONS FOR SOLICITING.**

(A) The terms "solicit" or "soliciting" mean "the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other item of value."

(B) The term "distribution" means "an exchange or an attempt to exchange a physical item between two or more individuals."

#### **§ 112.15 PLACE OF SOLICITING.**

No person shall solicit another person in any of the following places:

- (1) In any public transportation vehicle or facility;
- (2) In or at any sports stadium owned or operated by a political subdivision;
- (3) In or at any hall or theater owned or operated by a political subdivision;
- (4) On private property, after an owner, lessee, resident, or agent thereof has given notice to the solicitor that he or she is not permitted to solicit on that property.

#### **§ 112.16 FALSE OR MISLEADING DISTRIBUTION**

(A) No person who is engaging in or attempting to engage in distribution shall knowingly make a false or misleading statement or representation with the purpose to defraud or knowing that the person is facilitating a fraud.

(B) Words or phrases used in this section that are not otherwise defined in this Chapter shall have the same meanings as defined in Chapter 2913 of the Ohio Revised Code.

#### **§ 112.17 DISTRIBUTION IN A RIGHT-OF-WAY.**

(A) No person shall engage in distribution with the occupant of a vehicle in a right-of-way unless such vehicle is lawfully stopped, standing, or parked in compliance with Chapter 4511 of the Ohio Revised Code and Title VII of the Code of Ordinances.

**(B) No person who is within a right-of-way shall engage in distribution with the occupant of a vehicle stopped in a right-of-way in obedience to a traffic control signal. However, a person may engage in distribution with the occupant of a vehicle in the right-of-way so long as he or she remains on the surrounding sidewalks or unpaved shoulders and not in or on the right-of-way itself, including any medians or traffic islands within the right-of-way.**

**(C) For the purpose of this section, the terms “stop,” “stand,” and “park” shall have the same meanings as defined in section 70.01 of the Code of Ordinances.**

**(D) All other words or phrases used in this section that are not otherwise defined in this Chapter shall have the same meanings as defined in Section 4511.01 of the Ohio Revised Code.**

#### **§ 112.18 AGGRESSIVE DISTRIBUTION.**

**No person shall engage or attempt to engage in distribution in the following manners:**

**(1) By knowingly touching or grabbing another person without that person’s consent.**

**(2) By knowingly following another person or continuing to engage or attempt to engage in distribution with that person after that person has made an affirmative communication that he or she is unwilling or unable to engage in distribution.**

**(3) By knowingly approaching within three feet of another person and continuing to engage or attempt to engage in distribution with that person after he or she has made an affirmative communication that her or she is unwilling or unable to engage in distribution.**

#### **§ 112.19 ATM PRIVACY.**

**No person shall knowingly approach within three feet of any person who is actively using an automated teller machine without that person’s consent.**

#### **§ 112.99 PENALTY.**

Whoever violates any provision of this chapter shall be deemed guilty of a fourth degree misdemeanor and shall be fined not more than \$250 and imprisoned not more than 30 days or both. Each additional violation within 12 months shall constitute a third degree misdemeanor subject to a fine not to exceed \$500 and imprisoned not more than 60 days, or both. Each day's continued violation shall constitute a separate offense.

# Memo

**To:** Mike Cornell, City Manager

**From:** Jeff Moorman, P.E., City Engineer

**Subject:** US 35 Superstreet Update

**Date:** August 10, 2016

**CC:** Mike Thonnerieux, PASD

Over the past several months, the Ohio Department of Transportation (ODOT) has worked to refine the preliminary design and estimated costs for the potential construction of the 'Superstreet' improvements along the section of US 35 from just east of Shakertown Road to just east of Orchard Lane. Attached is a copy of ODOT's latest conceptual plan for this improvement.

The current cost for the construction of the 'Superstreet' is estimated to be \$14,625,000, and the breakdown of ODOT's plan to potentially finance the work is attached. ODOT has been pursuing these potential funding sources over the past several months, and they have been successful so far in securing a portion of these monies, with the only financial hurdles remaining before the project can proceed to construction being the TRAC funding component and the local matching share.

With the TRAC funding portion, ODOT District 8 has submitted an application requesting \$5 million in construction funding in July and a decision on this request is not expected until early next year. The local funding component in ODOT's financing plan is \$1,563,889 and will need more immediate consideration by the County, Township and the City. This local funding commitment is tied to the TRAC application, where how the local funding commitment is divided between the City, Township, and County will need to be resolved by around early September in order for this information to be considered by TRAC.

In considering the City participation in this work, a couple of key considerations are important to keep in mind:

1. If the 'Superstreet' project is approved, then the City must move the Shakertown Road extension project up one year in the capital improvement plan. This project has a significant local share (\$738,000) that would require the postponement of other projects in order to make these funds available one year ahead of schedule.
2. Any significant funding commitment to the 'Superstreet' by the City would likely require a combination of delaying other projects, or reducing the funding of the annual resurfacing program.

3. There has been some discussion about Greene County potentially fronting the entire local share and then collecting an agreed upon amount of money from the City or Township over a period of time to lessen the immediate impact to the City's capital improvement budget.

Staff will be prepared to discuss specific impacts to the 5 year capital improvement plan at the City Council Work Session. Please contact this office if you have any questions regarding this project.

GRE-35 Superstreet Funding

Phase	FY	ODOT D8	Earmark	MVRPC	Local Match	ODOT Safety	TRAC	Total Cost
PE Cost	17	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000
Right of Way Estimate	18	\$ -	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000
DD Cost	90/10 Safety	\$ -	\$ -	\$ -	\$ 87,500	\$ 787,500	\$ -	\$ 875,000
	Total	\$ -	\$ -	\$ -	\$ 468,056	\$ 4,212,500	\$ -	\$ 4,680,556
Construction Contract	80/20 MVRPC	\$ -	\$ -	\$ 1,811,111	\$ 452,778	\$ -	\$ -	\$ 2,263,889
	Local	\$ -	\$ -	\$ -	\$ 555,555	\$ -	\$ -	\$ 555,555
	TRAC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000,000	\$ 5,000,000
Total		\$ 250,000	\$ 1,000,000	\$ 1,811,111	\$ 1,563,889	\$ 5,000,000	\$ 5,000,000	\$ 12,500,000
Totals		\$ 250,000	\$ 1,000,000	\$ 1,811,111	\$ 1,563,889	\$ 5,000,000	\$ 5,000,000	\$ 14,625,000



**ORDINANCE NO.**

**CITY OF BEAVERCREEK**

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**AN ORDINANCE ADOPTING NEW SECTION 76.17 "PARKING OF LARGE AND OVERSIZE VEHICLES ON STREETS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.**

**WHEREAS**, the City Council has determined that it would be in the best interest of the City to adopt a new Section 76.17 in Chapter 76 "Parking Regulations" of the City of Beavercreek Code of Ordinances.

**NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:**

SECTION I.

New Section 76.17 "PARKING OF LARGE AND OVERSIZE VEHICLES ON STREET" is hereby enacted as follows.

**§ 76.17 PARKING OF LARGE AND OVERSIZE VEHICLES ON STREETS.**

(a) It shall be unlawful for the driver, owner or operator of an oversized commercial vehicle to park or permit to be parked, stand or remain motionless:

(1) On a public street, including right-of-way, in any area zoned residential under the comprehensive zoning ordinance or used for residential purposes unless the vehicle is being actively loaded or unloaded; or

(2) For more than two hours on a public street, including right-of-way, in any area not zoned residential under the comprehensive zoning ordinance or not used for residential purposes.

(b) It shall be unlawful for the driver, owner or operator of a large recreational vehicle to park or permit to be parked, stand or remain motionless:

(1) On a public street, including right-of-way, in any area zoned residential under the comprehensive zoning ordinance or used for residential purposes; or

(2) On a public street, including right-of-way, in any area not zoned residential under the comprehensive zoning ordinance or not used for residential purposes.

(c) It is an exception to subsection (a) that the oversized commercial vehicle is being parked or allowed to be parked for use at an active construction site for no more than 15 hours in any 24-hour period.

(d) It is an exception to subsection (b)(1) above that the large recreational vehicle is being parked or allowed to be parked, stand or remain motionless for loading, unloading, maintenance, or any combination thereof, for no more than 24 hours in any seven-day period. Relocation of the large recreational vehicle to a location on private property, as long as compliant with the Zoning Code, stops the running of the 24-hour period. Relocation of the large recreational vehicle to an adjoining public street does not stop the running of the 24-hour period.

SECTION II.

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

SECTION III.

This Ordinance shall take effect at the earliest date allowed by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE ADOPTS NEW SECTION 76.17 "PARKING OF LARGE AND OVERSIZE VEHICLES ON STREETS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

ORDINANCE NO.

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**AN ORDINANCE REPEALING CURRENT SECTION 76.99 "PENALTY" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES, AND ADOPTING NEW SECTION 76.99 "PENALTY" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.**

WHEREAS, Section 76.99 of the City of Beavercreek Code of Ordinances sets forth the penalties for Chapter 76, Parking Regulations of the City of Beavercreek Code of Ordinances; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to update Section 76.99 of the City of Beavercreek Code of Ordinances.

**NOW, THEREFORE, THE CITY OF BEAVERCREEK, HEREBY ORDAINS:**

SECTION I.

Current section 76.99 "PENALTY" of the City of Beavercreek Code of Ordinances is hereby repealed, and new section 76.99 "PENALTY" is hereby enacted as shown in the document attached to this Ordinance as Exhibit "A" with new language in **bold** and text to be deleted in ~~strikeout~~.

SECTION II.

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

SECTION III.

This Ordinance shall take effect at the earliest date allowed by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

**SUMMARY**

THIS ORDINANCE REPEALS CURRENT SECTION 76.99 "PENALTY" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTS NEW SECTION 76.99 "PENALTY" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

## Exhibit A

### § 76.99 PENALTY.

Violation of this chapter shall constitute a minor misdemeanor, and the fines for such violations shall be set forth below:

(A) The fine shall be ~~\$4~~ **\$50** for violating §§ 76.01, 76.04 through 76.12, as long as the fine is paid at the Beaver Creek Police Department within 48 hours after the parking ticket was issued. Otherwise the fine shall be increased to the amount of ~~\$8~~ **\$75**, also to be paid at the Police Department.

(B) The fine for any overtime parking in the business district under § 76.04(N) shall be ~~\$2~~ **\$50**, as long as the fine is paid at the Beaver Creek Police Department within 48 hours after the parking ticket issued. Otherwise the fine shall be increased to the amount of ~~\$4~~ **\$75**, also to be paid at the Police Department.

~~(C) The fine for parking in handicapped zones in violation of §§ 76.05(E) or (F) shall be \$50.~~

(C) The fine for parking in violation of § 76.13 shall be ~~\$10~~ **\$50**, as long as the fine is paid at the Beaver Creek Police Department within 48 hours after the parking ticket was issued. Otherwise the fine shall be increased to the amount of ~~\$20~~ **\$75**, also to be paid at the Police Department.

**(D) Violation of § 76.17 shall constitute a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of § 76.17, whoever violates § 76.17 is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more violations of § 76.17, whoever violates § 76.17 is guilty of a misdemeanor of the third degree.**

~~(E)~~ The violation of any provision of this chapter for which no penalty is provided shall constitute a minor misdemeanor.

~~(F)~~ Any person receiving a citation for a violation of this chapter may request, after the parking ticket is issued, at the Beaver Creek Police Department a uniform traffic citation for violation of Ohio Revised Code Chapter 4511 giving a court date to appear in a court of competent jurisdiction to contest the violation.



**CITY COUNCIL**  
**Regular Meeting – August 22, 2016 6:00 p.m.**  
**Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Vice Mayor Vann
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING – PUD 16-2 Creekstone
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Ordinance 16-20 (First Reading)
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 16-17 PC 16-1 Zoning Code Update (Third Reading)
  - B. Ordinance 16-19 PUD 16-1 Cottages at Beavercreek (Second Reading)
  - C. Resolution 16-18 Greene County Auditor to Enter the Cost of Noxious Weeds and Grass Cutting on the Tax Duplicate
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT



1368 Research Park Dr  
Beavercreek, OH 45432

**Joint Work Session with Township  
August 29, 2016 5:00 p.m.  
Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF AGENDA
- V. DISCUSSION ITEMS
  - A. U.S. 35 Funding Update
  - B. Park Management
  - C. Fire Department Update
  - D. Roundtable
- VI. ADJOURNMENT

DRAFT

# PLANNING DEPARTMENT STATUS REPORT

## *August 11, 2016*

### CITY COUNCIL

#### August 22, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, public hearing, first reading
- PUD 16-1 Cottages of Beaver creek, A-1 to R-PUD, public hearing, second reading
- PC 16-1, Zoning Code Update, third reading
- 

#### September 12, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, public hearing, second reading
- PUD 16-1 Cottages of Beaver creek, A-1 to R-PUD, third reading
- 

#### September 26, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, third reading
- 
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#### Tabled / Delayed / Pending

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## PLANNING COMMISSION

September 7, 2016

- PUD 16-1 SSP #1, Cottages of Beavercreek, public hearing
- 

Currently Tabled / Delayed

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Commercial Permits Submitted and Under Review

- Beavercreek Retail
-

**BOARD OF ZONING APPEALS**

September 14

- 
- 

Currently Tabled or Delayed

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